

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

**Rockspring Resort Condominium**  
**Development Project**

6040, 6042, and 6060 Minaret Road

April 10, 2024

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**Lead Agency:**

Town of Mammoth Lakes  
437 Old Mammoth Road  
Mammoth Lakes, CA 93546  
Contact: Kimberly Cooke  
Senior Planner  
Phone: (760) 965-3638  
Email: [kcooke@townofmammothlakes.ca.gov](mailto:kcooke@townofmammothlakes.ca.gov)



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## 1.0 INTRODUCTION

The Community and Economic Development Department of the Town of Mammoth Lakes (“Town”) has prepared this environmental documentation to address the potential environmental impacts of the “Rockspring” resort condominium development project application (Tentative Tract Map (TTM) 24-002, Use Permit (UPA) 24-001, and Design Review (DR) 24-001) located at 6040, 6042, and 6060 Minaret Road. The property is located within the North Village Specific Plan (NVSP) area and the project application was evaluated against the standards set forth in Public Resources Code §21166 and State California Environmental Quality Act (CEQA) Guidelines §15162.

The “Rockspring” development application proposes a five-story, resort condominium development comprised of 118 (wholly owned) resort condominium units with a total of 198 bedrooms. The proposed development includes one level of understructure parking for 127 vehicles and a small exterior parking lot for 14 vehicles. Proposed site amenities are oriented to condominium owners and guests, and include approximately 2,200 sq. ft. of restaurant space, accessory retail, ski valet and lockers, fitness center, swimming pool, two cold plunges, and two hot pools, and outdoor seating areas (“Project”).

The project site encompasses three parcels in the North Village Specific Plan (NVSP) area with a combined size of approximately 2.6 acres and is located at the northeast corner of Minaret Road and Main Street. Access to the site will be provided via a U-shaped driveway from Minaret Road with two vehicle entrances to the understructure parking garage. The parking arrangement provides standard vehicle spaces and circulation areas for guests to self-park.

The project would improve pedestrian connectivity within the North Village by connecting to the existing public sidewalk that terminates at the northeast corner of Minaret Road and Main Street. The new segment of public sidewalk would extend north along the project’s western property line. Additional walkways are provided through the project site with connections to the public sidewalk on the north and south ends of the site. The project, as proposed, is consistent with all applicable development standards of the NVSP and no amendments of the NVSP are requested.

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

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

## 1.1 PRIOR ENVIRONMENTAL DOCUMENTATION

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

- *Final Environmental Impact Report for the North Village Specific Plan* (1991 EIR) – dated February 1991 (SCH #89040321);
- 1994 NVSP Amendment;
- *Addendum to the 1991 North Village Specific Plan Environmental Impact Report* (1994 EIR Addendum) – dated May 1994;
- 1999 NVSP Amendment;
- *Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment* (1999 SPEIR) – dated October 2000 (SCH #99-092082);
- 2008 NVSP Amendment;
- 2009 NVSP Amendment (*these amendments were specific to the Mammoth Crossing project*);
- *Final Environmental Impact Report for the Mammoth Crossing Project* (Mammoth Crossing EIR) – dated April 2009 (SCH #2007112002);
- 2014 NVSP Amendment (*these amendments were specific to the Inn at the Village project*);
- *Final Subsequent Environmental Impact Report for the Inn at the Village Project* (Inn at the Village SEIR) – dated September 2014 (SCH #2014032081);
- 2017 NVSP Amendment (*these amendments were specific to the Mammoth Hillside project*);
- *Addendum to the 1999 Subsequent Program Environmental Impact Report for the Mammoth Hillside Project* (Mammoth Hillside EIR Addendum) – dated April 2017; and
- *Addendum to the to the 1999 Subsequent Program Environmental Impact Report for the Limelight Hotel Project* (Limelight Hotel EIR Addendum) – dated June 2022.

## 1.2 USE OF PROGRAM EIR

According to CEQA Guidelines §15168(c), subsequent activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared. If the lead agency finds that pursuant to Public Resources Code §21166 and CEQA Guidelines §15162, no new effects could occur, or no new mitigation measures



would be required, then the lead agency can approve the activity as being within the scope of the project covered by the Program EIR (CEQA Guidelines §15168[c][2]). Otherwise, further environmental review would be required if circumstances under Public Resources Code §21166 and CEQA Guidelines §15162 are triggered. The CEQA Guidelines go on to state that where subsequent activities involve site specific operations, the lead agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the Program EIR (CEQA Guidelines §15168[c][4]).

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

### 1.3 INCORPORATION BY REFERENCE

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

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

It is noted that the Housing and Noise Elements were not updated as part of the General Plan adopted in 2007. However, updated Housing Elements were adopted in 2010, 2014, 2015, and most recently in 2019. Additionally, the Town Council has since amended the



Mobility Element in 2016 with updated policies and goals and amended the Parks, Open Space, and Recreation Element in 2012 with the addition of new policies and one additional goal and revoked the 1990 Parks and Recreation Element.

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

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

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

- The Village at Mammoth (Grand Sierra Lodge, White Mountain Lodge, and Lincoln House);
- Village Gondola Building;
- Village Skier Services Building;
- Restaurants and Retail;
- Westin Monache;
- South Hotel (*unbuilt*);
- Vista Pointe (*unbuilt*);





- 8050: Buildings “A”, “B”, and “C (*now known as Inn at the Village; unbuilt*)”; and
- Residence Inn Boutique Hotel by Marriott (In building plan check)
- Limelight Hotel (Under Construction)

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

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

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



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

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

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

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

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

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

- Aesthetics;
  - Air Quality; and
  - Noise.
- *Final Subsequent Environmental Impact Report for the Inn at the Village Project - SCH #2014032081 (September 2014).* The Inn at the Village project proposed revisions to the 8050 – Building “C” project and included amendments to the NVSP with regards to building height, setbacks, and density. Potential environmental impacts as a result of the project were analyzed in a subsequent EIR, the *Final Subsequent Environmental Impact Report for the Inn at the Village Project* (Inn at the Village SEIR), which was certified on November 19, 2014. The subsequent EIR determined that all significant and unavoidable impacts of the project would be less than significant with the incorporation of mitigation measures.
  - *Addendum to the 1999 Subsequent Program Environmental Impact Report for the Mammoth Hillside Project (April 2017).* District Zoning Amendment 16-002 proposed revisions to the Mammoth Hillside project with regards to density and lot coverage. As determined by CEQA Statutes and Guidelines, the lead agency determined that an Addendum was required, as the project would not raise new issues about the significance of effects on the environment. The *Addendum to the 1999 Subsequent Program Environmental Impact Report for the Mammoth Hillside Project* (Mammoth Hillside EIR Addendum), dated April 2017, determined that all of the impacts were less than significant through the implementation of the existing standards, regulations, and mitigation measures.
  - *Design Guidelines for the Village at Mammoth (August 2000).* The *Design Guidelines for the Village at Mammoth* (NVSP Design Guidelines), are intended to provide general and specific design information so that all involved in the development process are able to proceed with a shared basis of information. They are structured to provide a description of the design concept for the NVSP area, supporting objectives of the design components, and a listing of design guidelines that must be followed to achieve the objectives. The main concept of the NVSP Design Guidelines is that the NVSP area should be designed so that it is appropriate to the character of the Mammoth Lakes region, and to be competitive with other high-quality mountain villages in North America.
  - *Addendum to the 1999 Subsequent Program Environmental Impact Report for the Limelight Hotel Project (June 2022).* The Town determined that the Limelight Hotel Application was consistent with the Mammoth Hillside Project considered as part of the Mammoth Hillside Addendum (April 2017), with the exception of a proposed renewable direct use geothermal system to offset use of other fuels for building systems (such as heating/cooling, water heating, de-icing, etc.). As such, the new geothermal well system (Modified Project) is the subject of this Addendum. The Addendum supports the conclusion that the proposed addition of the geothermal well system to the approved



Limelight Hotel development would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new mitigation measures were required and no new alternatives available that would substantially reduce the environmental effects beyond those previously described in the certified 1999 SPEIR and the Mammoth Hillside Addendum.

## **2.0 PROJECT DESCRIPTION**

### **2.1 PROJECT LOCATION AND EXISTING CONDITIONS**

The subject property is located at 6040, 6042, and 6060 Minaret Road at the northeast corner of Minaret Road and Main Street; refer to [Exhibit 1, Site Context Map](#). The site is located within the North Village Specific Plan (NVSP) area and is zoned Resort General (RG). The property to the north and a portion of the property to the west are within the RG zone of the NVSP and the property to the south and the remaining portion of the property to the west are within the Mammoth Crossing (MC) zone of the NVSP. The property located on the east side of the site is outside of the NVSP area within the Mixed Lodging/Residential (MLR) zoning district. The property is bounded by Main Street to the south, Minaret Road to the west, the Alpenhof Lodge to the north, and Viewpoint Condos to the east. To the west of the site across Minaret Road and to the south of the site across Main Street are the Mammoth Crossing project sites. Current uses on those sites include a restaurant/brewery, vacant land, and a few assorted buildings that are used as offices and for group meetings.

The project site is approximately 2.6 acres in size and is comprised of three parcels. On the southwest parcel, there is an existing real estate sales-office and on the southeast parcel, there is an existing restaurant. Both structures are currently vacant and will be demolished as part of this project. The northern parcel is currently undeveloped. The two southern sites are largely developed and the majority of the native trees have been removed from the site, while the northern site is undeveloped and is primarily forested with a Jeffrey Pine-Fir forest mix. The majority of the trees on the north site are proposed to be removed from the development footprint. The site is bisected by an east-west ridge and the slope to the north of the ridge has an approximate 14% slope to the north towards a depression near the northeast corner of the project site and the slope to the south of the ridge varies between 7%-15% and slopes to the south to a depression adjacent to Main Street.

### **2.2 PROJECT CHARACTERISTICS**

The application request is for a tentative tract map (TTM 24-002), use permit (UPA 24-001), and design review (DR 24-001) for a five-story, resort condominium development comprised of 118 resort condominium units with a total of 198 bedrooms. The 2.6-acre project site is located in the Resort General (RG) zone of the North Village Specific Plan area. The required parking for the project is provided within one level of understructure parking garage for 127 vehicles and a small exterior parking lot with 14 vehicle parking spaces. The proposed site amenities are oriented to condominium owners and guests, and include approximately 2,200 sq. ft. of restaurant space, accessory retail, ski valet and lockers, fitness center, sauna, swimming pool, two cold plunges, and two hot pools.

The overall size of the hotel structure is 200,330 sq.ft., which includes 49,900 sq.ft of structured parking area. The overall building height is 70 feet from finished grade to the tallest roof ridgeline however, pursuant to the North Village Specific Plan (NVSP Section 5. *Building Heights*), the building height is 53 feet tall because the height of the parking garage (up to a maximum of 20 feet) is excluded from the overall building height measurement when all or a portion of the building sits above a parking garage.



## 2.3 BACKGROUND

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

Exhibit 1: *Site Context Map*

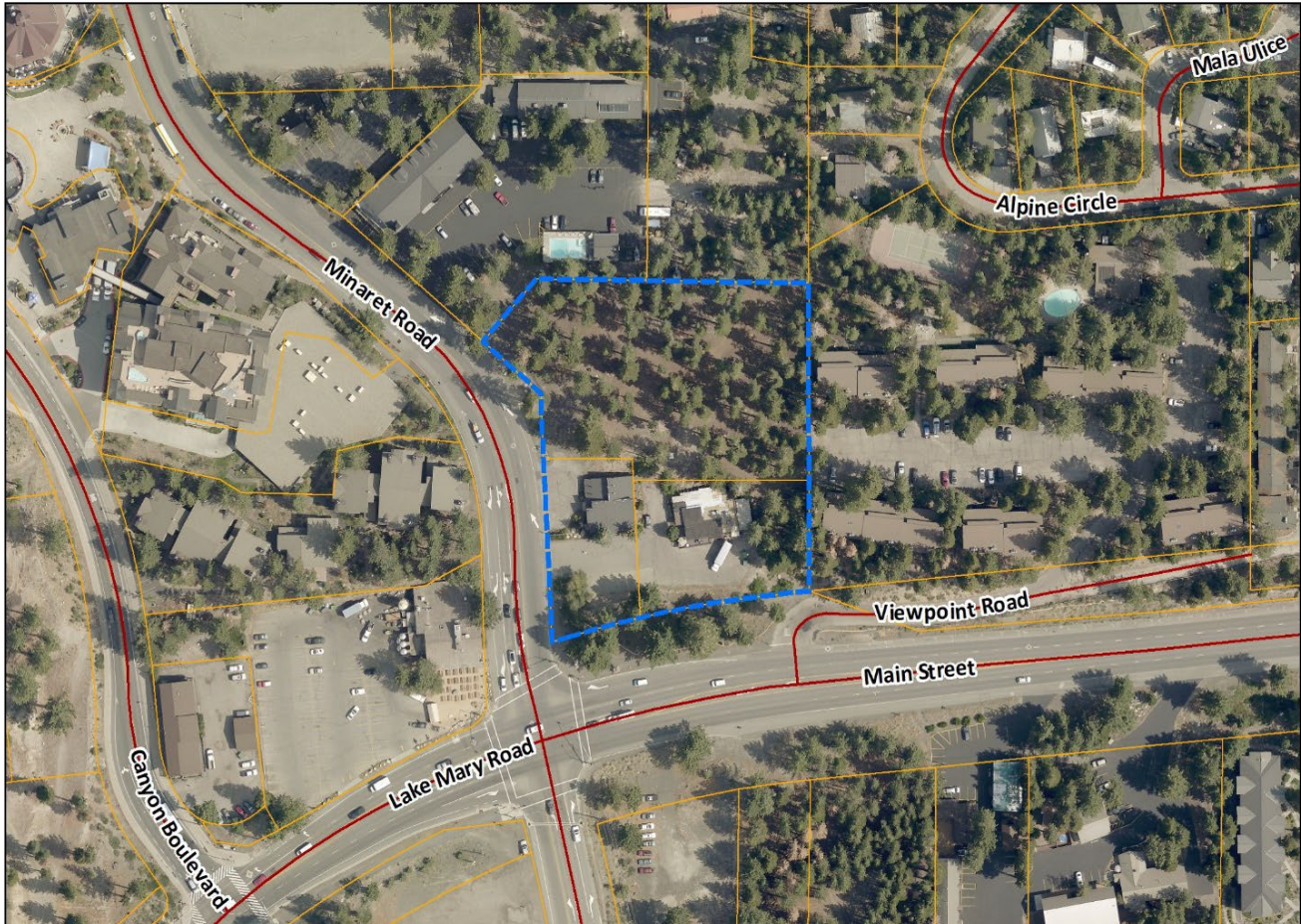
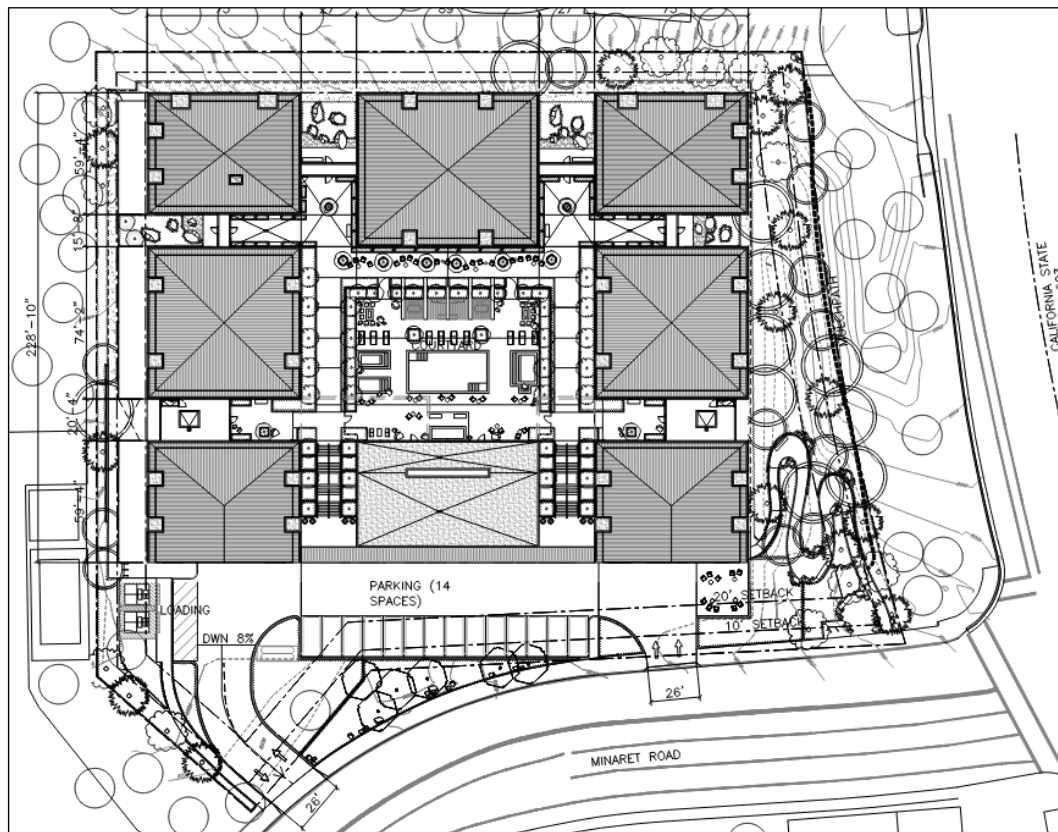
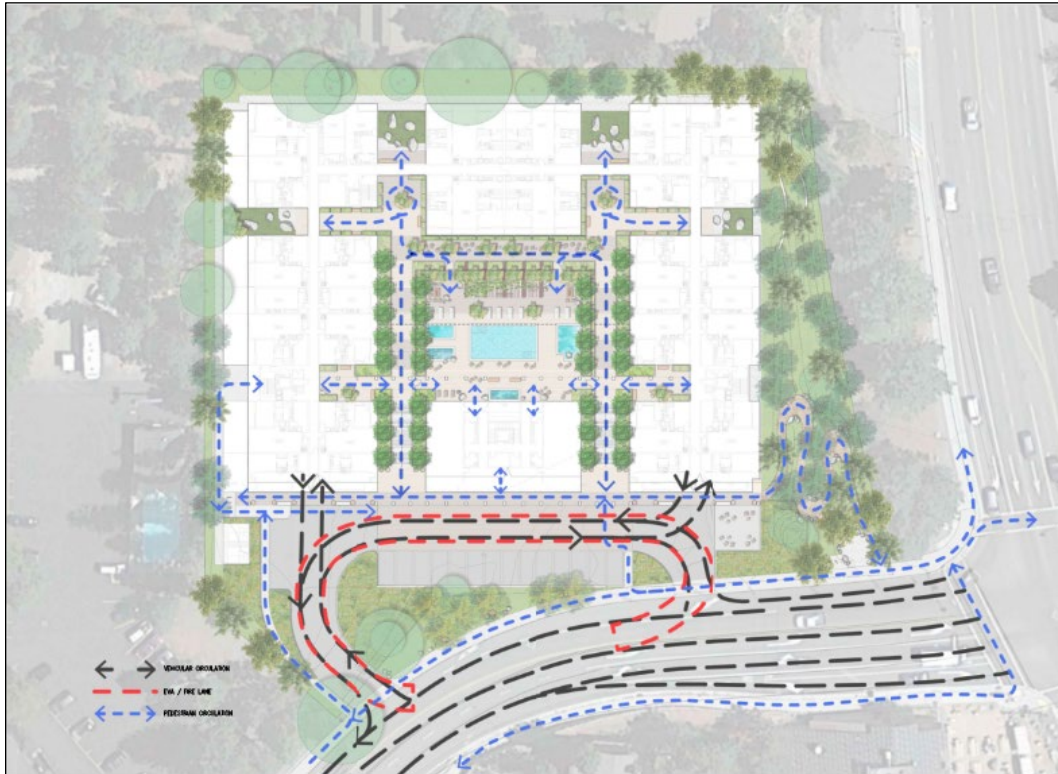




Exhibit 2: Conceptual Site Layout





The project site is located in the Resort General (RG) zone of the NVSP within the Pedestrian Core area. The RG zone is intended for visitor-oriented resort services, such as hotels, resort condominiums, and retail/restaurant uses and the Pedestrian Core area is envisioned to be a mixed-use village with commercial uses on the ground floor and accommodation uses on the upper floors. The project site serves as a gateway to the NVSP areas and the NVSP specifies that development at this site shall feature distinctive architecture in order to create a sense of arrival. Additionally, the central location of the property within the Pedestrian Core area makes this an integral site for providing pedestrian connectivity between the north and south areas of the North Village. The project, as proposed, is consistent with the vision for the RG zone and the Pedestrian Core.

The subject site is identified in the NVSP as the Dempsey/Nevados (Parcel 38) site and was the subject of an Implementation Agreement ("Agreement") completed in 2007, which provided a density bonus, concessions from specific development standards that are applicable only to this site and assigned unused affordable housing mitigation credits to this site. The Agreement transferred 36.625 units (equal to 73.25 bedrooms) of unused residential density from the Snowcreek Athletic Club site to the subject site and provided a 5% increase in lot coverage, a 16-foot increase in the maximum permitted height, a maximum 20% reduction of setbacks, and assigned 40.41 Full Time Equivalent Employee (FTEE) housing mitigation credits to the site. The unused residential density was the result of a density bonus provided to the owners of the athletic club in exchange for 4.41 acres of unimproved property that was ultimately developed with affordable housing (Aspen Village Apartments). The project, as proposed, is consistent with all applicable development standards of the NVSP and the RG zone.

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

## **2.4 PERMITS AND APPROVALS**

The Town approvals required for development of the Rockspring resort condominium development project include, but are not limited to:

- CEQA clearance;
- Tentative Tract Map approval for the subdivision of the site for condominium purposes and common areas;
- Design Review approval for the site and building design;
- Use Permit approval for the subdivision;
- Engineered Grading Permit for the site work; and
- Caltrans Encroachment Permit for driveway encroachments on SR 203.
- Building Permit for the construction of the parking structure and the structures.

### 3.0 ENVIRONMENTAL ANALYSIS

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

#### 3.1 AESTHETICS

Section 5.3 of the 1999 SPEIR evaluates the potential impacts to visual character, scenic vistas and resources, and light and glare impacts. The 1999 SPEIR found that with the incorporation of the mitigation measures in the adopted Mitigation Monitoring and Reporting Program (MMRP), the potential impacts to scenic vistas, scenic resources, visual character, and light and glare have been reduced to a less than significant level. The proposed Rockspring resort condominium development project is sited within the building envelope considered for this site by the 1999 SPEIR and the project application does not include any request for reduced setbacks, or increase in height, or other amendments to the NVSP, and therefore the impacts of the project on aesthetics, light and glare were covered in the 1999 SPEIR analysis and do not exceed the effects evaluated in the 1999 SPEIR. A number of mitigation measures will be required for the project, and are discussed below in more detail.

The proposed building is not located within the vicinity of a state scenic highway. The 1999 SPEIR does not identify any designated scenic vistas within the Specific Plan area, but notes that motorists and pedestrians traveling within the NVSP area south along Minaret Road have significant views of the Sherwin Range to the south. The site plan for the project does show that the structure will be set back a minimum distance of 54-feet from the edge of pavement for Minaret Road. This setback will maintain significant views for motorists and pedestrians traveling south along Minaret Road or the sidewalk.

The proposed building will change, and could potentially degrade, the existing visual character or quality of the site. A portion of the site is currently disturbed and there are two structures as well as paving in the disturbed areas, but the northern site is largely undisturbed. While the new development is proposed to utilize a portion of the already disturbed site, additional site grading and tree removal will occur on the northern portion of the site, and the character of the site will change with a larger and taller development in place of the two smaller buildings. The architecture and other design features proposed as part of the project have been reviewed by the Town's Advisory Design Panel (ADP) at two separate meetings to ensure that the project is attractive and provides a harmonious visual appearance with other properties in the North Village and the Town. The new development will include new light sources, both light emanating from building interiors that pass through windows and light from exterior sources. This could potentially create a new source of light and glare that could potentially impact day or nighttime views in the area.

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

#### ***Mitigation Measures:***

- 5.3-1a: To the maximum extent practical, the proposed project shall retain forested areas, and the development shall remain subordinate to the natural character of the site and surrounding landscape.
- 5.3-1b: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code, Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type,



size, number and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.

- 5.3-1c: Contour grading shall be used to blend manufactured slopes into the natural terrain. Grading shall be minimized to preserve existing landform and vegetation to the greatest extent possible.
- 5.3-1d: The landscape design for the site shall maximize the use of existing vegetation, and where new plants are introduced, they shall include, and/or blend with, plants native to the Mammoth Lakes environment. Landscape plans for the site shall be completed by a certified landscape architect.
- 5.3-1e: To the maximum extent practical, native trees and landscaping shall be concentrated around all structures located on the project site.
- 5.3-1f: Grading techniques shall be used which minimize the area of disturbance and shall incorporate such methods as decorative retaining walls rather than slopes to minimize the area of disturbance.
- 5.3-1j: Staging locations shall be indicated on project Building Permit and Grading Plans and shall be subject to review by the Town of Mammoth Lakes Community Development Director in accordance with Municipal Code requirements.
- 5.3-1k: Upon submittal of Final Development Plans to the Town for the development site, the applicant shall demonstrate that long-range views of the Sherwin Range are incorporated into the project design.
- 5.3-1m: The buffer for properties adjacent to the specific plan boundaries shall be defined as a building setback area of not less than 20 feet. Trees shall be maintained within the buffer area, except for required vehicular and pedestrian access.
- 5.3-2a: Adoption of the North Village Specific Plan shall include all provisions for design review stated in the Plan, with all phases and developments proposed within the Specific Plan area undergoing review by a Town-appointed Design Review Committee and/or Planning Commission.
- 5.3-2b: The architectural style for the development shall blend with the site's natural setting. Rooflines shall reflect the slope of the site, and natural "earth tone" colors and materials such as stone and wood shall be emphasized. Conformance shall be assured through the Town's design review procedures.
- 5.3-3a: Low-intensity Street lighting and low-intensity exterior lighting shall be used throughout the development to the degree feasible. Lighting fixtures shall use shielding, if necessary, to prevent spill lighting on adjacent off-site uses.
- 5.3-3b: Lighting used for various components of the development plan be reviewed under North Village Specific Plan design guidelines which shall include review of light intensity levels, fixture height, fixture location, and design.
- 5.3-3c: The project shall use minimally reflective glass and all other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.
- 5.3-3d: Vegetative buffers shall be used to reduce light intrusion on residential development and on forested areas located adjacent to the project site.

## **3.2 AGRICULTURAL RESOURCES**

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

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

### 3.3 AIR QUALITY

Section 5.5 of the 1999 SPEIR evaluates the impacts of implementation of the Specific Plan on air quality. The 1999 SPEIR determined that, on a cumulative level, the North Village project would contribute to a current violation of the State and Federal PM<sub>10</sub> standards and that this contribution would be significant and unavoidable.<sup>3</sup> Since the Rockspring project is within the scope of development that was intended for the site, the impacts of the project were covered in the 1999 SPEIR and project implementation would not increase the impacts beyond those anticipated. Implementation of the project would contribute to the cumulative air quality impacts on some level.

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

Sensitive receptors are defined as facilities or land uses that include members of the populations that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. There are residential condominiums adjacent to the project site to the east; however, the risk of exposure to objectionable odors or pollutants to sensitive receptors or a substantial increase is less than significant with mitigation.

With implementation of the 1999 SPEIR Mitigation Measures identified below, including 5.5-1a and b, which mitigate short-term air quality impacts, and 5.2-2a and b, which mitigates long-term PM<sub>10</sub> air quality impacts, the proposed project would not result in any new, different, or potentially adverse air quality impacts not previously considered and addressed in the 1999 SPEIR.

#### ***Mitigation Measures:***

- 5.5-1a: In order to reduce fugitive dust emissions, each development project shall obtain permits, as needed, from the Town and the State Air Pollution Control District (APCD) and shall implement measures during grading and/or construction of the individual development sites to ensure compliance with permit conditions and applicable Town and APCD requirements.
- a. The individual development projects shall comply with State, APCD, Town, and Uniform Building Code dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property.
  - b. Adequate watering techniques shall be employed on a daily basis to partially mitigate the impact of construction-generated dust particulates.

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

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

## GREENHOUSE GAS EMISSIONS

Although the 1999 SPEIR did not include a greenhouse gas (GHG) analysis, a supplemental environmental analysis of GHG impacts cannot be required absent new information on that front.<sup>4</sup> Information on the effect of GHG emissions on climate was known long before the Town certified the 1999 SPEIR. Thus, the effect of GHG emissions on climate could have been raised when the Town considered the environmental documentation. A challenge to an EIR must be brought within 30 days of the lead agency's notice of approval and no challenges were brought forward regarding the 1999 SPEIR and GHG emissions. (Pub. Resources Code, § 21167(b).) Under Public Resources Code section 21166(c), an agency may not require a supplemental environmental review unless new information, which was not known and could not have been known at the time the EIR was approved, becomes available. After a project has been subjected to environmental review, the statutory presumption flips in favor of the project proponent and against further

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

review.<sup>5</sup> “[S]ection 21166 comes into play precisely because in-depth review has already occurred [and] the time for challenging the sufficiency of the original EIR has long since expired ...” (*Id.*, 1050.) There is no competent evidence of new information of severe impact, and thus the Town may rely on the previously certified 1999 SPEIR. Accordingly, the Town finds that GHG impacts and climate change are not “new information” under Public Resources Code Section 21166.

### 3.4 BIOLOGICAL RESOURCES

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

The site does not contain any wetlands or riparian habitat, so there are no potential impacts in those areas. Additionally, there are no local or other conservation plans in place for the NVSP area. The northern portion of the site is densely forested and many of the existing trees will be removed from the construction footprint; removal of mature trees replacement was addressed in the 1999 SPEIR where tree removal is required to accommodate structures, access, and street frontage improvements. The 1999 SPEIR does not identify any plant or animal species of concern as occurring on this site or in the entire NVSP area, nor does it identify the project site as part of a migration route for deer or any other species. Therefore, the potential impacts to habitat and migration routes for any plant or animal species is less than significant and does not require mitigation.

As previously mentioned, this north portion of the site contains a large number of existing trees that are over 12-inches diameter and breast height (dbh), and approximately 160 trees are proposed to be removed.<sup>6</sup> However, pursuant to the 1999 SPEIR, the forested character of the site is small and fragmented, compared to nearby large forested areas, and therefore, the change from a mixed conifer forest to a developed site is considered to be less than significant. The 1999 SPEIR

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

#### **Mitigation Measures**

- 5.9-2a: The project shall preserve existing native vegetation to the maximum extent feasible. Landscaping shall emphasize the use of native plants indigenous to the Jeffrey Pine-Fir Forest plant community. Whenever possible, native plants used on-site shall be

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

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

selected for their replacement habitat value. Site designs shall be subject to the Design Review procedure of the Town.

- 5.9-2b: Landscape materials shall be used that allow for the protection and preservation of existing trees. Native plant species, preferably from seed or cuttings from local plants, shall be used where possible. The Landscape Plan shall be approved by the Planning Director prior to issuance of any construction permits.
- 5.9-2c: Irrigation, fertilization and other landscape management practices shall be designed to minimize effects on existing trees and other vegetation.
- 5.9-2d: To the extent possible, native vegetation shall be retained and protected during construction. A Revegetation Plan, prepared by a qualified Landscape Architect and approved by the Town of Mammoth Lakes, shall be completed prior to the commencement of the project, which will describe in detail the species of trees and shrubs that will be used, where they will be planted and in what numbers, and the methods of planting and maintenance, which will ensure successful growth. It shall include a monitoring program to follow the progress of new plantings and ensure replacement of unsuccessful plants. Landscaping with native species of trees and shrubs shall be undertaken to enhance wildlife use of cleared areas.
- 5.9-2e: Under AB3180, once mitigation plans designed to off-set habitat losses are approved and the specific areas where they will be located are identified, the proponent must provide a program to monitor their progress for a period of time (usually three to five years) deemed sufficient by the Planning Director to assure their successful development. Adequate security shall be deposited with the Town to ensure successful implementation of this measure.
- 5.9-2f: All construction activities, including movement and storage of vehicles and the storage of building and other materials, shall be confined to areas slated for development. Care shall be taken during construction to avoid damage to vegetation and habitats not directly involved in project construction. Any vegetation inadvertently damaged outside of the area slated for development shall be replaced on a one-to-one basis on- or off-site. Off-site replacement shall require the approval of the Town Planning Director.
- 5.9-2g: To prevent erosion and siltation into intermittent creeks, areas cleared of vegetation, fill or other materials shall be stabilized after clearing and grading. Hay bales, silt screens or similar devices shall be used to prevent siltation. To further protect the drainage system and prevent erosion, all grading and construction shall be completed during the summer months, or after October 15 of each year be in a condition to be stabilized within 48 hours should inclement weather threaten.
- 5.9-2h: A Forest Condition Survey shall be conducted by a professional forester and approved by the Town of Mammoth Lakes, prior to the commencement of each individual development project. All trees greater than 12-inches dbh (diameter at breast height (54 inches above ground)) and significant stands on each project site shall be mapped prior to issuance of grading permits or clearing. A registered forester or arborist shall then determine the age and condition of these trees and whether they should be retained or removed based upon health and visual significance of the trees, except for removal required by approved improvements. Once this determination is made, those trees shall be retained and integrated into the design of each project. A program of specific protection measures shall be prepared by the developer and approved by the Town prior to issuance of any construction permits (e.g., construction fencing, grading controls, grading design, etc.). Any trees removed unavoidable by each final project approval shall be in accordance with Town policies. Off-site replacement shall require approval by the Town's Planning Director.



- 5.9-2i: Slash generated from construction or thinning operations shall be hauled from the site concurrent with the operation to prevent a breeding site for IPS. Logs shall be removed from the site as soon as possible.
- 5.9-2j: Construction and site development, such as grading and trenching, shall be prohibited within the dripline of retained trees. Equipment shall not be stored or driven under trees. Grading shall not cover the ground surface within the dripline of existing trees. Grading limits shall be clearly defined and protected.

### **3.5 CULTURAL RESOURCES**

Section 5.11 of the 1999 SPEIR evaluates the impacts of implementation of the Specific Plan on Cultural Resources. According to the 1999 SPEIR, the site survey of archaeological resources located and recorded four isolates and two sites (Village Site #1 and Village Site #2) within the NVSP area. Of the four isolates, only six obsidian flakes and an obsidian core were found and that number of isolates does not meet the CEQA definition of a significant cultural resources, and therefore, do not require any further archaeological work under the CEQA Guidelines (1991 EIR, Section 4.10, Page 4.10-3). At the two sites, 1,100 obsidian flakes and flake fragments were found. Per the 1991 EIR, Village Site #1 may meet the CEQA criteria to be considered an important site and Village Site #2 appears to be significant. Neither Village Site #1 nor Village Site #2 are in close proximity to the project site, and therefore, it was determined by the 1991 EIR and the 1999 SPEIR that project implementation for sites not in close proximity to those two sites would not cause a substantial adverse change in the significance of a historical or archaeological resource.

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

#### **Mitigation Measures**

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

### **3.6 GEOLOGY, SOILS, AND SEISMICITY**

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

As explained in the 1999 SPEIR, individual projects will be subject to review and approval by the

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

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

### ***Mitigation Measures***

- 5.7-1: Prior to issuance of grading or building permits, geotechnical studies shall be completed and their recommendations shall be incorporated in the project design, as required by the Town's Safety Element.
- 5.7-2a: Soils and foundation analyses shall be approved by Town staff prior to final project design approval, as required by the Town's Safety Element. All measures required by the Town shall be incorporated into final grading and building plans.
- 5.7-2b: The project applicant shall provide grading plans and receive approval from the Town Engineer. Said plans shall also show that new slopes within the project area are designed pursuant to slope requirements set forth within the Specific Plan and the standards of the Town's Municipal Code.
- 5.7-2c: All work shall be overseen by a licensed Civil Engineer (CE), Certified Engineering Geologist (CEG), or similar appropriately qualified professional, who shall report to the Town Engineer in order to ensure the standards of the applicable codes are met.
- 5.7-4: A comprehensive Erosion and Sediment Transport Control Plan shall be prepared by the project applicant and approved by the Town Engineer prior to the issuance of any grading or building permits. The Plan shall be included in the project design, as required by the Town's Safety Element. The Plan shall also meet the requirements of the Regional Water Quality Control Board and the Town Municipal Code.
- 5.7-7: The project operators shall cooperate with the Town in designing and disseminating information to assist citizens and visitors in responding to emergency situations that are likely to arise. All structures shall be designed and built to at least the standards of UBC Seismic Zone 4.



### 3.7 HAZARDS AND HAZARDOUS MATERIALS

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

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

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

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

### 3.8 HYDROLOGY AND WATER QUALITY

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

The use is consistent with that envisioned by the Town of Mammoth Lakes 2015 Stormwater Master Plan and the 2005 Storm Drain Master Plan, downstream facilities should be adequate. Erosion control and stormwater treatment measures would be placed in areas of possible erosion. Although no significant impacts have been identified, the following mitigation measures, including 5.8-1; 5.8-1b and c; 5.8-2a and b; and 5.8-3, have been carried over from the 1999 SPEIR and help further reduce any potential impacts to hydrology and water quality.

#### ***Mitigation Measures***

5.8-1: All drainage collection, retention, and infiltration facilities on the site shall be constructed and maintained in accordance with the *Mammoth Lakes Storm Drain Master Plan (SDMP)* and shall

be designed in accordance with the *Master Plan Design Manual*, to the satisfaction of the Town of Mammoth Lakes Town Engineer, prior to the issuance of grading permits.

- 5.8-1b: A more complete hydrology analysis for design purposes shall be required to be completed to estimate the amounts of runoff, which will be required to be retained on-site for each development. The analysis shall be approved prior to issuance of a grading permit.
- 5.8-1c: The following water conservation procedures shall be incorporated into project elements where feasible: landscape with low water-using plants; install efficient irrigation systems that minimize runoff and evaporation and maximize the water that will reach the plant roots, such as drip irrigation, soil moisture sensors, and automatic irrigation systems; and use pervious paving material whenever feasible.
- 5.8-2a: An Erosion and Sediment Control Plan shall be prepared by the project proponents prior to issuance of grading permits. The Plan shall be reviewed and approved by the Town of Mammoth Lakes and the Lahontan Regional Water Quality Control Board and be in accordance with the erosion control guidelines as contained in the *Mammoth Lakes SDMP* and be in compliance with the Water Quality Control Plan (for the Lahontan Region [Basin Plan]). General grading activities, including those related to demolition and construction, would be regulated by the Uniform Building Code and Town of Mammoth Lakes Grading Ordinance. The required Erosion and Sediment Control Plan shall outline methods that will be implemented to control erosion and sediment transport from graded or cleared portions of the individual redevelopment/improvement sites.
- 5.8-2c: A Waste Discharge Report (related to soil disturbance) shall be prepared by the project applicant and submitted to the Lahontan Regional Water Quality Control Board not less than 90 days before the intended start of construction activities of a new development to obtain a Waste Discharge Permit or waiver to ensure that proper control measures for the protection of water quality are taken and adhered to during all phases of the development project. A copy of the Waste Discharge Report shall be submitted to the Town of Mammoth Lakes engineering division prior to issuance of a grading permit for the project.
- 5.8-3: Best Management Practices (BMPs) shall be implemented to the satisfaction of the Lahontan Regional Water Quality Control Board and NPDES Program requirements in order to protect the receiving waters from degradation and correct existing problems. BMPs include structural controls such as retention/detention basins, oil-water separators, which could be implemented in the overall design of the proposed drainage facilities for individual development sites.

### **3.9 LAND USE AND PLANNING**

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

The project involves development of a resort condominium development, consistent with the use, density, and building envelope specified for the site in the NVSP. The proposed project would redevelop an existing partially developed site and would extend the public sidewalk along the west property line and include additional pedestrian connections to interior walkways within the project site, which will help integrate the site with the surrounding NVSP area. Therefore, the project would not physically divide an established community. Furthermore, the proposed project would be consistent with all of the zoning standards of the NVSP for this site, as well as being consistent with both the Town's General Plan and Municipal Code.



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

### **3.10 MINERAL RESOURCES**

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

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

### **3.11 NOISE**

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

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

#### ***Mitigation Measures***

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

lines. Adherence with this measure is subject to periodic site inspections by the Town of Mammoth Lakes.

- 5.6-3d: Directional speakers shall be shielded and/or oriented away from off-site residences to the satisfaction of the Town Building Inspector.

### **3.12 POPULATION AND HOUSING**

Section 5.2 of the 1999 SPEIR evaluates the impacts of implementation of the Specific Plan relating to Population and Housing. The 1999 SPEIR found that with implementation of the housing policies and programs described in the Specific Plan, there would be no significant impacts related to employment, population, and housing. The proposed Rockspring resort condominium development project is consistent with the density permitted for this site by the NVSP. The proposed project will result in 198 new “rooms” within 118 resort condominium units, with a room being defined in the NVSP as equating to one hotel room or one bedroom, loft, or sleeping area in residential uses.

The entire allowable density of the NVSP, including the maximum allowable density for the project site, was included in the Town’s buildout table within the Land Use Section of the Town’s General Plan, and was found to be consistent with the Town’s housing population growth envisioned in the NVSP and the General Plan. There are no new impacts beyond those already analyzed in the 1999 SPEIR. Pursuant to the Town’s Municipal Code, the project will mitigate their workforce housing requirement through the use of existing 40.41 FTEE housing mitigation credits assigned the project site.<sup>7</sup>

The site does not currently have any housing units on it, and therefore, will not result in the elimination of any existing housing units or the displacement of residents. No mitigation measures were required by the 1999 SPEIR for the NVSP and since no new impacts to population and housing have been identified, no mitigation measures are required.

### **3.13 PUBLIC SERVICES**

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

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

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

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

### ***Mitigation Measures***

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

## **3.14 RECREATION**

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

### ***Mitigation Measures***

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

## **3.15 TRANSPORTATION AND TRAFFIC**

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

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

The project has been reviewed by the Town Engineering Department and the CA Department of Transportation (Caltrans). The proposed access and egress to the project site, including sight distance at the project exit driveway on Minaret Road, was determined to be adequate by the Town Engineering Division. An encroachment permit is required to be obtained from Caltrans for the proposed driveway approaches.

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

The Town's General Plan includes a number of goals and policies that relate to "feet first" and



focusing on pedestrian connectivity and alternative transportation, such as public transit and bicycles. This project supports those policies by extending the public sidewalk along the west property line, adjacent to Minaret Road and through the addition of a forest garden with bicycle parking and pedestrian walkways leading into the project site are provided. Additionally, the project design incorporates both short-term and long-term bicycle parking.

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

### ***Mitigation Measures***

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

## **3.16 UTILITIES AND SERVICE SYSTEMS**

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

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

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

### ***Mitigation Measures***

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

## 4.0 DETERMINATION / CONCLUSION

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

- a. There are no substantial changes to the project from what was analyzed in the 1999 SPEIR that would require revisions to the previous EIR, and therefore, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects will occur. The project is consistent with all applicable NVSP development standards applicable to the Dempsy/Nevados site (Parcel 38) and the Resort General zone, including, but not limited to, density, height, setbacks, site coverage, and parking, and the 1999 SPEIR found that the potential impacts from a project at this site that conforms to all of the development standards would result in less than significant impacts with the incorporation of the mitigation measures imposed under the 1999 EIR and 1994 EIR Addendum.
- b. There are no substantial changes with respect to the circumstances under which the project is being undertaken that will require major revisions to the previous EIR since the project site remains in substantially the same condition as it was when it was originally analyzed in the 1999 SPEIR and the project, as proposed, is consistent with what analyzed in the 1999 SPEIR for this site. Additionally, no changes or amendments to the 1999 SPEIR with respect to the project site have occurred. Therefore, since the circumstances under which the project is being undertaken remain unchanged, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects are anticipated to occur.
- c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, show that:
  - (1) The project will have one or more significant effects not previously discussed since, as discussed in the Rockspring project CEQA Conformance Documentation, no changes have occurred with respect to the intensity of the development that was previously analyzed in the 1999 SPEIR have occurred, and all potential environmental effects were found to be adequately analyzed in the 1999 SPEIR;
  - (2) Significant effects previously examined will be substantially more severe than shown in the previous EIR since, as discussed in the Rockspring project CEQA Conformance Documentation, only impacts with regards to Air Quality were found to be significant in the previously certified 1999 SPEIR and the potential impacts with regards to Air Quality from the proposed project were found to have been covered in the 1999 SPEIR since the project is within the scope of development that was intended for the site;
  - (3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, since



the mitigation measures in the 1999 SPEIR reduce all potential impacts to a less than significant level, with the exception of impacts related to Air Quality, which were found to be significant due to ongoing region-wide violations of the State and Federal PM<sub>10</sub> standards and no mitigation measure or alternative would adequately reduce that impact to a less than significant level. Therefore, there are no additional mitigation measures or alternatives that would be feasible that would reduce one or more significant effects of the project; and

- (4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR and would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative, since the mitigation measures in the 1999 SPEIR reduce all potential impacts to a less than significant level, with the exception of impacts related to Air Quality, which were found to be significant due to ongoing region-wide violations of the State and Federal PM<sub>10</sub> standards and no mitigation measure or alternative would adequately reduce that impact to a less than significant level, and therefore, there are no other mitigation measures or alternatives from those analyzed in the 1999 SPEIR which would reduce one or more significant effects on the environment.

## 5.0 REFERENCES

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

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

## **APPENDIX A - INVENTORY OF MITIGATION MEASURES**

### **AESTHETICS**

- 5.3-1a: To the maximum extent practical, the proposed project shall retain forested areas, and the development shall remain subordinate to the natural character of the site and surrounding landscape.
- 5.3-1b: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code, Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type, size, number and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.
- 5.3-1c: Contour grading shall be used to blend manufactured slopes into the natural terrain. Grading shall be minimized to preserve existing landform and vegetation to the greatest extent possible.
- 5.3-1d: The landscape design for the site shall maximize the use of existing vegetation, and where new plants are introduced, they shall include, and/or blend with, plants native to the Mammoth Lakes environment. Landscape plans for the site shall be completed by a certified landscape architect.
- 5.3-1e: To the maximum extent practical, native trees and landscaping shall be concentrated around all structures located on the project site.
- 5.3-1f: Grading techniques shall be used which minimize the area of disturbance and shall incorporate such methods as decorative retaining walls rather than slopes to minimize the area of disturbance.
- 5.3-1j: Staging locations shall be indicated on project Building Permit and Grading Plans and shall be subject to review by the Town of Mammoth Lakes Community Development Director in accordance with Municipal Code requirements.
- 5.3-1k: Upon submittal of Final Development Plans to the Town for the development site, the applicant shall demonstrate that long-range views of the Sherwin Range are incorporated into the project design.
- 5.3-1m: The buffer for properties adjacent to the specific plan boundaries shall be defined as a building setback area of not less than 20 feet. Trees shall be maintained within the buffer area, except for required vehicular and pedestrian access.
- 5.3-2a: Adoption of the North Village Specific Plan shall include all provisions for design review stated in the Plan, with all phases and developments proposed within the Specific Plan area undergoing review by a Town-appointed Design Review Committee and/or Planning Commission.
- 5.3-2b: The architectural style for the development shall blend with the site's natural setting. Rooflines shall reflect the slope of the site, and natural "earth tone" colors and materials such as stone and wood shall be emphasized. Conformance shall be assured through the Town's design review procedures.
- 5.3-3a: Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the degree feasible. Lighting fixtures shall use shielding, if necessary, to prevent spill lighting on adjacent off-site uses.

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

## AIR QUALITY

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

operations in order to reduce emissions and achieve the required Federal standard.

## **BIOLOGICAL RESOURCES**

- 5.9-2a: The project shall preserve existing native vegetation to the maximum extent feasible. Landscaping shall emphasize the use of native plants indigenous to the Jeffrey Pine-Fir Forest plant community. Whenever possible, native plants used on-site shall be selected for their replacement habitat value. Site designs shall be subject to the Design Review procedure of the Town.
- 5.9-2b: Landscape materials shall be used that allow for the protection and preservation of existing trees. Native plant species, preferably from seed or cuttings from local plants, shall be used where possible. The Landscape Plan shall be approved by the Planning Director prior to issuance of any construction permits.
- 5.9-2c: Irrigation, fertilization and other landscape management practices shall be designed to minimize effects on existing trees and other vegetation.
- 5.9-2d: To the extent possible, native vegetation shall be retained and protected during construction. A Revegetation Plan, prepared by a qualified Landscape Architect and approved by the Town of Mammoth Lakes, shall be completed prior to the commencement of the project, which will describe in detail the species of trees and shrubs that will be used, where they will be planted and in what numbers, and the methods of planting and maintenance, which will ensure successful growth. It shall include a monitoring program to follow the progress of new plantings and ensure replacement of unsuccessful plants. Landscaping with native species of trees and shrubs shall be undertaken to enhance wildlife use of cleared areas.
- 5.9-2e: Under AB3180, once mitigation plans designed to off-set habitat losses are approved and the specific areas where they will be located are identified, the proponent must provide a program to monitor their progress for a period of time (usually three to five years) deemed sufficient by the Planning Director to assure their successful development. Adequate security shall be deposited with the Town to ensure successful implementation of this measure.
- 5.9-2f: All construction activities, including movement and storage of vehicles and the storage of building and other materials, shall be confined to areas slated for development. Care shall be taken during construction to avoid damage to vegetation and habitats not directly involved in project construction. Any vegetation inadvertently damaged outside of the area slated for development shall be replaced on a one-to-one basis on- or off-site. Off-site replacement shall require the approval of the Town Planning Director.
- 5.9-2g: To prevent erosion and siltation into intermittent creeks, areas cleared of vegetation, fill or other materials shall be stabilized after clearing and grading. Hay bales, silt screens or similar devices shall be used to prevent siltation. To further protect the drainage system and prevent erosion, all grading and construction shall be completed during the summer months, or after October 15 of each year be in a condition to be stabilized within 48 hours should inclement weather threaten.
- 5.9-2h: A Forest Condition Survey shall be conducted by a professional forester and approved by the Town of Mammoth Lakes, prior to the commencement of each individual development project. All trees greater than 12-inches dbh (diameter at breast height (54 inches above ground)) and significant stands on each project site shall be mapped prior to issuance of grading permits or clearing. A registered forester or arborist shall then determine the age and condition of these trees and whether they should be

retained or removed based upon health and visual significance of the trees, except for removal required by approved improvements. Once this determination is made, those trees shall be retained and integrated into the design of each project. A program of specific protection measures shall be prepared by the developer and approved by the Town prior to issuance of any construction permits (e.g., construction fencing, grading controls, grading design, etc.). Any trees removed unavoidable by each final project approval shall be in accordance with Town policies. Off-site replacement shall require approval by the Town's Planning Director.

- 5.9-2i: Slash generated from construction or thinning operations shall be hauled from the site concurrent with the operation to prevent a breeding site for IPS. Logs shall be removed from the site as soon as possible.
- 5.9-2j: Construction and site development, such as grading and trenching, shall be prohibited within the dripline of retained trees. Equipment shall not be stored or driven under trees. Grading shall not cover the ground surface within the dripline of existing trees. Grading limits shall be clearly defined and protected.

## **CULTURAL RESOURCES**

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

## **GEOLOGY AND SOILS**

- 5.7-1: Prior to issuance of grading or building permits, geotechnical studies shall be completed and their recommendations shall be incorporated in the project design, as required by the Town's Safety Element.
- 5.7-2a: Soils and foundation analyses shall be approved by Town staff prior to final project design approval, as required by the Town's Safety Element. All measures required by the Town shall be incorporated into final grading and building plans.
- 5.7-2b: The project applicant shall provide grading plans and receive approval from the Town Engineer. Said plans shall also show that new slopes within the project area are designed pursuant to slope requirements set forth within the Specific Plan and the standards of the Town's Municipal Code.
- 5.7-2c: All work shall be overseen by a licensed Civil Engineer (CE), Certified Engineering Geologist (CEG), or similar appropriately qualified professional, who shall report to the Town Engineer in order to ensure the standards of the applicable codes are met.
- 5.7-4: A comprehensive Erosion and Sediment Transport Control Plan shall be prepared by the project applicant and approved by the Town Engineer prior to the issuance of any grading or building permits. The Plan shall be included in the project design, as required by the Town's Safety Element. The Plan shall also meet the requirements of the Regional Water Quality Control Board and the Town Municipal Code.
- 5.7-7: The project operators shall cooperate with the Town in designing and disseminating

information to assist citizens and visitors in responding to emergency situations that are likely to arise. All structures shall be designed and built to at least the standards of UBC Seismic Zone 4.

## **HYDROLOGY AND WATER QUALITY**

- 5.8-1: All drainage collection, retention, and infiltration facilities on the site shall be constructed and maintained in accordance with the Mammoth Lakes Storm Drain Master Plan (SDMP) and shall be designed in accordance with the Master Plan Design Manual, to the satisfaction of the Town of Mammoth Lakes Town Engineer, prior to the issuance of grading permits.
- 5.8-1b: A more complete hydrology analysis for design purposes shall be required to be completed to estimate the amounts of runoff, which will be required to be retained on-site for each development. The analysis shall be approved prior to issuance of a grading permit.
- 5.8-1c: The following water conservation procedures shall be incorporated into project elements where feasible: landscape with low water-using plants; install efficient irrigation systems that minimize runoff and evaporation and maximize the water that will reach the plant roots, such as drip irrigation, soil moisture sensors, and automatic irrigation systems; and use pervious paving material whenever feasible.
- 5.8-2a: An Erosion and Sediment Control Plan shall be prepared by the project proponents prior to issuance of grading permits. The Plan shall be reviewed and approved by the Town of Mammoth Lakes and the Lahontan Regional Water Quality Control Board and be in accordance with the erosion control guidelines as contained in the Mammoth Lakes SDMP and be in compliance with the Water Quality Control Plan (for the Lahontan Region [Basin Plan]). General grading activities, including those related to demolition and construction, would be regulated by the Uniform Building Code and Town of Mammoth Lakes Grading Ordinance. The required Erosion and Sediment Control Plan shall outline methods that will be implemented to control erosion and sediment transport from graded or cleared portions of the individual redevelopment/improvement sites.
- 5.8-2c: A Waste Discharge Report (related to soil disturbance) shall be prepared by the project applicant and submitted to the Lahontan Regional Water Quality Control Board not less than 90 days before the intended start of construction activities of a new development to obtain a Waste Discharge Permit or waiver to ensure that proper control measures for the protection of water quality are taken and adhered to during all phases of the development project. A copy of the Waste Discharge Report shall be submitted to the Town of Mammoth Lakes engineering division prior to issuance of a grading permit for the project.
- 5.8-3: Best Management Practices (BMPs) shall be implemented to the satisfaction of the Lahontan Regional Water Quality Control Board and NPDES Program requirements in order to protect the receiving waters from degradation and correct existing problems. BMPs include structural controls such as retention/detention basins, oil-water separators, which could be implemented in the overall design of the proposed drainage facilities for individual development sites.

## **NOISE**

- 5.6-1a: Pursuant to Chapter 8.16.090 of the Town's Noise Ordinance, construction activities



shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and prohibited on Sunday or holidays, or as otherwise permitted by Chapter 8.16.090.

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

## **PUBLIC SERVICES / RECREATION**

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

## **TRANSPORTATION AND TRAFFIC**

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





## **UTILITIES AND SERVICE SYSTEMS**

- 5.10-4b: The project applicant shall pay the appropriate fees to the Mammoth Community Water District (MCWD). All new water and wastewater conveyance facilities shall be located and installed within public rights-of-way or utility easements.
- 5.10-9: Prior to issuance of a building permit, the applicant shall provide an Integrated Solid Waste Management Plan (ISWMP) consistent with the Town's SRRE. The plan shall address, at a minimum, the following measures: construction demolition; recycling; composting; source reduction programs; storage areas for collected recyclable materials, and disposal of hazardous waste materials used on-site. 5.3-1b: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code, Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type, size, number and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.