Town Council Agenda

Wednesday, October 5, 2022, 3:00 p.m.
437 Old Mammoth Road, Suite Z, Mammoth Lakes

Members of the Town Council:

Mayor Lynda Salcido, Mayor Pro Tem John Wentworth, Councilmember Sarah Rea, Councilmember Bill Sauser, Councilmember Kirk Stapp

NOTE: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (760) 965-3602. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 13.102-35.104 ADA Title II)
NOTE: Materials related to an item on this agenda submitted after distribution of the agenda packet are available for public inspection in the Town Offices located at 437 Old Mammoth Road, Suite 230 during normal business hours. Such documents are also available on the Town of Mammoth Lakes website at www.townofmammothlakes.ca.gov subject to staff's ability to post the documents before the meeting.
NOTE: All comments will be limited to a speaking time of five minutes.

NOTE: This meeting will be conducted pursuant to the provisions of Assembly Bill 361 which amends certain requirements of the Ralph M. Brown Act. While Suite *Z* is still open to the public, it is strongly encouraged that you watch the Town Council meetings on the Town of Mammoth Lakes' website at www.townofmammothlakes.ca.gov , on the local government cable channel 18, or via Zoom. Public comments can be submitted to the Town Clerk at clerk@townofmammothlakes.ca.gov. before and during the meeting.

ZOOM INFORMATION

Join from a PC, Mac, iPad, iPhone, or Android device:
Please type in or cut and paste in this URL to join. https://monocounty.zoom.us/s/92958002088
Or join by phone:
Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923
Webinar ID: 929 5800 2088
International numbers available: https://monocounty.zoom.us/u/acobwlnMsm

Public comments can also be given through Zoom by logging in or dialing in and raising your hand.

1. RIBBON CUTTING CEREMONY

    1.1. At 3:00 p.m. the Town Council will conduct a ribbon cutting ceremony for completion of Lakes Basin Connector Trails at the intersection of Around Lake Mary Road and Lake George Road where the bike rack is located. (Map attached.)

2. CALL TO ORDER

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENTS

    The Public Comment portion of the agenda provides the public with an opportunity to address the Town Council on matters not otherwise listed on the agenda. Under California law the Town Council is prohibited from generally discussing or taking action on items not included in the agenda; however, the Town Council may briefly respond to comments or questions from members of the public. Therefore, the Town Council will listen to all public comment, but will not generally discuss the matter or take action on it. Requests for service from the Town may also be made at the Town offices during regular business hours. Members of the public desiring to speak on a matter appearing on the agenda should ask the Mayor for the opportunity to be heard when the item comes up for Council consideration.

5. ADDITIONS TO THE AGENDA

    Opportunity to add urgency items pursuant to Government Code Section 54954.2(b)2, if necessary.

6. REPORTS FROM COMMISSIONS AND/OR DEPARTMENTS (AS NEEDED)

    6.1. Did you Know? Housing Units.

7. INTRODUCTIONS

    7.1. Introduce new Outdoor Recreation Coordinator Gretchen Haselbauer.

8. COUNCIL PRESENTATIONS

    8.1. Recognition of 15 year anniversary award to Public Works Director Haislip Hayes.

9. WORKSHOP

    9.1. Joint meeting with Mammoth Lakes Housing (MLH) regarding existing and future housing initiatives.

10. PUBLIC PRESENTATIONS

    10.1. Eastern Sierra Climate and Communities Resilience Project (ESCCRP) Progress Update presented by Janet Hatfield, ESCCRP Forest Health Program Manager.

    10.2. Update on Transit Service.

11. CONSENT AGENDA

    11.1. Approve the minutes of the regular meeting of September 21, 2022.

    11.2. Approve the resolution re-authorizing the Town Council to meet virtually during the COVID-19 pandemic declared emergency.

11.3. Authorize a professional services agreement with Ascent Environmental for Mammoth Mountain Main Lodge Redevelopment Project CEQA/NEPA analysis.

11.4. Approve the Mayor signing the letter of support for the Whitebark Institute to apply for Sierra Nevada Conservancy (SNC) grant funding to continue the Eastern Sierra Climate and Communities Resilience Project (ESCCRP) work (Mammoth Donut).

11.5. Accept Check Register 09/15/2022 in the amount of $2,081,871.16. Accept Check Register 09/22/2022 in the amount of $3,946,237.78.

12. POLICY MATTERS

12.1. Consider approval of the Parking Management Plan for the Sawyer (Parcel Phase 1) and update on the Kingfisher (Parcel Phase 2).

12.2. Update on Community Recreation Center (CRC) Construction and Agreements with the Los Angeles Kings Hockey Club, L.P., and JV Ice PV, LLC.

13. COUNCILMEMBER REPORTS

Informational reports from Councilmember representatives on committees, commissions, and organizations; general reports on Councilmember activities

14. CLOSED SESSION

14.1. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph 1 of subdivision (d) of Section 54956.9) Name of case: Christopher Kibler v. Town of Mammoth Lakes (Case No: 22UCM65).

14.2. Pursuant to Government Code Section 54957.6.(a), Conference with Labor Negotiators, the Council will meet with its representatives, Town Manager Daniel C. Holler, Administrative Services/Finance Director Rob Patterson, and HR Manager Amanda Pelham

with respect to the following Employee Organization: Mammoth Lakes Police Officers Association.

15. ANNOUNCEMENT OF ACTION TAKEN AFTER CLOSED SESSION

16. ADJOURNMENT

The Town Council will adjourn to a regular meeting to be held on Wednesday, October 19, 2022 at 4:00 p.m.


Lake Mary Rd
Twin Lakes Vista Point
Mammoth Creek
Mill City Mine
Twin Falls Overlook
Lake Mamie Vista Point
Wildyrie Lodge
Mammoth Lakes Pack Outfit
Horseshoe Lake
Lake Mamie
Lake Mary Campground
Around Lake Mary Rd
Lake Mary Rd
Ribbon Cutting Location
Mammoth Lakes
Crystal Lake Trailhead
Lake George Campground
Lake Mary
Around Lake Mary Rd
Lake Mary Lp Rd
Lake George

Capital Project Update

October Update
Created 10-3-22

Project	Notes
CRC	Started installing "flat ends" Utilities – gas, water, electrical, HVAC are being installed inside the building All underground utility lines have been installed Exterior mechanical / trash enclosure is under construction
CRC - Mobility Hub	Contractor has finished framing the Bus Shelter. Curb and Gutter has been mostly completed Drainage work has been substantially complete Paving is tentatively scheduled for second week of October
CRC - Interior Work	Contractor and staff recently met to review scope and expectations. A revised number a decision opportunity is forthcoming
The Parcel PH 1	Construction of Building A1 2nd floor concrete podium is placed, with post tension and final concrete expected in the next couple of weeks. Construction of Building B1 exterior concrete walls and slab on grade is complete. Formwork and reinforcement for 2nd floor podium is being installed, with final concrete placement expected mid-October. Pre-fabricated building modules have been completed at the off-site factory and several are currently being staged at the airport yard, with installation on-site expected toward the end of October. Installation of public "wet" utilities, including water, sewer and storm drain, is complete along Inyo St and most of Tavern Rd.
Ballfields Rehabilitation Whitmore/Shady	Contractor placed topsoil and sod to future infield-outfield line. Contractor also installed pressure treated timbers to prevent new infield mix from drifting to out of play areas over time. Additionally, Contractor is preparing to place decomposed granite and infield mix material to raise the infield level to match the outfield and create a pristine playing surface and field size for Little League and High School Women's Softball.
60 Joaquin	The design-build team is working on their design package. They intend to submit for PEDC review in the next month.
OMR Beautification	No bids were received. Town staff continues talks with potential companies. Staff no longer believes work could advance this fall and is now targeting spring installations.
Main Street Landscaping	Town staff received one bid from a local contractor to perform a portion of the work associated with this project. Town staff is evaluating this bid and is hopeful for limited work to be performed this season.
HSIP Intersection crossings	The Town is working through final details with Caltrans prior to applying for construction funding for upgrades to existing crosswalks at Laurel Mountain Rd and the Post Office. Staff anticipates bidding in October upon formal allocation of funding and awarding in November, with work occurring in November and December, weather permitting.
Chaparral Extension (The Parcel)	The contractor has mobilized and completed tree removal. Installation of wet utilities is still pending on materials being delivered. Staff expects the remaining work to resume in the spring.
Laurel Mountain Rd Rehab & Sidewalk	Construction of project will occur in 2023.

Fuel Island	Staff has contracted to have the existing fuel tanks cleaned and lined. This work will occur mid-October. Work is being coordinated with partner agencies, they will be made aware that fuel will not be available for a few days. Separately, consultants are working on a design and bid package for a new slab with waterproof manholes. The existing slab will be removed and replaced. This work will be done in the spring. This remediation work will provide another 10 years of useful life from the existing fuel island.
Minaret MUP	Staff have reviewed and commented on 90% plans and are awaiting final design plans. No construction funding has yet been identified.
New Civic Center	HMC has submitted a rough budget and program for the project. Staff is working with the Town Manager on the viability of the project. A discussion on this project with Council is forth coming.
Foundation Childcare	Staff and AP Architects held a kickoff meeting and reviewed the scope and expectations. A field meeting has taken place to look over the portables available and further discuss the path forward.
Main Street MUP	Staff and our consultant are responding to Caltrans comments on initial plans. Town will then apply for STIP funding (which has previously been programmed) to cover to the detailed engineering design phase, then continue to work with the consultant to produce construction plans. No construction funding has yet been identified.

Mammoth Lakes Town Council
Agenda Action Sheet

Title: Did you Know? Housing Units.

Council Meeting Date: 10/5/2022

Prepared by: Pam Kobylarz, Assistant to the Town Manager

Recommended Motion: This is an informational item only.

Summary: Each month the Town publishes a "Did you Know?" piece that highlights aspects of the Town's programs and services that the public may not be familiar with. This month's piece focused on workforce housing units that will be coming online in the next 12-24 months. It was published in The Sheet, the Mammoth Times, and el Sol on the weekend of September 23, as well as being posted on the Town's social media and website.



Mammoth Lakes CALIFORNIA

HOUSING NOW!

DID YOU KNOW?

Did you know the Town of Mammoth Lakes will have an additional 272 units of workforce housing in the next 12-24 months?

- The Parcel Phase 1 will provide **81 rental apartment units** consisting of 80 affordable units and 1 manager's unit that will range from studio to 3-bedroom units. The target occupancy date is fall 2023.
- Mammoth Lakes Housing (MLH) has acquired the Innsbruck Lodge located at 913 Forest Trail and is working on converting the existing hotel into **16 rental apartment units** consisting of 15 affordable studio units and 1 manager's unit. The target occupancy date is spring 2023.
- The Town is in the process of developing the vacant parcel located at 60 Joaquin Road with a **4-unit residential development.** The units will be for-sale units and the target occupancy date is fall 2023.
- MLH is working towards converting the existing commercial buildings located at 238 Sierra Manor Road into **11 affordable 1-bedroom units.** The target occupancy date is spring 2024.
- The Town's BRIDGE Program has a goal of converting **12 existing market-rate residential units into affordable ownership units** through the purchase of market-rate units that are then deed restricted and sold to qualified households at a subsidized price.
- The Parcel Phase 2 will provide **148 rental apartment units**. The target occupancy date is dependent on securing additional grant funding. Grading for the Parcel Phase 2 will begin in fall 2022.
- Household income restrictions based on Area Median Income apply to all of these projects. For information or to get on the wait list for The Parcel, call (855) 452-8250. For information about all other projects call MLH at (760) 934-4740 or visit MammothLakesHousing.org.

To learn more visit townofmammothlakes.ca.gov/1090/Housing-Now or scan here

Mammoth Lakes Town Council
Agenda Action Sheet

Title: Joint meeting with Mammoth Lakes Housing (MLH) regarding existing and future housing initiatives.

Council Meeting Date: 10/5/2022

Prepared by: Sandra Moberly, Community and Economic Development Director

Recommended Motion: Engage in discussion and provide comments and direction as appropriate.

Summary: The agreement between the Town and Mammoth Lakes Housing provides for formal meetings between the two parties throughout the year. This agenda item will allow Town and MLH staff to provide an update on current and future work programs and allows the two parties an opportunity to engage in discussions accordingly.

Attachment – Mammoth Lakes Housing Contract

TOWN OF MAMMOTH LAKES AGREEMENT BETWEEN THE TOWN OF MAMMOTH LAKES AND MAMMOTH LAKES HOUSING FOR HOUSING ADMINISTRATIVE, DEVELOPMENT, AND SUPPORT SERVICES

1. PARTIES AND DATE.

This Agreement is made and entered into this 1st day of July, 2022, by and between the Town of Mammoth Lakes, a municipal corporation, organized under the laws of the State of California, with its principal place of business at 437 Old Mammoth Rd., Suite 230, Mammoth Lakes, California, 93546 ("Town") and Mammoth Lakes Housing, a California Nonprofit Public Benefit Corporation, with its principal place of business at 587 Old Mammoth Road, #4, PO BOX 260, Mammoth Lakes, CA 93546 ("Contractor"). Town and Contractor are sometimes individually referred to herein as "Party" and collectively as "Parties."

2. RECITALS.

2.1 Contractor.

Contractor is a California non-profit public benefit corporation established for the purpose of acquiring and developing reasonably priced housing for the resident worker population of the greater Mammoth Lakes area. The further purposes of the Contractor include managing, facilitating the ownership or rental of such housing, promoting the need for reasonable priced housing for resident workers, as well as assisting and encouraging other entities, both public and private, in the development and acquisition of housing for this purpose. Contractor desires to perform and assume responsibility for the provision of certain professional housing consulting services required by the Town on the terms and conditions set forth in this Agreement. Contractor represents that it is experienced in providing professional housing consulting services to public clients, is licensed in the State of California, and is familiar with the related plans of Town.

2.2 Project.

Town desires to engage Contractor to render such professional housing services as set forth in this Agreement.

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 General Scope of Services. Contractor promises and agrees to furnish to the Town all the services described in Exhibit "A" attached hereto and incorporated herein by reference ("Services"). All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

3.1.2 Term. The term of this Agreement is July 1, 2022 through June 30, 2023 and shall be renewed automatically for two (2) successive terms of one (1) year (July 1, 2023, through June 30, 2025) under the same terms and conditions. Either party may provide written notice of a decision not to renew this Agreement to the other party at least sixty (60) days prior to the expiration of the then-current term of the Agreement. Nothing herein shall prevent or require

the parties to negotiate an extension or amendment to the Agreement to change its terms in connection with an extension, including without limitation by amending the compensation or scope of work.

3.2 Responsibilities of Contractor.

3.2.1 Independent Contractor; Control and Payment of Subordinates. The Services shall be performed by Contractor or under its supervision. Contractor will determine the means, methods and details of performing the Services subject to the requirements of this Agreement. Town retains Contractor on an independent contractor basis and not as an employee. Contractor retains the right to perform similar or different services for others during the term of this Agreement. Any additional personnel performing the Services under this Agreement on behalf of Contractor shall also not be employees of Town and shall at all times be under Contractor's exclusive direction and control. Neither Town, nor any of its officials, officers, directors, employees or agents shall have control over the conduct of Contractor or any of Contractor's officers, employees, or agents, except as set forth in this Agreement. Contractor shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Contractor shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

3.2.2 Substitution of Key Personnel. Contractor has represented to Town that certain key personnel will perform and coordinate the Services under this Agreement. The key personnel for performance of this Agreement are as follows: Patricia Robertson, Executive Director. Should Ms. Robertson become unavailable, Contractor may substitute other personnel of at least equal competence upon written approval of Town. In the event that Town and Contractor cannot agree as to the substitution of key personnel, Town shall be entitled to terminate this Agreement. Contractor shall notify the Town of any proposed changes to the key personnel for performance of this Agreement. Notwithstanding anything to the contrary, the Town agrees and acknowledges that nothing herein shall restrict the Contractor from employing additional personnel to provide the Services under the contract as it deems reasonable, so long as Ms. Robertson continues to be the key personnel for the performance of this Agreement.

3.2.3 Town's Representative. The Town hereby designates Daniel C. Holler, Town Manager, or his/her designee, to act as its representative in all matters pertaining to the administration and performance of this Agreement ("Town's Representative"). Town's Representative shall have the power to act on behalf of the Town for review and approval of all products submitted by Contractor but not the authority to enlarge the Scope of Work or change the total compensation due to Contractor under this Agreement. The Town Manager shall be authorized to act on Town's behalf and to execute all necessary documents which enlarge the Scope of Work or change the Contractor's total compensation subject to the provisions contained in Section 3.3 of this Agreement. If and to the extent the Town enlarges the Scope of Work under this Agreement, all work performed under the expanded Scope of Work shall be considered Extra Work as defined herein and will be billed by the Contractor on an hourly basis. Contractor shall not accept direction or orders from any person other than the Town Manager, as Town's Representative or his/her designee.

3.2.4 Contractor's Representative. Contractor hereby designates Patricia Robertson, Executive Director, or his/her designee, to act as its representative for the performance of this Agreement ("Contractor's Representative"). Contractor's Representative shall have full authority to represent and act on behalf of the Contractor for all purposes under this Agreement. The Contractor's Representative shall supervise and direct the Services, using his/her best skill and attention, and shall be responsible for all means, methods, techniques, sequences, and procedures and for the satisfactory coordination of all portions of the Services under this Agreement.

3.2.5 Coordination of Services. Contractor agrees to work closely with Town staff in the performance of Services and shall be available to Town's staff, Contractors and other staff at all reasonable times, subject to the Schedule of Services to be agreed to by the parties.

3.2.6 Standard of Care; Performance of Employees. Contractor shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Contractor represents and maintains that it is skilled in the professional calling necessary to perform the Services. Contractor warrants that all employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them. As provided for in the indemnification provisions of this Agreement, Contractor shall perform, at its own cost and expense and without reimbursement from the Town, any services necessary to correct errors or omissions which are caused by the Contractor's failure to comply with the standard of care provided for herein.

3.2.7 Laws and Regulations. Contractor shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements, and shall give all notices required by law. Contractor shall be liable for all violations of such laws and regulations in connection with Services. If Contractor performs any work knowing it to be contrary to such laws, rules and regulations, Contractor shall be solely responsible for all costs arising therefrom. Contractor shall defend, indemnify and hold Town, its officials, directors, officers, employees, agents, and volunteers free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.

3.2.8 Insurance.

3.2.8.1 Time for Compliance. Contractor shall not commence work under this Agreement until it has provided evidence satisfactory to the Town that it has secured all insurance required under this section. In addition, Contractor shall not allow any subcontractor to commence work on any subcontract until it has provided evidence satisfactory to the Town that the subcontractor has secured all insurance required under this section.

3.2.8.2 Types of Insurance Required. As a condition precedent to the effectiveness of this Agreement for work to be performed hereunder, and without limiting the indemnity provisions of the Agreement, the Contractor, in partial performance of its obligations under such Agreement, shall procure and maintain in full force and effect during the term of the

Agreement the following policies of insurance. If the existing policies do not meet the insurance requirements set forth herein, Contractor agrees to amend, supplement or endorse the policies to do so.

(A) Commercial General Liability: Commercial General Liability Insurance which affords coverage at least as broad as Insurance Services Office "occurrence" form CG 0001, or the exact equivalent, and shall be no less than $1,000,000 per occurrence and no less than $2,000,000 in the general aggregate. Defense costs shall be paid in addition to the limits. The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; or (3) contain any other exclusion contrary to the Agreement.

(B) Automobile Liability Insurance: To the extent applicable, Contractor shall provide either (1) a Personal Automobile Liability policy for the Contractor's own vehicle stipulating "Automobile Liability Insurance with a limit of not less than $1,000,000 each accident"; or (2) a non-owned auto endorsement to the Commercial General Liability policy if Contractor uses vehicles of others (e.g., vehicles of employees).

(C) Workers' Compensation: Workers' Compensation Insurance, as required by the State of California and Employer's Liability Insurance with a limit of not less than $1,000,000 per accident for bodily injury and disease.

(D) Professional Liability: Professional Liability insurance with minimum limits of $1,000,000. Covered professional services shall specifically include all work to be performed under the Agreement and delete any exclusions that may potentially affect the work to be performed (for example, any exclusions relating to lead, asbestos, pollution, testing, underground storage tanks, laboratory analysis, soil work, etc.). If coverage is written on a claims-made basis, the retroactive date shall precede the effective date of the initial Agreement and continuous coverage will be maintained or an extended reporting period will be exercised for a period of at least three (3) years from termination or expiration of this Agreement.

3.2.8.3 Endorsements. Required insurance policies shall not be in compliance if they include any limiting provision or endorsement that has not been submitted to the Town for approval.

(A) The policy or policies of insurance required by Section 3.2.10.2(A), Commercial General Liability, shall be endorsed to provide the following:

(1) Additional Insured: Contractor agrees to endorse the third party general liability coverage required herein to include as additional insureds Town, its officials, employees and agents, using standard ISO endorsement No. CG 2010 with an edition date of 2010. Contractor also agrees to require all contractors, subcontractors, and anyone else involved in any way with the Project contemplated by this Agreement to do likewise.

(B) The policy or policies of insurance required by Section 3.2.10.2(C),

Workers' Compensation, shall be endorsed to provide the following:

(1) Waiver of Subrogation: A waiver of subrogation stating that the insurer waives all rights of subrogation against the indemnified parties.

3.2.8.4 Primary and Non-Contributing Insurance. All insurance coverages shall be primary and any other insurance, deductible, or self-insurance maintained by the indemnified parties shall not contribute with this primary insurance. Policies shall contain or be endorsed to contain such provisions.

3.2.8.5 Waiver of Subrogation. Required insurance coverages shall not prohibit Contractor from waiving the right of subrogation prior to a loss. Contractor shall waive all subrogation rights against the indemnified parties. Policies shall contain or be endorsed to contain such provisions.

3.2.8.6 Deductible. Any deductible or self-insured retention must be approved in writing by the Town and shall protect the indemnified parties in the same manner and to the same extent as they would have been protected had the policy or policies not contained a deductible or self-insured retention.

3.2.8.7 Evidence of Insurance. The Contractor, concurrently with the execution of the Agreement, and as a condition precedent to the effectiveness thereof, shall deliver either certified copies of the required policies, or original certificates and endorsements on forms approved by the Town. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. At least fifteen (15) days prior to the expiration of any such policy, evidence of insurance showing that such insurance coverage has been renewed or extended shall be filed with the Town. If such coverage is cancelled or reduced, Contractor shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the Town evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies.

3.2.8.8 Failure to Maintain Coverage. Contractor agrees to suspend and cease all operations hereunder during such period of time as the required insurance coverage is not in effect and evidence of insurance has not been furnished to the Town. The Town shall have the right to withhold any payment due Contractor until Contractor has fully complied with the insurance provisions of this Agreement. In the event that the Contractor's operations are suspended for failure to maintain required insurance coverage, the Contractor shall not be entitled to an extension of time for completion of the Services because of production lost during suspension. Contractor shall provide immediate written notice if: (i) any of the required insurance policies is terminated; (ii) the limits of any of the required policies are reduced; or (iii) the deductible or self-insured retention is increased.

3.2.8.9 Acceptability of Insurers. Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and authorized to do business in the State of California, or otherwise allowed to place insurance through surplus line brokers

under applicable provisions of the California Insurance Code or any federal law.

3.2.8.10 Insurance for Subcontractors. All Subcontractors shall be included as additional insureds under Contractor's policies, or Contractor shall be responsible for causing Subcontractors to purchase the appropriate insurance in compliance with the terms of these Insurance Requirements, including adding the Town as an Additional Insured to the Subcontractor's policies. Contractor shall provide to Town satisfactory evidence as required under Section 3.2.8.1 of this Agreement.

3.2.9 Safety. Contractor shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Contractor shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed.

3.3 Fees and Payments.

3.3.1 Compensation. Contractor shall receive compensation for all Services rendered under this Agreement as set forth in Exhibit "B" attached hereto and incorporated herein by reference. The total compensation shall not exceed eighty-four thousand ($84,000) per quarter ($28,000/month) without written approval of the Town Council or Town Manager as applicable, subject to exceptions and terms of Exhibit B related to additional payments. Extra Work may be authorized, as described below, and if authorized, will be billed by the Contractor on an hourly basis at an agreed upon amount.

3.3.2 Payment of Compensation. Contractor shall submit monthly invoices. Town shall pay all undisputed amounts within 30 days of the receipt of each invoice.

3.3.3 Reimbursement for Expenses. Other than as specified in Exhibit B and subject to the terms of Section 3.3.4, the compensation provided for in this agreement constitutes the total compensation to be provide to Contractor. Other than as specified in Exhibit B, the Contractor shall not be granted additional reimbursement for any expenses.

3.3.4 Extra Work. At any time during the term of this Agreement, Town may request that Contractor perform Extra Work, defined to mean any work not specifically identified in the Services, in exchange for additional compensation to be agreed upon between Town and Contractor and billed by the Contractor on an hourly basis. As used herein, "Extra Work" means any work which is determined by Town to be necessary for the proper completion of the agreed upon task, service or project, but which the Parties did not reasonably anticipate would be necessary at the execution of this Agreement. Contractor shall identify any work requested by Town that Contractor believes to be Extra Work, prior to undertaking any such work. Contractor shall not perform, nor be compensated for, Extra Work without written authorization from the Town.

3.4 Accounting Records.

3.4.1 Maintenance and Inspection. Contractor shall maintain complete and

accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Contractor shall allow a representative of Town during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Contractor shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

3.5 General Provisions.

3.5.1 Termination of Agreement.

3.5.1.1 Grounds for Termination. Town may, by written notice to Contractor, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Contractor of such termination, and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination. Upon termination, Contractor shall be compensated only for those services which have been adequately rendered to Town, and Contractor shall be entitled to no further compensation. Contractor may not terminate this Agreement except for cause.

3.5.1.2 Effect of Termination. If this Agreement is terminated as provided herein, Town may require Contractor to provide all finished or unfinished Documents and Data and other information of any kind prepared by Contractor in connection with the performance of Services under this Agreement. Contractor shall be required to provide such document and other information within fifteen (15) days of the request.

3.5.1.3 Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, Town may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.5.2 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Contractor:
Mammoth Lakes Housing
587 Old Mammoth Road, #4
PO BOX 260
Mammoth Lakes, CA 93546
ATTN: Patricia Robertson, Executive Director

Town:
Town of Mammoth Lakes
PO Box 1609
437 Old Mammoth Road, Suite 230
Mammoth Lakes, CA 93546
ATTN: Daniel C. Holler, Town Manager

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at

its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

3.5.3 Ownership of Materials and Confidentiality.

3.5.3.1 Documents & Data; Licensing of Intellectual Property. Subject to the rights and restrictions of vendors and subcontractors, this Agreement creates a non-exclusive and perpetual license for Town to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but not limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Contractor under this Agreement ("Documents & Data"). The term Documents & Data shall specifically exclude licenses, sublicenses, copies, use of databases or software acquired by MLH or its subcontractors. Contractor shall request all subcontractors to agree in writing that Town is granted a non-exclusive and perpetual license for any Documents & Data the subcontractor prepares under this Agreement. Contractor represents and warrants that Contractor will make best efforts to obtain legal rights to license any and all Documents & Data. Contractor makes no such representation and warranty in regard to Documents & Data which were prepared by design professionals other than Contractor or provided to Contractor by the Town. Town shall not be limited in any way in its use of the Documents & Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at Town's sole risk.

3.5.3.2 Confidential Information. The Town agrees and acknowledges that Contractor is subject to the California Public Records Act. The Town shall have access to the information kept by the Contractor associated with the Contractor's performance under this Agreement. The Town shall refrain from releasing information provided to Town by Contractor that Contractor claims is exempt from disclosure under the California Public Records Act ("Contractor Information") unless the Town's legal counsel determines that the release of such information is required by the California Public Records Act or other applicable state or federal law, or order of a court of competent jurisdiction, in which case the Town shall notify Contractor of its intention to release the Contractor Information ("Release Notice").

3.5.4 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

3.5.5 Attorney's Fees. If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorney's fees and all other costs of such action.

3.5.6 Brown Act, Public Records Act, Conflict of Interest and Harassment Training and Compliance. At all times during the term of this Agreement and for all Services performed under the Agreement, the Contractor and Contractor's board of directors shall comply fully with the Ralph M. Brown Act, Government Code Section 54950 et seq. Contractor's

obligation hereunder shall not be limited to complying with the Brown Act with respect to the Services, but rather such obligations shall apply to all activities of Contractor and/or its board during the term of this Agreement. Contractor will comply with the California Public Records Act (PRA) Government Code Section 6250 et seq. Contractor's board members and staff shall comply with the provisions of the Political Reform Act and the related regulations adopted by the Fair Political Practices Commission. Contractor staff and board members shall attend similar harassment and ethics training as required of elected officials, at least every two years and within six months of taking on their respective positions. Contractor shall notify the Town Clerk of any Board vacancy and the name(s) of all new Board members. To assist in meeting these requirements the Town will provide administrative support to Contractor. All confidential records not subject to the Public Records Act will be held and maintained confidentially by the Contractor.

3.5.6.1 Clerking Support Services. The Town, with costs funded from the Housing Reserve, will provide clerking support services to include preparation of agendas, clerking meetings, and preparing minutes in compliance with the above laws and similar support for standing committees that are subject to the Brown Act. All public meetings will be held in the Council Chambers and broadcast though the Granicus system, which may include cable TV government channel broadcasting, unless there is a conflict for meeting space and meetings cannot be rescheduled.

3.5.7 Indemnification.

3.5.7.1 Scope of Indemnity. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold the Town, its directors, officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions, or willful misconduct of Contractor, its officials, officers, employees, subcontractors, Contractors or agents in connection with the performance of the Contractor's Services, the Project or this Agreement, including without limitation the payment of all consequential damages, expert witness fees and attorney's fees and other related costs and expenses. Notwithstanding the foregoing, to the extent Contractor's Services under this contract are subject to Civil Code Section 2782.8, the above indemnity shall be limited and shall not apply, to the extent required by Civil Code Section 2782.8, to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Town.

3.5.7.2 Additional Indemnity Obligations. Contractor shall defend, with counsel of Town's choosing and at Contractor's own cost, expense and risk, any and all claims, suits, actions or other proceedings of every kind covered by Section 3.5.6.1 that may be brought or instituted against Town or its directors, officials, officers, employees, volunteers and agents. Contractor shall pay and satisfy any judgment, award or decree that may be rendered against Town or its directors, officials, officers, employees, volunteers and agents as part of any such claim, suit, action or other proceeding. Contractor shall also reimburse Town for the cost of any settlement paid by Town or its directors, officials, officers, employees, agents or volunteers as part of any such claim, suit, action or other proceeding. Such reimbursement shall include payment for Town's attorney's fees and costs, including expert witness fees. Contractor shall reimburse Town and its directors, officials, officers, employees, agents, and/or volunteers, for any and all

legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the Town, its directors, officials officers, employees, agents, or volunteers.

3.5.8 Entire Agreement. This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be modified by a writing signed by both parties.

3.5.9 Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in Mono County.

3.5.10 Time of Essence. Time is of the essence for each and every provision of this Agreement.

3.5.11 Town's Right to Employ Other Contractors. Town reserves the right to employ other Contractors in connection with this Project.

3.5.12 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties.

3.5.13 Assignment or Transfer. Contractor shall not assign, hypothecate, or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of the Town. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

3.5.14 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to Contractor include all personnel, employees, agents, and subcontractors of Contractor, except as otherwise specified in this Agreement. All references to Town include its elected officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

3.5.15 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

3.5.16 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

3.5.17 No Third-Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

3.5.18 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5.19 Prohibited Interests. Contractor maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Agreement. Further, Contractor warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, Town shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of Town, during the term of his or her service with Town, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

3.5.20 Equal Opportunity Employment. Contractor represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Contractor shall also comply with all relevant provisions of Town's Minority Business Enterprise program, Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

3.5.21 Labor Certification. By its signature hereunder, Contractor certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.5.22 Authority to Enter Agreement. Contractor has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

3.5.23 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

3.6 Subcontracting.

3.6.1 Subject to Provisions. To the extent that Contractor subcontracts any portion of the work required by this Agreement, each such subcontract shall contain a provision as applicable making it subject to all provisions stipulated in this Agreement.

TOWN OF MAMMOTH LAKES

By: _____
Daniel C. Holler, Town Manager

MAMMOTH LAKES HOUSING

By: _____
Kirk A. Stapp, President

Attest:

By: _____
Jamie Gray
Town Clerk

Approved as to Form:

By: _____
Andrew Morris
Town Attorney

EXHIBIT "A"
SCOPE OF SERVICES & DELIVERABLES

Mammoth Lakes Housing (MLH) implements a number of programs and services designed to increase the amount of affordable housing and to preserve existing affordable housing in the Town of Mammoth Lakes. MLH provides basic housing related services such as providing bilingual information and educational resources, support for housing grant applications and implementation, housing projects, advocacy, and securing affordable deed restricted housing units. MLH works to support and facilitate community housing at all income levels, with the priority being low- to moderate-income levels within the Town of Mammoth Lakes through ongoing programs and services and the implementation of deliverables provided herein.

1. Provide Community Housing Resources
    a. Continue to provide overall management and support for MLH services.
    b. Provide housing services and information to community members through regular office hours, an updated website, and providing information on housing-related resources and/or services.
    c. Provide at least two homebuyer education classes or other training opportunities annually.
    d. Serve on the regional Continuum of Care for homelessness program coordination.
2. Creation and preservation of Deed Restricted Units (ownership and rental)
    a. Partner with the Town and Mono County to leverage the respective Revolving Loan Funds (RLF) to preserve deed restricted units.
    b. Use the Town Bridge program to add new deed restricted units, as staff capacity allows, up to three units.
    c. Identify funding sources and develop new programs to add affordable deed restricted units.
    d. Upon implementation of the HomeKeeper database software, MLH will provide on an annual basis by April 30th of each year a monitoring compliance report of the deed restricted units to show units in compliance, sales of units, and other pertinent information.
3. Grant Procurement and Management to bring more money to produce new housing units and programs (e.g., mortgage assistance, rent assistance, etc.):
    a. Traditional funding sources like CDBG, HOME, and similar programs.
    b. Non-traditional sources (e.g., Community Reinvestment Act (CRA)).
    c. Actively manage, report, track and promote grant funding.
    d. Costs of administering grants shall be paid to the extent contemplated by Section 1.c of Exhibit B.
4. Provide Real Estate Services
    a. Any additional real estate services, such as selling Town-owned real estate, will be commission-based.
        i. Representation of the Seller will be performed for 1.5% of the Sales Price.
        ii. Representation of the Buyer will be performed for 1.5% of the Sales Price.

5. Stewardship of Existing Community Housing Assets
    a. Ensure applicant compliance with the Kitzbuhl Regulatory Agreement
    b. Annually monitor homeownership land trust units and Town's mortgage assistance loan portfolio.
    c. Enter all of the Town's deed restrictions into the HomeKeeper Database and provide annual monitoring services. Any costs associated with enforcing restrictions that MLH is not a party to, will be billed directly.
    d. Prepare the Annual Apartment Vacancy Report.
6. Provide Community Updates
    a. Formal updates (a minimum of two per year) to the Town Council on MLH activities with one to outline the coming year's work program.
    b. Provide ongoing informal updates as appropriate to Town Council and Town Staff.
    c. Submit all documents and invoices (activity delivery, setup/completion, state funds request, deed of trust, promissory note, etc.) on a timely basis.

EXHIBIT "B"
COMPENSATION

Section 1: Payments and Financial Accounting and Reporting

a) The Town shall pay to Mammoth Lakes Housing (MLH) the sum of $84,000 per quarter ($28,000/month) beginning July 1, 2022, unless adjusted as provided for herein. Payment will be made on a quarterly basis during the term of this Agreement. Payments are not to exceed $336,000 per fiscal year, unless specifically approved by the Town Council. Extra Work may be authorized, as allowed under Section 3.3 of the Agreement, and if authorized, will be billed by the Contractor on an hourly basis at an agreed upon amount.

b) MLH shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Contractor shall allow a representative of Town during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Contractor shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

c) In addition to the payments under Section 1.a above, the Town agrees to pay MLH the administrative and activity delivery funds allowed in all housing related grants received by the Town, including CDBG, HOME, HELP Begin, etc. as mutually agreed upon through applicable subrecipient agreements. MLH acknowledges that Town may refuse to enter into subrecipient agreements that do not permit Town to retain a portion of the administrative funds to support the Town's administrative costs.

d) Funds received from non-Town sources shall be identified and accounted for separately. Separation of sources and uses of funds is necessary to provide accounting of the use of restricted funds in compliance with restrictions placed on funding in connection with state, federal or other grants, funding from other agencies and the Town. Separation of revenues and expenditures will identify and reduce potential Town subsidies of other agency grants and programs. Other Town sources of funds received (i.e. grant funds) will be reviewed and may reduce the amount of allowed carryover or final payment of funds provided herein.

Section 2: The Town may, in its sole discretion, provide additional funding to MLH in amounts approved by a resolution of the Town Council. The resolution will set forth the purpose of the funding, the source, any restrictions, and other matters relating thereto. MLH may request additional Town housing restricted funds for specific uses.

Section 3. Town funding provided for under this Agreement is for Mammoth Lakes Housing, Inc. only, in order to complete the deliverables outlined in Exhibit A (except as noted), or as approved by the Town Council. It is not intended to be used on behalf of or to offset expenses incurred by activities undertaken by MLH acting in the capacity of a Community Housing Development Organization (CHDO), unless such use of Town funds are expressly approved by the Town Council.

Section 4. Ongoing funding is subject to Town Council appropriation and subject to available

revenues. In the event that revenues are not available or not appropriated, the Town shall no longer be obligated to make any payments to MLH and MLH shall no longer be required to perform any Services on behalf of the Town. Non-appropriation of funds shall require at least 90-day notice to MLH. To the extent the additional payments are necessary to meet contractual obligations which relate to the defined deliverables provided in this agreement, MLH will need to request these funds with information on the obligations to meet contractual requirements.

Section 5. In the event MLH ceases to operate or exist, all unexpended Town funds held by MLH shall be returned to the Town.

Town Council
&
Mammoth Lakes Housing Board
Joint Meeting

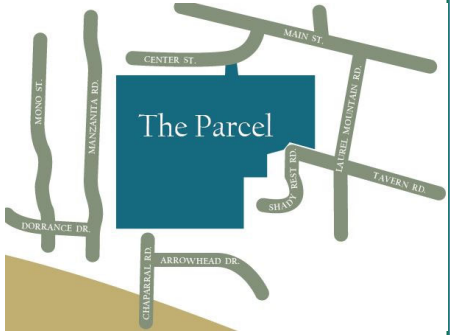
October 5, 2022

HOUSING NOW!

MAMMOTH LAKES HOUSING, INC.

1

The Parcel



Up to 450 affordable housing units

25 Acres

Target Income Level: ≤ 80% AMI

Phase 1

81 rental units under construction (*80 affordable units + 1 manager's unit*)

Studio, 1, 2, and 3-bedroom units

$50M project (State and Local Funds)

Occupancy Fall 2023

Public Park

Childcare Facility – 34 children (infants, toddlers, & preschool)

Phase 2

148 rental units (1-2 manager's units)

Studio, 1, 2, and 3-bedroom units

$95M project (State and Local Funds)

Design approved by PEDC in July 2022

Construction timeline is pending funding







PROGRAM
New Affordable Housing

Low Income Household (≤ 80% AMI)	
1-Person HH	$45,300
2-person HH	$51,800
3-Person HH	$58,250
4-person HH	$64,700
5-Person HH	$69,900

Small Site Development

60 Joaquin Road (0.20-acre site)

4-unit Design-Build Project

Ownership units

$2.4M Bid Award (*Site Acquisition: $200K*)

Target Income Level: 150% AMI

Targeting occupancy in Fall 2023



Future Development Sites

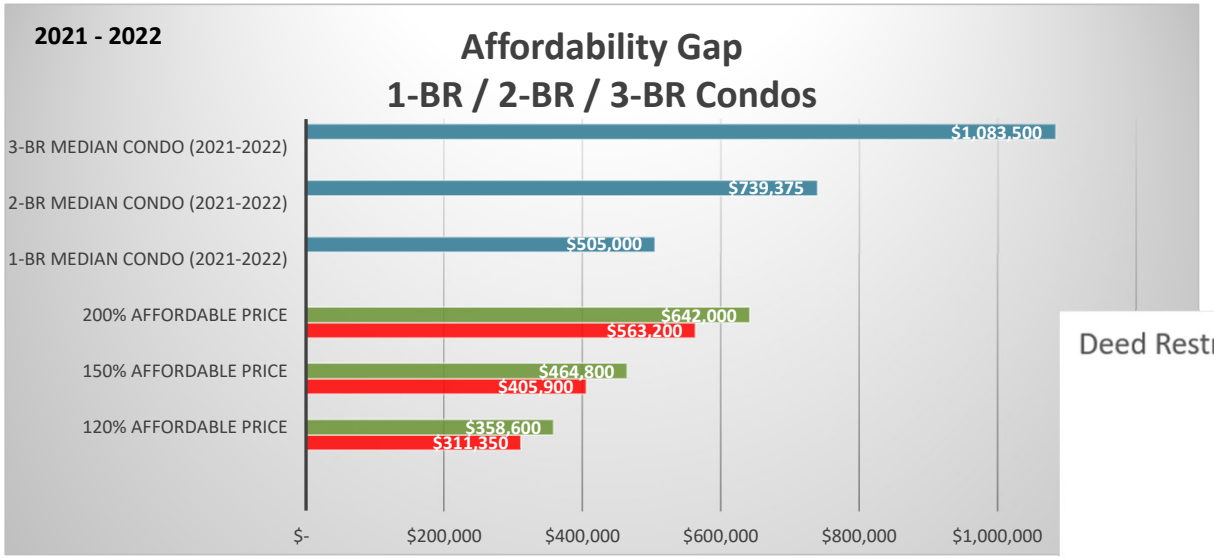
PUD development model is replicable and scalable

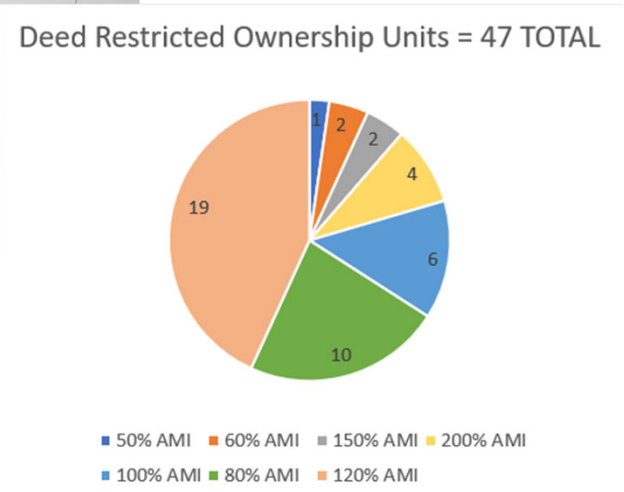


PROGRAM
New Affordable Housing

Above-Moderate Household (≤ 150% AMI)	
1-Person HH	$85,250
2-person HH	$97,450
3-Person HH	$109,600
4-person HH	$121,800
5-Person HH	$131,550

Bridge Program





- Convert Market-Rate Unit → Deed Restricted Affordable Unit
- Partnership w/ MLH
- Target Income Level: 120% AMI
- Town Subsidy of $100K - $150K / unit
- Funding: $1.4M allocated in FY 21/22
- 5 units acquired (Range of Studio – 4-br units)
  - (2) have been sold to eligible households
  - (3) are listed for sale; MLH working w/ households on their wait list to match them with a unit

PROGRAM
Unlock Existing Housing

Based on current interest rates, a household needs to earn $40K - $60K more annually than a year ago to prevent being cost burdened!

Moderate Household (≤ 120% AMI)	
1-Person HH	$68,200
2-person HH	$77,950
3-Person HH	$87,700
4-person HH	$97,450
5-Person HH	$105,250

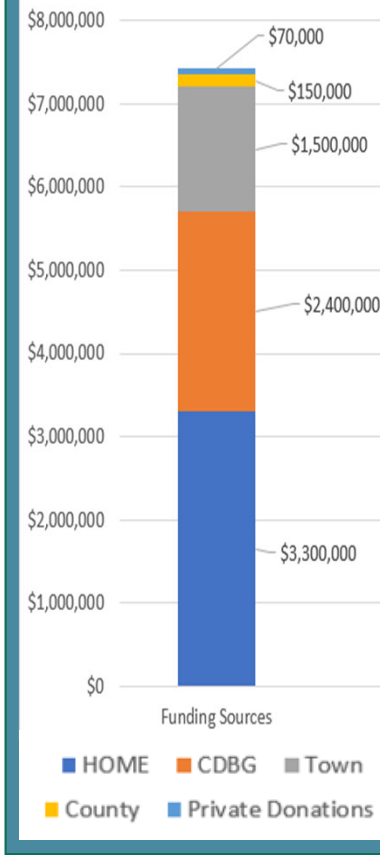
Access Apartments



- 238 Sierra Manor Road
- Convert commercial buildings into (11) 1-br apartments
- Occupancy Target – Spring 2024
- Restricted to 80% AMI Households
- Funding Sources:
  - CDBG Grant: $3M
  - HOME Grant: $3.4M
  - Town Commitment: $1.5M

PROGRAM Partnerships

FUNDING SOURCES



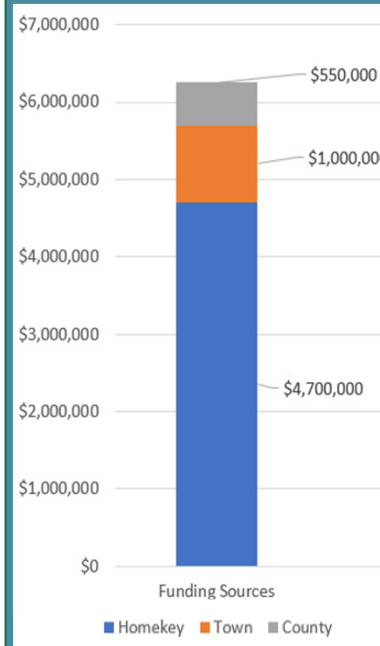
Homekey Project - Innsbruck Lodge



- 913 Forest Trail
- Convert hotel to residential use (15 affordable units + 1 manager's unit)
- Occupancy Target – Summer 2023
- Restricted to households earning below 80% AMI
- Funding Sources:
  - State Grant: $4.7M
  - Town Commitment: $1M
  - County Commitment: $550,000

PROGRAM Partnerships

FUNDING SOURCES



Housing Grants & Partnerships

$75.6M in Recent Grant Awards! [TOML + MLH]

- Parcel
  - $38.6M - Housing Accelerator
  - $20.6M - Infill Infrastructure Grant
  - $2.3M - Behavioral Health Grant
  - $1.8M - SB1 Road Grant
  - $225K - Planning Grants
- Access Apartments
  - $3M - CDBG (TOML)
  - $3.4M - HOME (MLH)
  - $20k Library Fee Waiver (MLH)
- Homekey Project
  - $4.7M - (TOML + MC + MLH)
- RCAC - $16K (MLH)
  - Rent Assistance (MLH)
- CalHome - $981K (MLH)
  - Mono County Mortgage Assistance & Rehab / ADU Construction

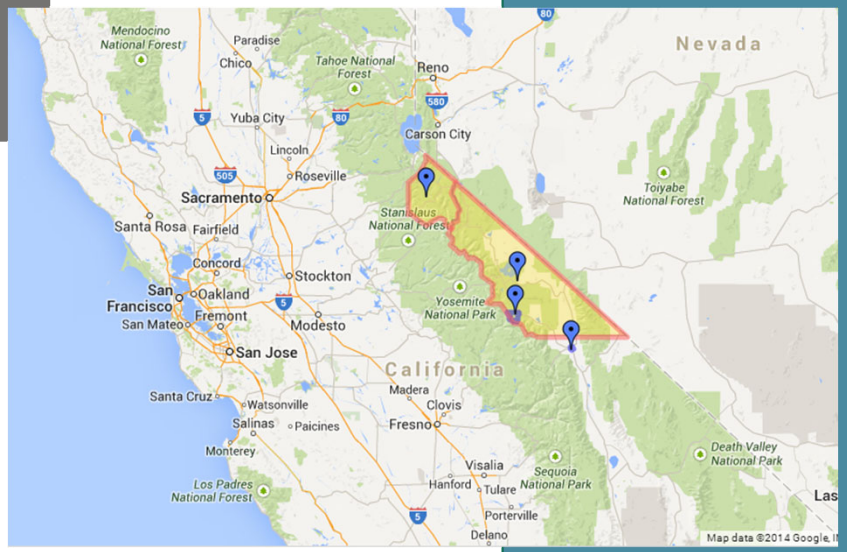
MLH Partnerships

- MLH + TOML Contract - $336K
- MMSA Contribution - $10.5K
- Housing Navigator
  - Mono County - $100K
  - Alpine County - $100K
- State Rental Assistance – $36K



As of Sept-2022

MLH Regional Work



- Valley Apartments Preservation Project, Bishop
  - 19 apartments
  - Pursuing Portfolio Reinvestment Program, Rehabilitation Grant
- Silver Peaks LIHTC Project, Bishop
  - 72 apartments
  - Local Nonprofit Partner
  - MLH bringing competitive advantage to some funding sources (Super NOFA and HOME as a CHDO)
- Birch Creek Condo, Transitional Housing Unit, June Lake
  - 1 transitional housing unit for those experiencing homelessness
- Project Homekey, Round 3, Spring 2023, Mono County
  - Assessing potential sites in unincorporated Mono County

Discussion Topics

1. Accessory Dwelling Units
2. Down-Payment Assistance
3. Mobile Home Rent Control

HOUSING NOW!

MAMMOTH LAKES HOUSING, INC.

Accessory Dwelling Units



PLAN 1 (SHOWN AS RURAL MOUNTAIN)



PLAN 2 (HIGH DESERT)



PLAN 3 (SHOWN AS RURAL MOUNTAIN)

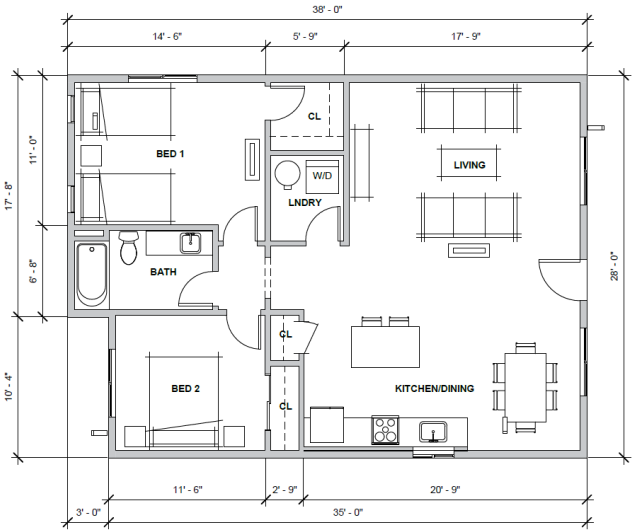


PLAN 4 (HIGH DESERT)

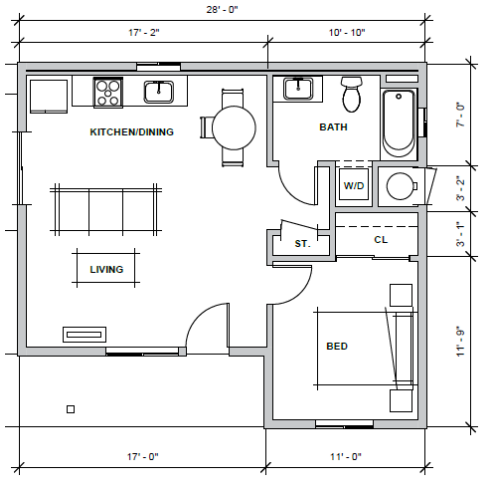


PLAN 5 (SHOWN AS RURAL MOUNTAIN)

- Allowed in all zones that allow single-family or multi-family residences
- Prescribed designs available (5 designs)
- Expedited review



Plan 5 | 2-br | 1,000 sf

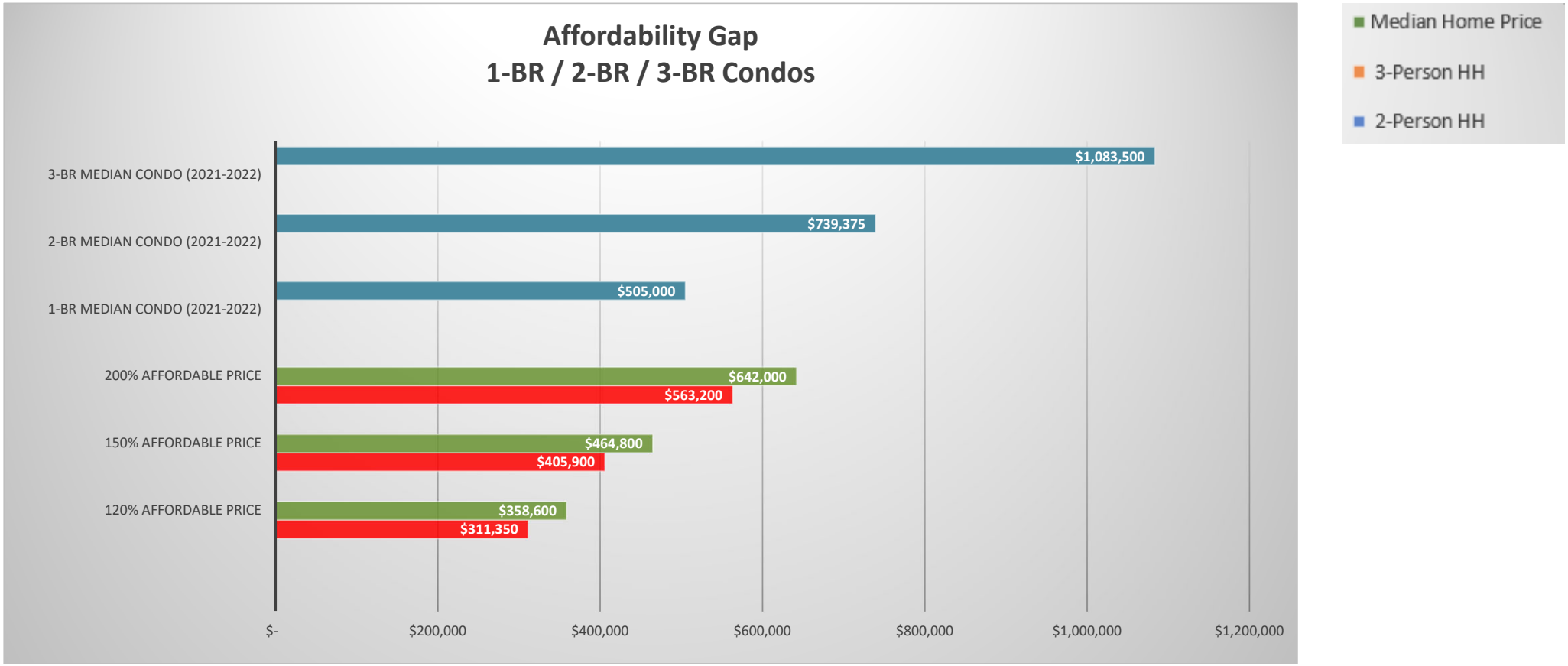


Plan 2 | 1-br | 615 sf

TOWN ADU CODE SECTION

https://library.municode.com/ca/mammoth_lakes/codes/code_of_ordinances?nodeId=TIT17ZO_ARTIIISIPLGEDEST_CH17.52STSPLAUSAC_17.52.055ACDWUNAD

Down-Payment Assistance



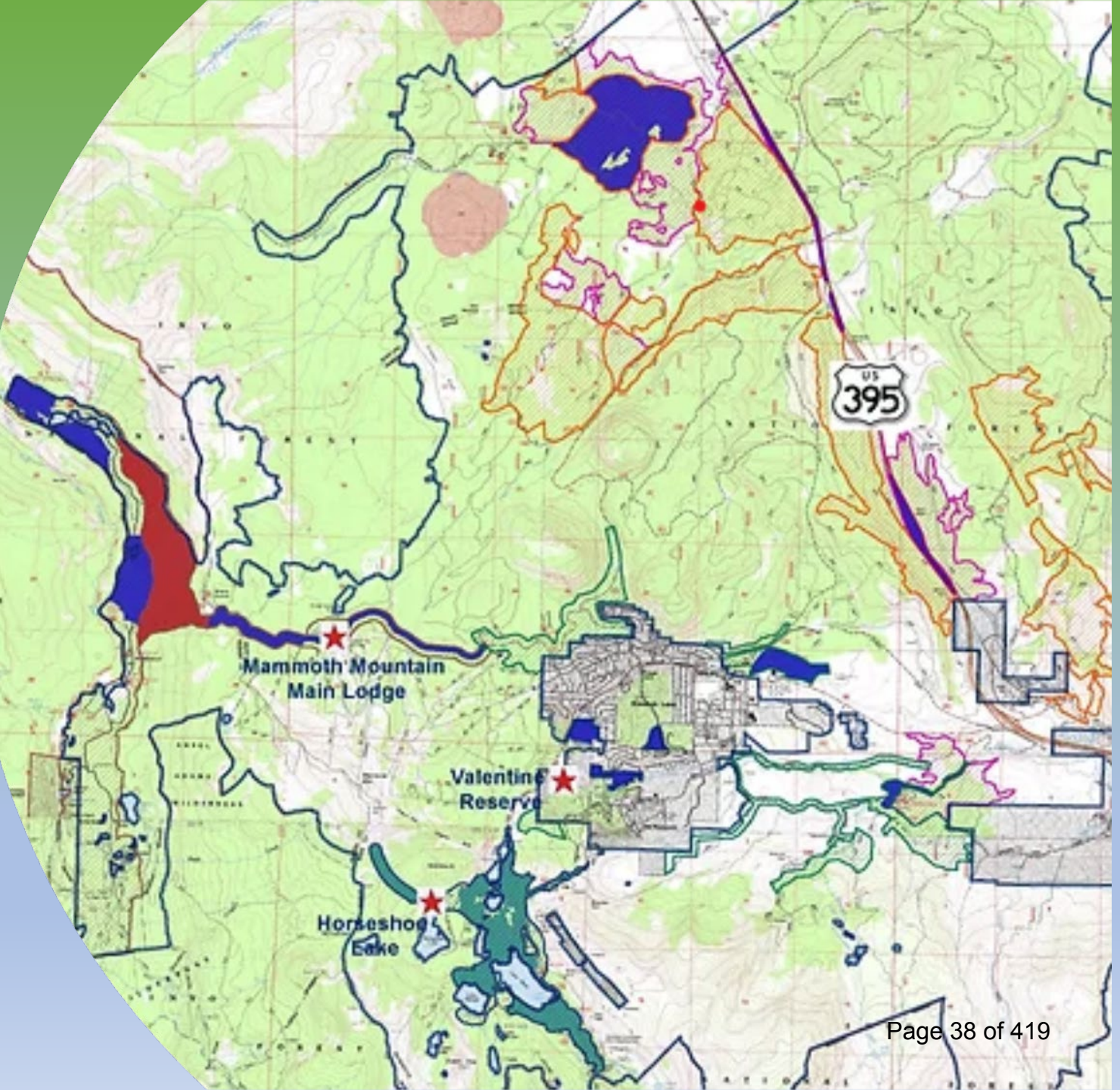
Mobile-Home Rent Control

- Due to the rising space rents at mobile home parks in the State, some jurisdictions are implementing rent control ordinances to maintain this “naturally affordable” housing stock (e.g. Tuolumne County).

- Alpine County is also considering an ordinance.

- In the past, MLH has received complaints regarding mobile home space rent increases as well as substandard management practices.

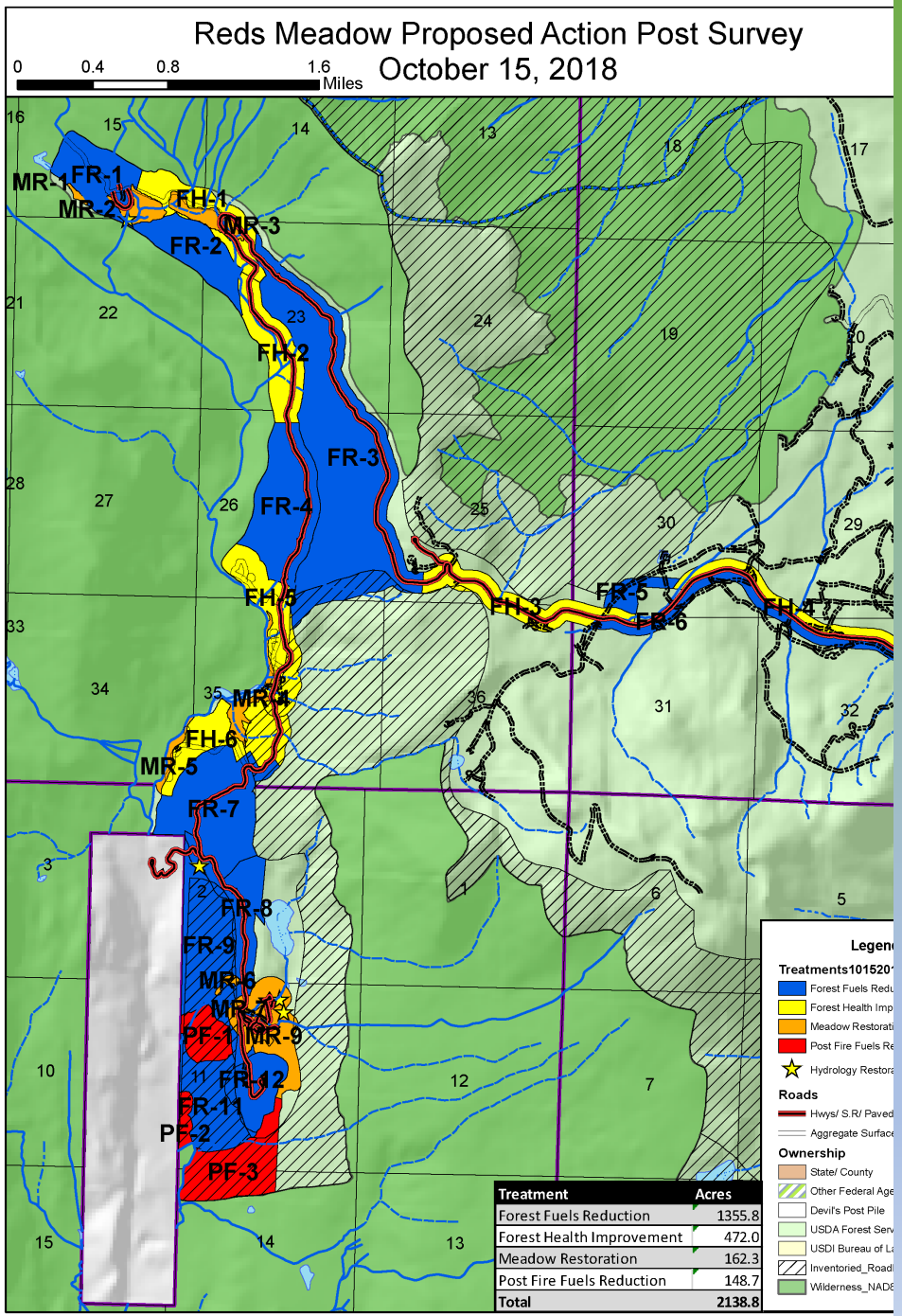




ESCCRP Progress Update

TOML Council Meeting

Oct 5, 2022



Implementation Progress Update

- **Spring 2022 –** Lakes Basin 336 Acres Pile Burning **(INF, NFF)**
- **Summer 2022- Completed Units-** CAL FIRE
  - (FR1, FR-2, FR4, FH-3, FH-4)- 466 aces-Whitebark
  - Inyo Craters (98 bonus acres + 73 acres from INF contract)

- **Fall 2022-** CAL FIRE (weather permitting)
  - FR-3-(Broadcast Burn 300 Acres) -INF
- **Summer 2023-CAL FIRE**
  - Non-Fed parcels (hand thin 80 acres)- Whitebark
  - Hwy 395 Median (combination thin- 118 acres)- Whitebark
  - Three Creeks (mechanical thin 550 acres)- NFF
  - Lakes Basin (mechanical thin- 60 acres)- Whitebark/MLFSC
  - Shady Rest CG (Hand thin 80 acres,)- Whitebark
- **Summer 2024** –SNC Directed Grant Funding Invite
  - Any uncompleted Units from 2023
  - All remaining FR & FH Units Reds Meadow Valley/ Sherwin Creek Aspen Cont. (TBD)

Reds Meadow – Unit FR-2

Agnew Meadow Units

Before



After



Below Sherwin Creek Campground – Unit T-6

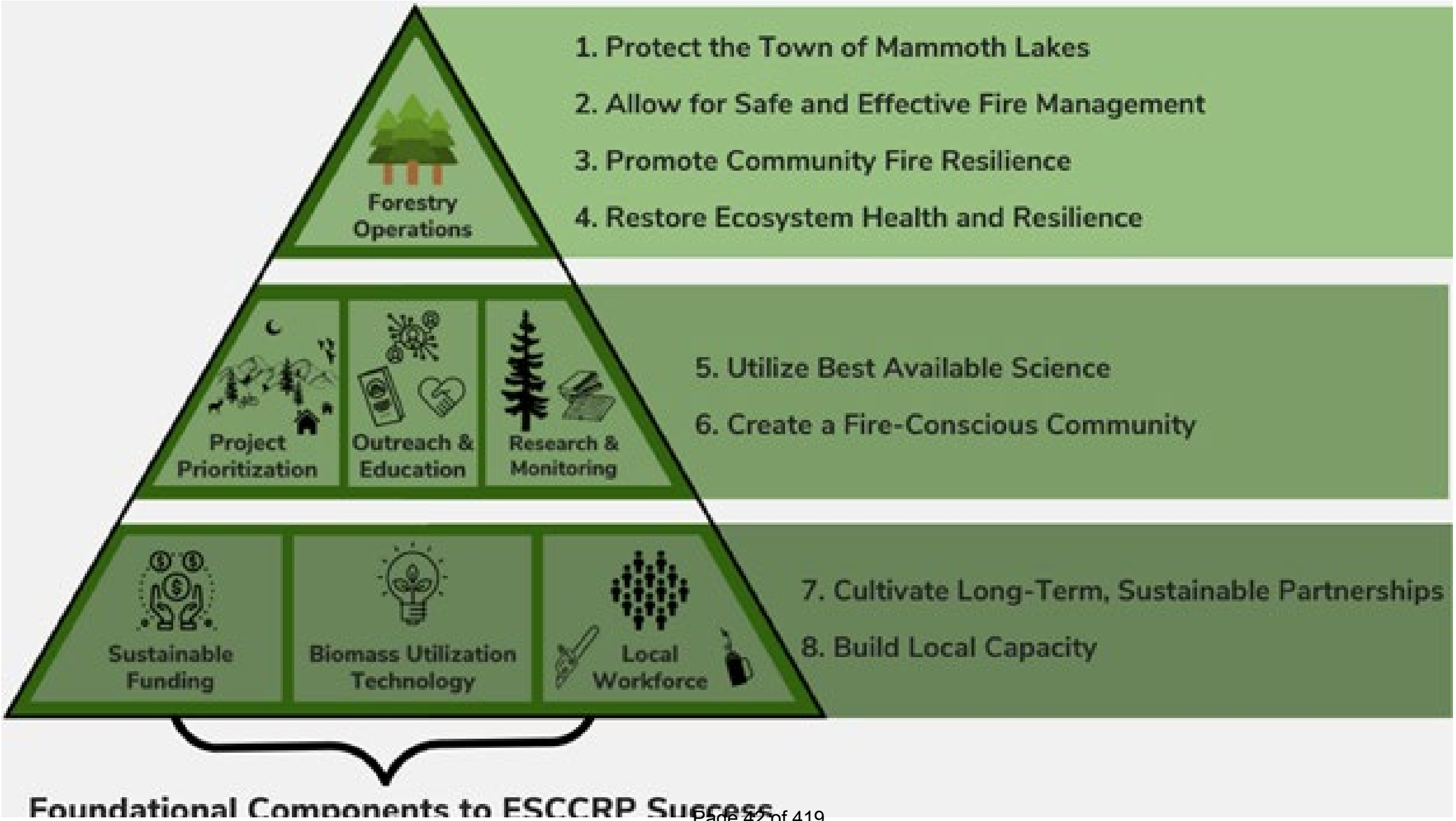
(Photo point: Mammoth Creek just above the footbridge)

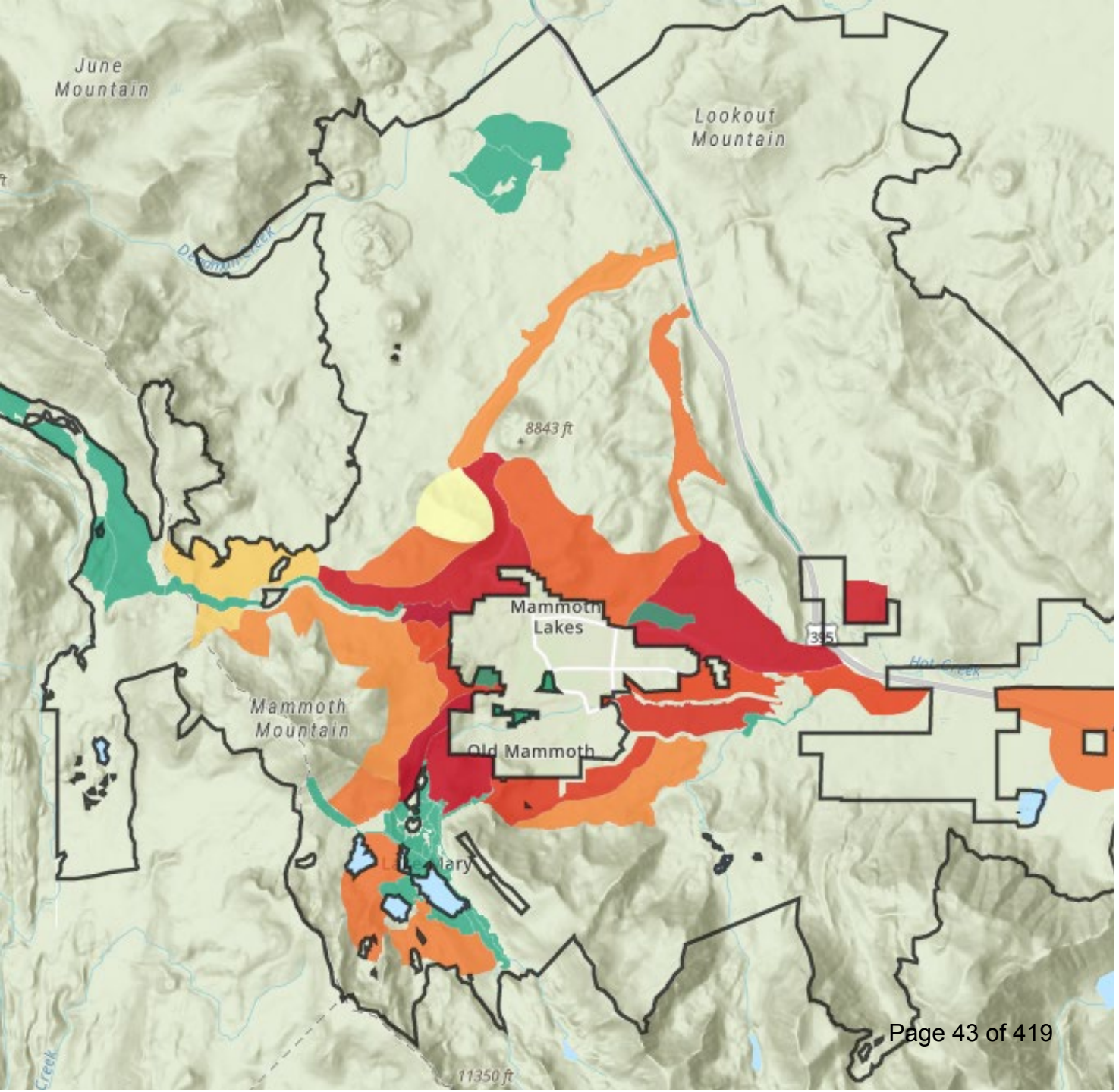
Before



After




1. Protect the Town of Mammoth Lakes
2. Allow for Safe and Effective Fire Management
3. Promote Community Fire Resilience
4. Restore Ecosystem Health and Resilience
Forestry Operations
5. Utilize Best Available Science
6. Create a Fire-Conscious Community
Project Prioritization
Outreach & Education
Research & Monitoring
7. Cultivate Long-Term, Sustainable Partnerships
8. Build Local Capacity
Sustainable Funding
Biomass Utilization Technology
Local Workforce
Foundational Components to ESCCRP Success



ESCCRP- 10 K Priority Acres

6515 Acres Mechanical - $2,458K/ac
1172 Acres Helicopter - $7,773k/ac
1692 Acres Hand Thin - $2,365k/ac

Total Priority Acres Cost = $30 Million

Benefits beyond community resilience…

Water Benefits= UOR ESCCRP Treatments (40% B/A reduction in 50% of project area)

8,500-10,000 AF annually based on avg ppt.

2022 Market Index = $1,000/ AF



GHG= Upper Owens/Lower Mono Basin "Fireshed"

AWE- GHG reduction occur when emissions are lower compared to no action alternative

Lakes Basin & June pilots (500 metric tons)

30,000 metric tons of CO2e over 40 years

Benefits beyond community resilience…



FOREST RESILIENCE BOND



Introduction to the FRB

Prepared for the ESCCRP Financial Advisory Team

September 8, 2022

Annapurna Holtzapple
Nick Wobbrock
Phil Saksa

BLUE FOREST CONSERVATION

Potential Monetizable Benefits



Water Quality

Reduced risk of ash, sediment, and debris from large fires contaminating water sources.



Water Flow Rates

Improved water flow throughout the year resulting from precipitation retention.



Fire Protection

Reduced risk of damage to infrastructure and homes from large fires



Carbon Security

Reduced risk of large wildfire carbon emission events and protected forest carbon stocks.



Tourism and Recreation

Reduced risk of fire evacuations and smoke-caused air pollution that dissuades recreators.

FOREST RESILIENCE BOND



WILDFIRE

COMMUNICATION SURVEY

The Whitebark Institute is working on a multi-year project to address the threat of wildfires in Mammoth Lakes and surrounding areas through forest management, fuels reduction, stakeholder coordination, and outreach and education. Your answers to this survey will help us design strategies to make our communication more effective.

We greatly appreciate you taking the time to share your thoughts.

Respondents could be selected for a **$20** gift certificate at a range of local businesses.

TO PARTICIPATE SUBMIT SURVEY BEFORE OCT 31st 2022

SCAN ME

WHITEBARK INSTITUTE

www.eswildfirealliance.org

TOWN COUNCIL STAFF REPORT

Title: Update on Transit Service.

Meeting Date: October 5, 2022

Prepared by: Haislip Hayes, PE Public Works Director
Phil Moores, ESTA Executive Director

RECOMMENDATION:

Receive a presentation from Staff and ESTA regarding 2022 winter transit service and proposed route changes for 2023.
Provide direction to staff regarding further development of proposed routes.

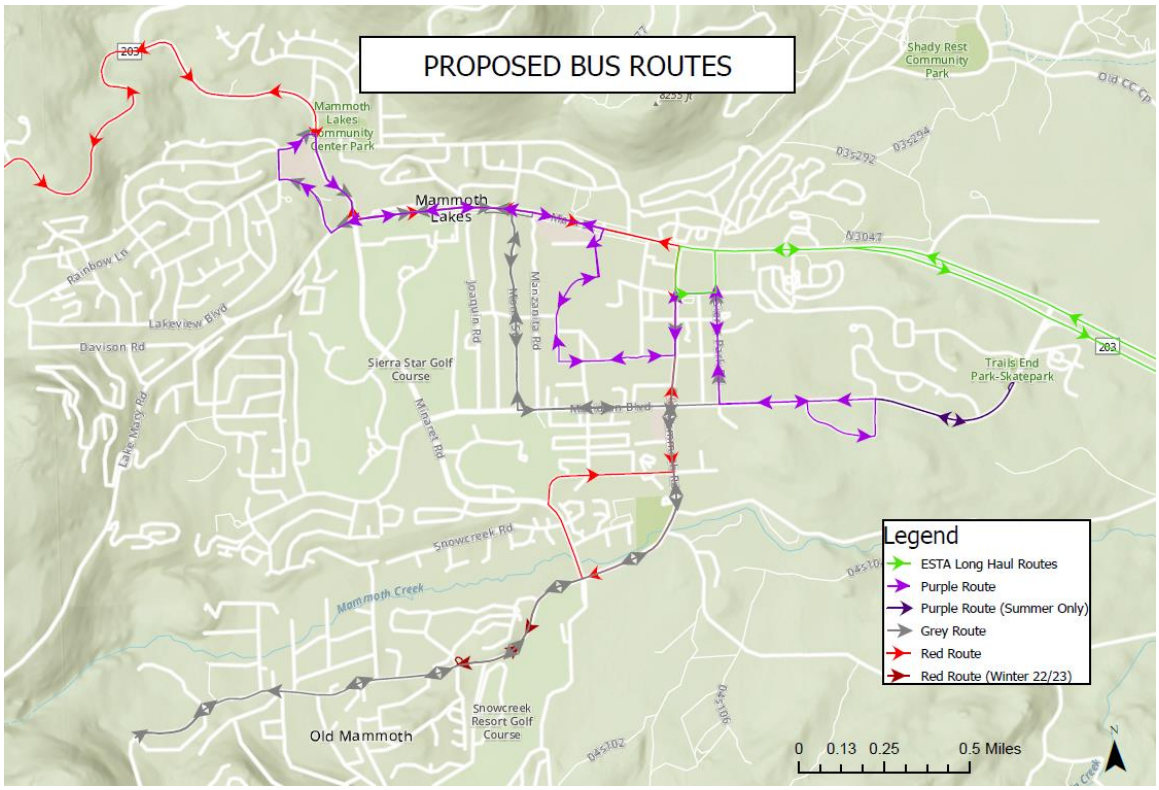
BACKGROUND:

The Eastern Sierra Transit Authority (ESTA) was established in November of 2006 as a Joint Powers Authority between the Counties of Inyo and Mono, the City of Bishop, and the Town of Mammoth Lakes. ESTA was created to meet the need for public transportation for the entire Eastern Sierra region. Locally, ESTA provides a number of services for the Town of Mammoth Lakes including the Lakes Basin Trolley, Purple Line, and Town Trolley. These services are provided to the Town through a contract with ESTA in which the Town pays an hourly rate for a prescribed number of hours. Contracting in this format provides the flexibility to extend service seasonally and as demand requires. The Town's transit needs are changing with the construction of "The Parcel", recent conversations regarding service to Old Mammoth, and the Community Recreation Center (CRC). These changes create new challenges and opportunities.

ANALYSIS:

Staff representing the Town and ESTA have been meeting to discuss current routes and evaluate how each could be updated to better provide service to the community. Staff has tested a number of these routes making sure these proposals are feasible. During these tests and meetings, it was determined that an extensive overhaul of the existing town routes would be needed to meet the changing needs of the community and create more opportunities for connectivity. The major changes proposed include modification to the Red Line and splitting the Purple between routes Line into two lines. Overlapping these revised routes would create an opportunity to better connect external routes to Town including YARTS and the Lancaster Reno lines. The route updates would eliminate ESTA stopping in the Vons parking lot and move the stop to the shelter on Old Mammoth Road, which is an operation ESTA has long desired improve. Overlapping the routes near important destinations such as the hospital, schools, retail and commercial centers would provide easier and more convenient access for residents.

With exception to minor modifications to the Red Line for winter 22/23 the intent would be to evaluate the final alignments and stops over the winter and spring and implement next summer when residents begin to move into the Parcel. Changing an existing bus route more than 25% requires a public process. Implementing proposed changes in summer of 2023 will provide ample time to discuss the details of these proposed changes with the public. The routes below are diagrammatic, and the final alignments and stops would be finalized through a public process.

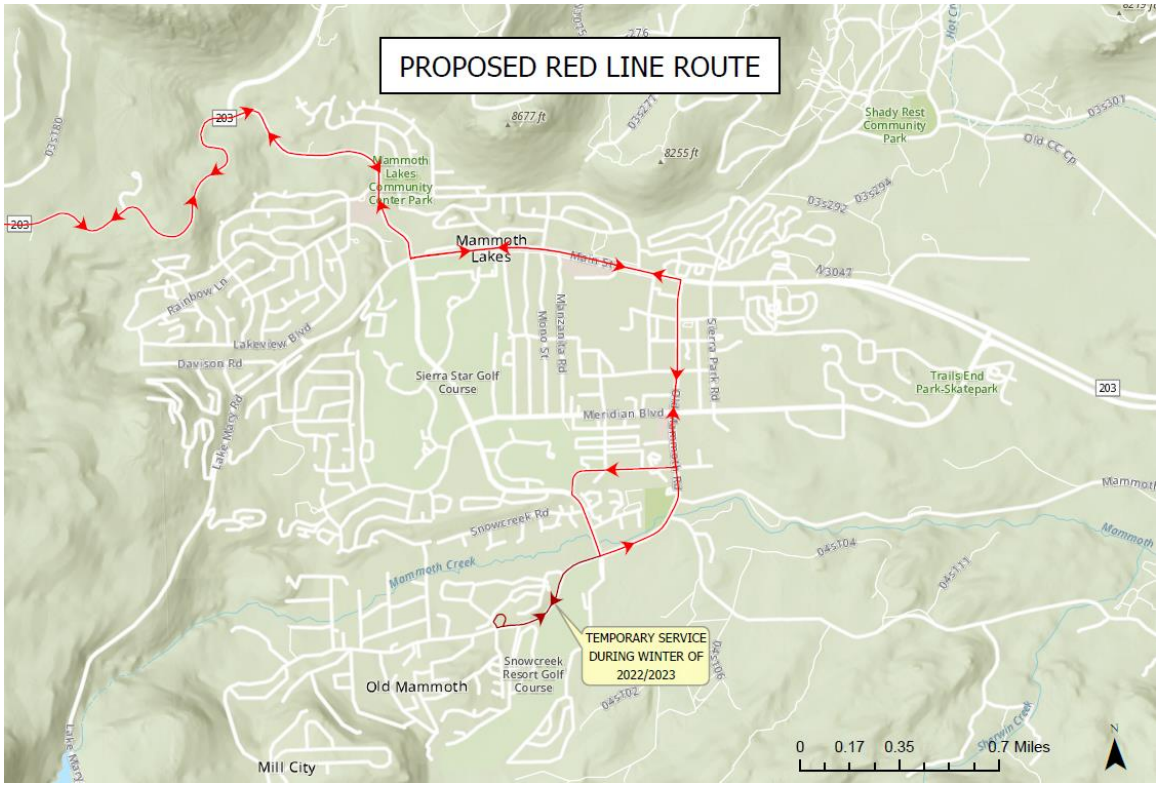


Proposed Route Changes for 2023

Winter Red Line Service

Staff and Council have previously discussed the challenges associated with the winter Red Line including the loss of a staging site on Club Drive on Snowcreek VII property across from the Snowcreek Athletic Club. Staff has proposed alternatives to better serve the Old Mammoth Neighborhood; however, these options were met with strong opposition from members of the public. In the meantime, ESTA has used the Fire Station Parking Lot on the corner of Old Mammoth Road and Club Drive as a turn around. The bus is not permitted to stop nor are riders permitted to load in the Fire Station Parking lot. Riders are loading on the south side of Old Mammoth Road (between Ski Trail and Ranch Road) at Stop 2. This not the most desirable stop location as residents must cross the street and walk a longer distance to access the stop. Staff has come to an agreement with the Mammoth Lakes Fire Protection District to continue to use the Fire Station as a turnaround for the 22/23 winter. The temporary turnaround will allow the Red Line to continue to serve portions of Old Mammoth until a better solution can be found.

The CRC mobility hub is envisioned to provide a transfer location for the Red and Grey Lines as well as provide a break location for the drivers. In support of the Mobility Hub and Recreation Center the facility was designed and constructed to include an ADA compliant bus turnout that can support two buses at one time as well as a transit shelter consistent with those throughout Town. The CRC parking lot can support transit circulation internally and has a second turnout within the parking lot. Beyond the 22/23 winter the CRC would act as a transfer location from the smaller purple and grey line buses to the larger buses that serve the Red Line.



Red Line Service Winter 22/23



Red Line Service – MLFPD Turnaround and Old Mammoth Stop Winter 22/23

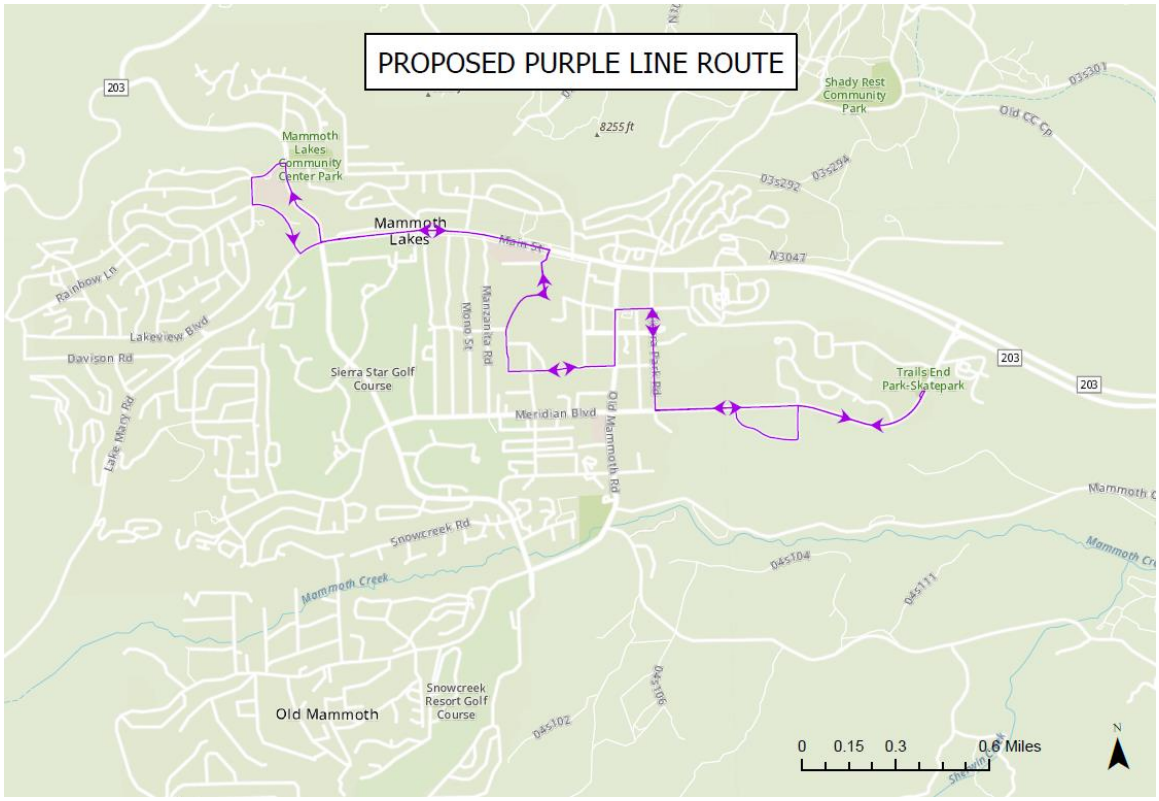
Purple Line Service

The Purple Line is generally considered a "locals" route. The line touches many of the higher density neighborhoods in Town and provides access to the commercial corridor, the hospital, schools, and parks and recreation amenities, but is long and difficult to understand. The current Purple Line is split in many locations with access on one side of the road in only one direction. The goal would be to create a route that is more linear with stops heading in both directions on opposite sides of the street. A shorter route would be less confusing and offer a shorter ride and headway. A proposed re-route in 2023 of the Purple Line accomplishes these goals and would provide access to The Parcel as shown below. Service to the Sierra Valley Sites neighborhood would be covered by the addition/re-introduction of an Old Mammoth Grey Line, discussed below. The Purple Line would overlap portions of the Red Line and Grey Line, allowing transfers between the lines to provide access to all destinations. As mentioned above a benefit of the re-route eliminates the stop over in the Vons parking lot resolving private property concerns and potential conflicts within the parking lot.

The Town of Mammoth Lakes and ESTA staff have been discussing how to best connect The Parcel to existing transit routes for the past year. These conversations have resulted in the proper placement of transit pull outs and shelters within The Parcel. The locations chosen and under contract for construction provide the flexibility for transit to provide quality access to and through The Parcel. The Town expects to provide transit services to The Parcel in summer/fall 2023 when residents move into the new development.



Current Purple Line

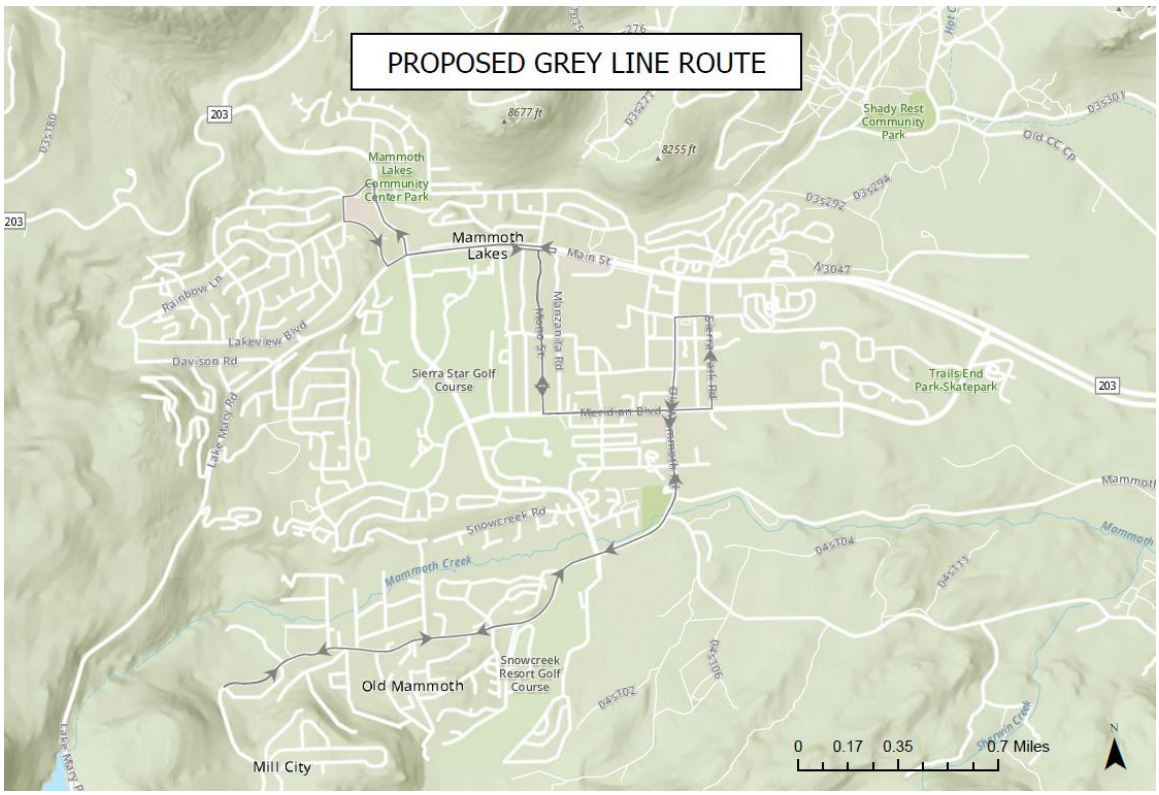


Possible re-route of the Purple Line

<u>Old Mammoth / Sierra Valley Sites Grey Line</u>

A key aspect of developing these conceptual routes to improve service includes driving the routes and observing benefits and challenges to the various routes. Driving the routes and simulating stops process ensures the route is the right length to allow for the proper time

for people to board the busses and drivers to have adequate rest periods. Based on route testing, staff determined the Purple Line in its current alignment could not absorb the additional stops required to meet the needs of The Parcel. In order to provide the coverage desired it became clear the route would need to be split which provided an opportunity to revisit service in the Old Mammoth neighborhood. Staff has seen strong public opposition to a potential bus turn around at the corner of Old Mammoth Rd and Woodmen St; however, there is still a desire to provide some form of service to the Old Mammoth neighborhood. This could be done in a number of ways, using more focused service including different vehicles, more precise times, and scheduling service to meet seasonal needs. The challenges in providing service to the area include limited locations to turn around, icy conditions in the winter, and limited ridership. Opportunities include providing recreation access to the Mill City and Mammoth Rock Trail area, to the future Sherwin Trailhead, and providing access to an area of the town that has been traditionally underserved by transit (which may be the reason for the historic limited ridership). Revising the Grey Line could fill gaps created from the re-routing of the Purple Line (serving the Sierra Valley Sites neighborhood) and provide access to other areas of Town. Service along the proposed route is proposed to be provided by a shorter cutaway bus. There would be no need to bring the larger buses into the neighborhoods as there would be multiple transfer locations to the Red Line.



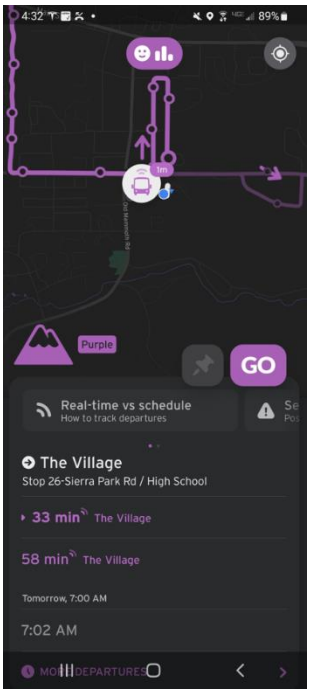
Possible Old Mammoth SVS Grey Line Route

External Long Range & Express Service

Another aspect of route planning includes better coordination of external routes. Currently YARTS and long-haul and express ESTA routes are not well synchronized. YARTS is currently picking up and dropping off on Highway 203 near Starbucks. The ESTA express and longer 395 routes loop Old Mammoth Road and Sierra Park Road and existing Purple line use the private parking lot at Vons. As noted above the Vons parking lot is not a desirable stop and overlap of the proposed lines at the Park n' Ride lot provides a better alternative. As a Mobility Hub, the Park n' Ride stop on Tavern can accommodate multiple buses and provide easy access to all other Town routes. Staff is discussing installing real time transit information in this location as a pilot project which could include an electronic board to provide real time transit information which is available through the Transit App.

Transit App

Another important update is that the ESTA buses are all equipped with GPS units. The real time location is being shared through Swiftly to the Transit App. The app is available on IOS and Android and can be used to find real-time transit information and route planning. The Town continues to look for opportunities to provide real time accurate information regarding transit routes. Staff believes that ridership would increase with the posting of information in the bus shelters. Staff is looking to provide such information in the Old Mammoth Road bus shelter as a pilot project.



FINANCIAL CONSIDERATIONS:

Changes to transit routes may have an impact to service hours, which would impact the budget. The full impact will be evaluated and presented once direction on changes are finalized and approved. In general, changing existing routes without reducing headways would not impact service hours, but adding routes and drivers would.

Town Council of Mammoth Lakes

Minutes of Regular Meeting

September 21, 2022, 3:45 p.m.
437 Old Mammoth Road, Suite Z, Mammoth Lakes

Members Present: Mayor Lynda Salcido, Mayor Pro Tem John Wentworth, Councilmember Sarah Rea, Councilmember Bill Sauser, Councilmember Kirk Stapp

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1. RIBBON CUTTING CEREMONY

1.1 At 3:45 p.m. the Town Council will meet in front of Mammoth Middle School (1600 Meridian Boulevard) to participate in a ribbon cutting ceremony in recognition of the completion of the Multi-Use Path Project.

Councilmembers Rea and Sauser and Mayor Salcido participated in the ribbon cutting ceremony.

2. CALL TO ORDER

The Mayor called the meeting to order at 4:06 p.m. in the Council Chamber, 437 Old Mammoth Road, Suite Z, Mammoth Lakes.

3. PLEDGE OF ALLEGIANCE

Dan Lyster led the flag salute.

4. PUBLIC COMMENTS

There were no public comments given at this time.

5. ADDITIONS TO THE AGENDA

There were no additions to the agenda.

6. REPORTS FROM COMMISSIONS AND/OR DEPARTMENTS (AS NEEDED)

Office of Outdoor Recreation Manager Lawson Reif gave an update regarding current outdoor recreation activities.

Eric Clark, Member of the Mammoth Lakes Tourism (MLT) Board, gave an update regarding current MLT activities.

Community and Economic Development Director Sandra Moberly gave an update regarding the Town's housing program and public Parcel site tours. There was discussion among members of Council and staff.

Building Official Tom Perry gave an update regarding the Town's accessory dwelling unit plans. There was discussion among members of Council and staff.

7. INTRODUCTION

7.1 Introduce new Public Works Facilities Worker Michael McMahon.

Public Works Director Haislip Hayes introduced Mr. McMahon to the Council and the community.

8. PUBLIC PRESENTATIONS

8.1 Update from Robert Joki, President Southern Mono County Historical Society.

Community and Economic Development Director Sandra Moberly introduced Mr. Joki. Mr. Joki gave an update regarding the Hayden Cabin Museum. There was discussion among members of Council and Mr. Joki.

9. WORKSHOP

9.1 Joint meeting to start at 5:00 p.m. with Mammoth Lakes Recreation regarding services, operations, and coordination with the Office of Outdoor Recreation.

Mammoth Lakes Recreation Board President Craig Albright, Secretary Tamara Bankson, and Board Members Colin Fernie, Sarah Rea, and Eric Wasserman were in attendance.

Office of Outdoor Recreation Manager Lawson Reif and Executive Director Kim Anaclerio outlined the information in the staff report. There was discussion among members of Council, members of the Board, and staff.

The Mayor called a recess at 5:32 p.m. and the Council reconvened at 5:49 p.m.

9.2 Mammoth Main Lodge Redevelopment Project Presentation and Update.

Community and Economic Development Director Sandra Moberly outlined the information in the staff report, and introduced Tyler Lee, Mountain Resort Specialist on the Inyo National Forest. Mr. Lee outlined the Forest Service pre-NEPA process. Ron Cohen, President of Mammoth Mountain, outlined the Mammoth Main Lodge Plan. There was discussion among members of the Council, members of the Planning and Economic Development Commission, and Mr. Cohen.

10. STAFF PRESENTATIONS

10.1 Quarterly TOT Enforcement Update.

This item was taken out of order.

Administrative Services/Finance Director Rob Patterson outlined the information in the staff report. There was discussion among members of Council and staff.

11. CONSENT AGENDA

Moved by Councilmember Bill Sauser
Seconded by Councilmember Kirk Stapp

Approve the Consent Agenda.

For (5): Mayor Lynda Salcido, Mayor Pro Tem John Wentworth, Councilmember Sarah Rea, Councilmember Bill Sauser, and Councilmember Kirk Stapp

Carried (5 to 0)

11.1 Approve the minutes of the regular meeting of September 7, 2022.

11.2 Accept Engagement Letter with Price Paige & Company to Perform Annual Audit of Financial Statements for the Town of Mammoth Lakes.

11.3 Approve the Memorandum of Understanding between the Town of Mammoth Lakes and the Mammoth Lakes Police Supervisory Association ("MLPSA"), which shall be in effect from July 1, 2022, through June 30, 2025.

11.4 Approve and adopt Resolution establishing the fiscal year 2022-23, 2023-24, and 2024-25 compensation schedules for the Mammoth Lakes Police Supervisory Association ("MLPSA").

11.5 Waive the reading and adopt by title only the ordinance authorizing the levy of special taxes in a Community Facilities District No. 2013-3 (Transit Services), including certain annexation territories.

11.6 Project Closeout Report for the 2022 Bluffs Slurry Seal Project.

11.7 Approve the resolution authorizing the purchase of the property located at 2289 Sierra Nevada Road, Unit 24 (Door D8).

11.8 Accept Payment Approval Report No. 23-08 in the amount of $2,058,262.26. Accept Payment Approval Report No. 23-09 in the amount of $345,500.72.

12. POLICY MATTERS

12.1 Consider drafting a letter to Inyo County Board of Supervisors regarding Renaming the Bishop Airport.

This item was taken out of order.

Community and Economic development Director Sandra Moberly outlined the information in the staff report. There was discussion among members of Council and staff.

CONSENSUS:

Continue this item.

13. COUNCILMEMBER REPORTS

Councilmember Sauser attended the League of California Cities Conference in Long Beach and the Subpart C meeting.

Councilmember Stapp reported on the Mammoth Lakes Housing wait list. He attended the Harassment Training.

Mayor Salcido attended the opening of the Little Lupins childcare center.

Councilmember Wentworth reported that next Tuesday he would be presenting the Sustainable Outdoor Recreation Policy in Grass Valley. He attended the Eastern Sierra Council of Governments meeting,

14. ADJOURNMENT

The Council adjourned the meeting at 8:08 p.m.

Jamie Gray, Town Clerk

RESOLUTION NO. 22-

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA,
RE-AUTHORIZING THE TOWN COUNCIL TO MEET VIRUTALLY DURING THE
COVID-19 PANDEMIC DECLARED EMERGENCY

WHEREAS, the Town of Mammoth Lakes supports transparency in government, and meetings of the Town Council and other legislative bodies of the Town are conducted in compliance with the Brown Act (Government Code Section 54950 et seq), so that members of the public may attend, observe, and participate; and

WHEREAS, Government Code Section 54953(e) is a provision of the Brown Act establishing special rules that apply under specific circumstances to meetings of local government legislative bodies that are conducted remotely via teleconference; and

WHEREAS, using the special rules will facilitate continuing to conduct meetings remotely during the COVID-19 pandemic; and

WHEREAS, the Town Council does hereby find that allowing for conducting public meetings virtually will support social distancing and reduces the potential risk to the public, elected officials and employees to be infected by or to spread COVID-19; and

WHEREAS, a required condition for the use of the Section 54953(e) rules is the existence of a state of emergency declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code Section 8558; and

WHEREAS, an additional required condition is that state or local officials have imposed or recommended measures to promote social distancing, or that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Governor of California declared a Statewide state of emergency due to the COVID-19 virus on Wednesday, March 4; and

WHEREAS, on March 15, 2020 the Mono County Health Officer declared a local health emergency, including finding "that there is an imminent and proximate threat to public health from the introduction of COVID-19 in Mono County;" and

WHEREAS, the Mono County Director of Public Health has recently issued a memorandum recommending that social distancing be used as one means of reducing the spread of COVID-19; and

WHEREAS, on October 6, 2021, the Town Council adopted a resolution finding that pursuant to Government Code Section 54953(e), the legislative bodies of the

Town of Mammoth Lakes shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of Section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Section 54953;

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Town Council must reconsider the circumstances of the state of emergency that exists in the Town of Mammoth Lakes, and the Town Council has done so; and

WHEREAS, emergency conditions continue to exist in the Town of Mammoth Lakes, as reflected by the ongoing state of emergency declared by the Governor; and

WHEREAS, requiring the meetings of the Town Council and other legislative bodies of the Town of Mammoth Lakes to be conducted entirely in person would create a risk to the health and safety of the members of the public who might attend, the members of the Town Council, Town staff, and other persons attending meetings; and

WHEREAS, the Town of Mammoth Lakes continues to comply with the requirements of Section 54953(e) to ensure public access to meetings of Town legislative bodies, including by providing notice and posting meeting agendas, allowing members of the public to access the meeting and provide comments via an Internet-based service option, and providing an opportunity for the public to address legislative bodies and offer comment in real time.

NOW, THEREFORE, BE IT RESOLVED that the recitals set forth above are true and correct and are incorporated into this resolution by this reference; and

IT IS FURTHER RESOLVED that the Town Council of the Town of Mammoth Lakes hereby declares that a State and County emergency continues to exist due to the existence or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the Town of Mammoth Lakes due to the COVID-19 virus; and

IT IS FURTHER RESOLVED that the Mono County Director of Public Health has issued a memorandum recommending the continued use of social distancing as a means to reduce the spread of COVID-19, and that the COVID-19 state of emergency impacts the ability of the Town Council to safely meet in person; and

IT IS FURTHER RESOLVED that the Mammoth Lakes Town Council finds the use of virtual meetings, as provided for under AB 361 as approved by the State Legislature and signed by the Governor, continues to be a prudent and safe means to conduct the Town's business respecting the recommendation to use social distancing as a precaution to reduce the spread of COVID-19; and

IT IS FURTHER RESOLVED that the Town staff and legislative bodies are hereby authorized and directed to continue taking all actions necessary to carry out the

intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act; and

IT IS FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 5, 2022, or such time the Town Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Town of Mammoth Lakes may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

APPROVED AND ADOPTED THIS 5th day of October 2022.

_____
LYNDA SALCIDO, Mayor

ATTEST:

_____
JAMIE GRAY, Town Clerk

TOWN COUNCIL STAFF REPORT

Title: Authorize a professional services agreement with Ascent Environmental for Mammoth Mountain Main Lodge Redevelopment Project CEQA/NEPA analysis.

Meeting Date: October 5, 2022

Prepared by: Sandra Moberly, Community and Economic Development Director

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RECOMMENDATION:

Authorize the professional services agreement with Ascent Environmental, Inc., subject to the Town Attorney's approval and finalization of the agreement and final approval by the USFS for preparation of CEQA/NEPA analysis as described in **Exhibit A** of the agreement included as **Attachment A.**

BACKGROUND/ANALYSIS:

The Community and Economic Development Department maintains a pre-qualified list of consulting firms to conduct California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) review on an as-needed basis. In 2021, staff sent a Request for Proposals to four of our pre-qualified consulting firms and received one proposal for the project from Ascent Environmental Inc. (Ascent). Staff reviewed the proposal from Ascent and determined that it met the required CEQA/NEPA analysis components and Ascent was qualified to complete this work based on their extensive background providing environmental review for similar projects and familiarity with the community and prior work within the project area related to NEPA analysis prepared for the Main Lodge Base Exchange which was completed in 2018. Additionally, Ascent was selected based upon their availability, understanding of the project, methodology, qualifications, budget, and schedule.

In June of 2021 the Town Council authorized a contract with Ascent to complete Phase 1 of the environmental analysis which included field studies, background analysis, and environmental analysis to support the USFS Master Development Plan (MDP) and Project Proposal Letter (PPL) process. The current contract is to amend the Phase 1 contract to fund out-of-scope tasks and for Phase 2 of the project which will involve preparation of a joint EIR/EIS. The total contract cost is $2,102,908 (amendment for Phase 1 and 2, including contingency). Staff is requesting the Council authorize the Agreement which will allow the environmental documentation to progress on schedule.

The Town has been working closely with the USFS as a part of this project and pursuant to the Memorandum of Understanding executed on August 4, 2021, USFS specialists are in the process of reviewing the scope of work and expect their review to be completed by October 7th. Based on discussions with USFS staff, Town staff does not expect any

substantive changes to the scope. If substantive changes occur, staff will bring back a revised contract for Town Council consideration.

OPTIONS ANALYSIS

Option 1: Authorize the execution of a professional services agreement with Ascent Environmental Inc., subject to the Town Attorney's approval and finalization of the agreement by the USFS for preparation of CEQA/NEPA analysis for the Main Lodge Redevelopment project environmental documentation.

Option 2: Do not authorize the execution of a consulting agreement with Ascent Environmental Inc.

FINANCIAL CONSIDERATIONS:

The total project cost associated with the current Phase 1 scope of work is $2,102,908 (Phase 1 and 2, including contingency). The project applicant will provide the Town with a deposit which will be used to fund the monthly invoices. The Town will be responsible for paying invoices from Ascent Environmental, Inc. for the CEQA/NEPA services outlined in the scope of work.

LEGAL CONSIDERATIONS:

The Town Attorney has reviewed the attached consulting agreement and will work with staff and the consultant to finalize the agreement.

ATTACHMENTS

Attachment 1: Draft Consulting Agreement: Ascent Environmental, Inc.
- Exhibit A: Scope of Work
- Exhibit B: Preliminary Schedule
- Exhibit C: Fee Summary

Attachment 1
Draft Professional Services Agreement: Ascent Environmental, Inc.

TOWN OF MAMMOTH LAKES

PROFESSIONAL SERVICES AGREEMENT

1. PARTIES AND DATE.

This Agreement is made and entered into this 6th day of October, 2022, by and between the Town of Mammoth Lakes, a municipal corporation, organized under the laws of the State of California, with its principal place of business at 437 Old Mammoth Rd., Suite 230, Mammoth Lakes, California, 93546 ("Town") and Ascent Environmental, Inc., a California Corporation, with its principal place of business at 455 Capitol Mall, Suite 300, Sacramento, CA, 95814, ("Consultant"). Town and Consultant are sometimes individually referred to herein as "Party" and collectively as "Parties."

2. RECITALS.

2.1 Consultant.

Consultant desires to perform and assume responsibility for the provision of certain professional environmental consulting services required by the Town on the terms and conditions set forth in this Agreement. Consultant represents that it is experienced in providing professional environmental consulting services to public clients, is licensed in the State of California, and is familiar with the plans of Town.

2.2 Project.

Town desires to engage Consultant to render such professional environmental consulting services for The Mammoth Mountain Main Lodge Redevelopment project ("Project") as set forth in this Agreement.

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 General Scope of Services. Consultant promises and agrees to furnish to the Town all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the professional environmental consulting services necessary for the Project ("Services"). The Services are more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

3.1.2 Term. The term of this Agreement shall be from October 6, 2022 to December 31, 2025, unless earlier terminated as provided herein. The Town shall have the unilateral option, at its sole discretion, to renew this Agreement automatically for no more than three additional one-year terms. Consultant shall complete the Services within the term of this Agreement, and shall meet any other established schedules and deadlines.

3.2 Responsibilities of Consultant.

3.2.1 Independent Contractor; Control and Payment of Subordinates. The Services shall be performed by Consultant or under its supervision. Consultant will determine the means, methods and details of performing the Services subject to the requirements of this Agreement. Town retains Consultant on an independent contractor basis and not as an employee. Consultant retains the right to perform similar or different services for others during the term of this Agreement. Any additional personnel performing the Services under this Agreement on behalf of Consultant shall also not be employees of Town and shall at all times be under Consultant's exclusive direction and control. Neither Town, nor any of its officials, officers, directors, employees or agents shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents, except as set forth in this Agreement. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Consultant shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

3.2.2 Schedule of Services. Consultant shall perform the Services expeditiously, within the term of this Agreement, and in accordance with the Schedule of Services set forth in Exhibit "B" attached hereto and incorporated herein by reference. Consultant represents that it has the professional and technical personnel required to perform the Services in conformance with such conditions. In order to facilitate Consultant's conformance with the Schedule, Town shall respond to Consultant's submittals in a timely manner. Upon request of Town, Consultant shall provide a more detailed schedule of anticipated performance to meet the Schedule of Services.

3.2.3 Conformance to Applicable Requirements. All work prepared by Consultant shall be subject to the approval of Town.

3.2.4 Substitution of Key Personnel. Consultant has represented to Town that certain key personnel will perform and coordinate the Services under this Agreement. Should one or more of such personnel become unavailable, Consultant may substitute other personnel of at least equal competence upon written approval of Town. In the event that Town and Consultant cannot agree as to the substitution of key personnel, Town shall be entitled to terminate this Agreement for cause. As discussed below, any personnel who fail or refuse to perform the Services in a manner acceptable to the Town, or who are determined by the Town to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project or a threat to the safety of persons or property, shall be promptly removed from the Project by the Consultant at the request of the Town. The key personnel for performance of this Agreement are as follows: Gary Jakobs, President.

3.2.5 Town's Representative. The Town hereby designates Sandra Moberly, Community & Economic Development Director, or his/her designee, to act as its representative in all matters pertaining to the administration and performance of this Agreement ("Town's Representative"). Town's Representative shall have the power to act on behalf of the Town for review and approval of all products submitted by Consultant but not the authority to enlarge the

Scope of Work or change the total compensation due to Consultant under this Agreement. The Town Manager shall be authorized to act on Town's behalf and to execute all necessary documents which enlarge the Scope of Work or change the Consultant's total compensation subject to the provisions contained in Section 3.3 of this Agreement. Consultant shall not accept direction or orders from any person other than the Town Manager, Town's Representative or his/her designee.

3.2.6 Consultant's Representative. Consultant hereby designates Gary Jakobs, President, or his/her designee, to act as its representative for the performance of this Agreement ("Consultant's Representative"). Consultant's Representative shall have full authority to represent and act on behalf of the Consultant for all purposes under this Agreement. The Consultant's Representative shall supervise and direct the Services, using his/her best skill and attention, and shall be responsible for all means, methods, techniques, sequences, and procedures and for the satisfactory coordination of all portions of the Services under this Agreement.

3.2.7 Coordination of Services. Consultant agrees to work closely with Town staff in the performance of Services and shall be available to Town's staff, consultants and other staff at all reasonable times.

3.2.8 Standard of Care; Performance of Employees. Consultant shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Consultant represents and maintains that it is skilled in the professional calling necessary to perform the Services. Consultant warrants that all employees and subconsultants shall have sufficient skill and experience to perform the Services assigned to them. Finally, Consultant represents that it, its employees and subconsultants have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, and that such licenses and approvals shall be maintained throughout the term of this Agreement. As provided for in the indemnification provisions of this Agreement, Consultant shall perform, at its own cost and expense and without reimbursement from the Town, any services necessary to correct errors or omissions which are caused by the Consultant's failure to comply with the standard of care provided for herein. Any employee of the Consultant or its sub-consultants who is determined by the Town to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the Services in a manner acceptable to the Town, shall be promptly removed from the Project by the Consultant and shall not be re-employed to perform any of the Services or to work on the Project.

3.2.9 Laws and Regulations. Consultant shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements, and shall give all notices required by law. Consultant shall be liable for all violations of such laws and regulations in connection with Services. If Consultant performs any work knowing it to be contrary to such laws, rules and regulations, Consultant shall be solely responsible for all costs arising therefrom. Consultant shall defend, indemnify and hold Town, its officials, directors, officers, employees, agents, and volunteers free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with

such laws, rules or regulations.

3.2.10 Insurance.

3.2.10.1 Time for Compliance. Consultant shall not commence work under this Agreement until it has provided evidence satisfactory to the Town that it has secured all insurance required under this section. In addition, Consultant shall not allow any subconsultant to commence work on any subcontract until it has provided evidence satisfactory to the Town that the subconsultant has secured all insurance required under this section.

3.2.10.2 Types of Insurance Required. As a condition precedent to the effectiveness of this Agreement for work to be performed hereunder, and without limiting the indemnity provisions of the Agreement, the Consultant, in partial performance of its obligations under such Agreement, shall procure and maintain in full force and effect during the term of the Agreement the following policies of insurance. If the existing policies do not meet the insurance requirements set forth herein, Consultant agrees to amend, supplement or endorse the policies to do so.

(A) Commercial General Liability: Commercial General Liability Insurance which affords coverage at least as broad as Insurance Services Office "occurrence" form CG 0001, or the exact equivalent, and shall be no less than $1,000,000 per occurrence and no less than $2,000,000 in the general aggregate. Defense costs shall be paid in addition to the limits. The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; or (3) contain any other exclusion contrary to the Agreement.

(B) Automobile Liability Insurance: Automobile Liability Insurance with coverage at least as broad as Insurance Services Office Form CA 0001 covering "Any Auto" (Symbol 1), or the exact equivalent, covering bodily injury and property damage for all activities shall be in an amount of not less than $1,000,000 combined limit for each occurrence.

(C) Workers' Compensation: Workers' Compensation Insurance, as required by the State of California and Employer's Liability Insurance with a limit of not less than $1,000,000 per accident for bodily injury and disease.

(D) Professional Liability: Professional Liability insurance with minimum limits of $1,000,000 per claim and in the aggregate. Covered professional services shall specifically include all work to be performed under the Agreement and delete any exclusions that may potentially affect the work to be performed (for example, any exclusions relating to lead, asbestos, pollution, testing, underground storage tanks, laboratory analysis, soil work, etc.). If coverage is written on a claims-made basis, the retroactive date shall precede the effective date of the initial Agreement and continuous coverage will be maintained or an extended reporting period will be exercised for a period of at least three (3) years from termination or expiration of this Agreement.

3.2.10.3 Endorsements. Required insurance policies shall not be in compliance if they include any limiting provision or endorsement that has not been submitted to the Town for approval.

(A) The policy or policies of insurance required by Section 3.2.10.2(A), Commercial General Liability shall be endorsed to provide the following:

(1) Additional Insured: Consultant agrees to endorse the third party general liability coverage required herein to include as additional insureds Town, its officials, employees, agents, and volunteers, using standard ISO endorsement No. CG 2010 with an edition date of 2010 or similar form. This provision shall also apply to any excess/umbrella liability policies. Consultant also agrees to require all contractors, subcontractors, and anyone else involved in any way with the Project contemplated by this Agreement to do likewise.

(B) The policy or policies of insurance required by Section 3.2.10.2(C), Workers' Compensation, shall be endorsed to provide the following:

(1) Waiver of Subrogation: A waiver of subrogation stating that the insurer waives all rights of subrogation against the indemnified parties.

3.2.10.4 Primary and Non-Contributing Insurance. All insurance coverages shall be primary and any other insurance, deductible, or self-insurance maintained by the indemnified parties shall not contribute with this primary insurance. Policies shall contain or be endorsed to contain such provisions.

3.2.10.5 Waiver of Subrogation. Required insurance coverages shall not prohibit Consultant from waiving the right of subrogation prior to a loss. Consultant shall waive all subrogation rights against the indemnified parties. Policies shall contain or be endorsed to contain such provisions.

3.2.10.6 Deductible. Any deductible or self-insured retention must be approved in writing by the Town and shall protect the indemnified parties in the same manner and to the same extent as they would have been protected had the policy or policies not contained a deductible or self-insured retention.

3.2.10.7 Evidence of Insurance. The Consultant, concurrently with the execution of the Agreement, and as a condition precedent to the effectiveness thereof, shall deliver either certified copies of the required policies, or original certificates and endorsements on forms approved by the Town. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. At least fifteen (15) days prior to the expiration of any such policy, evidence of insurance showing that such insurance coverage has been renewed or extended shall be filed with the Town. If such coverage

is cancelled or reduced, Consultant shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the Town evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies.

3.2.10.8 Failure to Maintain Coverage. Consultant agrees to suspend and cease all operations hereunder during such period of time as the required insurance coverage is not in effect and evidence of insurance has not been furnished to the Town. The Town shall have the right to withhold any payment due Consultant until Consultant has fully complied with the insurance provisions of this Agreement. In the event that the Consultant's operations are suspended for failure to maintain required insurance coverage, the Consultant shall not be entitled to an extension of time for completion of the Services because of production lost during suspension. Contractor shall provide immediate written notice if: (i) any of the required insurance policies is terminated; (ii) the limits of any of the required policies are reduced; or (iii) the deductible or self-insured retention is increased.

3.2.10.9 Acceptability of Insurers. Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and authorized to do business in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

3.2.10.10 Pass Through Clause. Consultant agrees to ensure that its subconsultants, subcontractors, and any other party involved with the project who is brought onto or involved in the project by Consultant, provide the same minimum insurance coverage and endorsements required of Consultant. Consultant agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. Consultant agrees that upon request, all agreements with consultants, subcontractors, and others engaged in the project will be submitted to the Town for review.

3.2.10.11 Requirements Not Limiting. Requirements of specific coverage features or limits contained in this Agreement are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If Consultant maintains higher limits than the minimums shown above, Town requires and shall be entitled to coverage for the higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to Town.

3.2.10.12 Prohibition of Undisclosed Coverage Limitations. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to the Town and approved of in writing.

3.2.10.13 Separation of Insureds. A severability of interests provision must apply for all additional insureds ensuring that Consultant’s insurance shall apply separately

to each insured against whom claim is made or suit is brought, except with respect to the insurer's limits of liability. The policy(ies) shall not contain any cross-liability exclusions.

3.2.10.14 Timely Notice of Claims. Consultant shall give the Town prompt and timely notice of claims made or suits instituted that arise out of or result from Consultant's performance under this Agreement, and that involve or may involve coverage under any of the required liability policies.

3.2.11 Safety. Consultant shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Consultant shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed. Safety precautions, where applicable, shall include, but shall not be limited to: (A) adequate life protection and life saving equipment and procedures; (B) instructions in accident prevention for all employees and subconsultants, such as safe walkways, scaffolds, fall protection ladders, bridges, gang planks, confined space procedures, trenching and shoring, equipment and other safety devices, equipment and wearing apparel as are necessary or lawfully required to prevent accidents or injuries; and (C) adequate facilities for the proper inspection and maintenance of all safety measures.

3.3 Fees and Payments.

3.3.1 Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "C" attached hereto and incorporated herein by reference. The total compensation shall not exceed two million, one hundred and two thousand, nine hundred and eight **($2,102,908**) without written approval of the Town Council or Town Manager as applicable. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.

3.3.2 Payment of Compensation. Consultant shall submit monthly invoices. Town shall pay all undisputed amounts within 30 days of the receipt of each invoice.

3.3.3 Reimbursement for Expenses. Consultant shall not be reimbursed for any expenses unless authorized in writing by Town, or included in Exhibit "C" of this Agreement.

3.3.4 Extra Work. At any time during the term of this Agreement, Town may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by Town to be necessary for the proper completion of the Project, but which the Parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without written authorization from the Town.

3.3.5 Rate Increases. In the event that this Agreement is renewed pursuant to Section 3.1.2, the rate set forth in Exhibit "C" may be adjusted each year at the time of renewal as set forth in

Exhibit "C." Any Extra Work authorized more than one year after execution of this agreement may be at rates in effect at the time the Extra Work is authorized. Such rates shall be subject to agreement by Town.

3.4 Accounting Records.

3.4.1 Maintenance and Inspection. Consultant shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Consultant shall allow a representative of Town during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Consultant shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

3.5 General Provisions.

3.5.1 Termination of Agreement.

3.5.1.1 Grounds for Termination. Town may, by written notice to Consultant, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Consultant of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those services which have been adequately rendered to Town, and Consultant shall be entitled to no further compensation. Consultant may not terminate this Agreement except for cause.

3.5.1.2 Effect of Termination. If this Agreement is terminated as provided herein, Town may require Consultant to provide all finished or unfinished Documents and Data and other information of any kind prepared by Consultant in connection with the performance of Services under this Agreement. Consultant shall be required to provide such document and other information within fifteen (15) days of the request.

3.5.1.3 Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, Town may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.5.2 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Consultant: Ascent Environmental, Inc.
455 Capitol Mall, Suite 300,
Sacramento, CA, 95814
ATTN: Gary Jakobs, President

Town: Town of Mammoth Lakes

PO Box 1609
437 Old Mammoth Road, Suite 230
Mammoth Lakes, CA 93546
ATTN: Sandra Moberly, Community and Economic Development Director

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

3.5.3 Ownership of Materials and Confidentiality.

3.5.3.1 Documents & Data; Licensing of Intellectual Property. This Agreement creates a non-exclusive and perpetual license for Town to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but not limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement ("Documents & Data"). Consultant shall require all subconsultants to agree in writing that Town is granted a non-exclusive and perpetual license for any Documents & Data the subconsultant prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents & Data. Consultant makes no such representation and warranty in regard to Documents & Data which were prepared by design professionals other than Consultant or provided to Consultant by the Town. Town shall not be limited in any way in its use of the Documents & Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at Town's sole risk.

3.5.3.2 Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents & Data either created by or provided to Consultant in connection with the performance of this Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of Town, be used by Consultant for any purposes other than the performance of the Services. Nor shall such materials be disclosed to any person or entity not connected with the performance of the Services or the Project. Nothing furnished to Consultant which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential. Consultant shall not use Town's name or insignia, photographs of the Project, or any publicity pertaining to the Services or the Project in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of Town.

3.5.3.3 Confidential Information. The Town shall refrain from releasing Consultant's proprietary information ("Proprietary Information") unless the Town's legal counsel determines that the release of the Proprietary Information is required by the California Public Records Act or other applicable state or federal law, or order of a court of competent jurisdiction, in which case the Town shall notify Consultant of its intention to release Proprietary Information.

Consultant shall have five (5) working days after receipt of the Release Notice to give Town written notice of Consultant's objection to the Town's release of Proprietary Information. Consultant shall indemnify, defend and hold harmless the Town, and its officers, directors, employees, agents, and volunteers, from and against all liability, loss, cost or expense (including attorney's fees) arising out of a legal action brought to compel the release of Proprietary Information. Town shall not release the Proprietary Information after receipt of the Objection Notice unless either: (1) Consultant fails to fully indemnify, defend (with Town's choice of legal counsel), and hold Town harmless from any legal action brought to compel such release; and/or (2) a final and non-appealable order by a court of competent jurisdiction requires that Town release such information.

3.5.4 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

3.5.5 Attorney's Fees. If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorney's fees and all other costs of such action.

3.5.6 Indemnification.

3.5.6.1 Scope of Indemnity. To the fullest extent permitted by law, Consultant shall indemnify and hold the Town, its directors, officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, but only to the extent actually caused by the negligent or reckless acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's Services, the Project or this Agreement, including without limitation the payment of expert witness fees and attorneys fees and other related costs and expenses.

3.5.6.2 Additional Indemnity Obligations. Consultant shall defend, with counsel of Town's choosing and at Consultant's own cost, expense and risk, any and all claims, suits, actions or other proceedings of every kind covered by Section 3.5.6.1 that may be brought or instituted against Town or its directors, officials, officers, employees, volunteers and agents. Consultant shall pay and satisfy any judgment, award or decree that may be rendered against Town or its directors, officials, officers, employees, volunteers and agents as part of any such claim, suit, action or other proceeding. Consultant shall also reimburse Town for the cost of any settlement paid by Town or its directors, officials, officers, employees, agents or volunteers as part of any such claim, suit, action or other proceeding. Such reimbursement shall include payment for Town's attorney's fees and costs, including expert witness fees. Consultant shall reimburse Town and its directors, officials, officers, employees, agents, and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the Town, its directors, officials, officers, employees,

agents, or volunteers.

3.5.7 Entire Agreement. This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be modified by a writing signed by both parties.

3.5.8 Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in Mono County.

3.5.9 Time of Essence. Time is of the essence for each and every provision of this Agreement.

3.5.10 Town's Right to Employ Other Consultants. Town reserves the right to employ other consultants in connection with this Project.

3.5.11 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties.

3.5.12 Assignment or Transfer. Consultant shall not assign, hypothecate, or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of the Town. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

3.5.13 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to Consultant include all personnel, employees, agents, and subconsultants of Consultant, except as otherwise specified in this Agreement. All references to Town include its elected officials, directors, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

3.5.14 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

3.5.15 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

3.5.16 No Third-Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

3.5.17 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5.18 Prohibited Interests. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, Town shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of Town, during the term of his or her service with Town, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

3.5.19 Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer and it shall not discriminate against any subconsultant, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Consultant shall also comply with all relevant provisions of Town's Minority Business Enterprise program, Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

3.5.20 Labor Certification. By its signature hereunder, Consultant certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.5.21 Authority to Enter Agreement. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

3.5.22 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

3.6 Subcontracting.

3.6.1 Prior Approval Required. Consultant shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of Town. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement.

TOWN OF MAMMOTH LAKES

By: _____
Daniel C. Holler, Town Manager

Attest:

By: _____
Jamie Gray
Town Clerk

Approved as to Form:

By: _____
Andrew Morris
Town Attorney

ASCENT ENVIRONMENTAL, INC.

By: _____
Gary Jakobs, President

By: _____
Amanda Olekszulin, Treasurer

EXHIBIT "A"
SCOPE OF SERVICES

September 29, 2022

Sandra Moberly
Community and Economic Development Director
Community and Economic Development Department
Town of Mammoth Lakes
via email: smoberly@townofmammothlakes.ca.gov

Subject: Updated Proposal for Environmental Services
Phase 2, Mammoth Main Lodge Redevelopment Specific Plan EIR/EIS

Dear Ms. Moberly:

Ascent is pleased to submit this scope of work and cost estimate for Phase 2 of the Mammoth Main Lodge Redevelopment Specific Plan Environmental Impact Report (EIR)/Environmental Impact Statement (EIS). We are eager to continue working with the Town of Mammoth Lakes (Town) and the USDA Forest Service (Forest Service) on the next phase of this important project. Please note that this proposal has been updated to address comments from the Town and Forest Service on the Sept 1 proposal submittal.

As you may recall, the project team (including the Town, Forest Service, and applicant team) agreed early on to approach the proposed Mammoth Main Lodge Redevelopment Specific Plan Project EIR/EIS in two phases: an initial phase aimed at finalizing the project description and determining an overall work program based on the location and extent of project improvements as well as initiating resource surveys while the weather permitted, and a second phase that included preparation of the EIR/EIS. Specifically, Phase 1 was intended to include project initiation, development of the initial project description, completion of initial biological and cultural resources field surveys, preparation of the notice of preparation (NOP) for CEQA and the notice of intent (NOI) for NEPA, and environmental scoping. Phase 2 was intended to include preparation of the Draft EIR/EIS and Final EIR/EIS, as well as related tasks to reach EIR certification (under CEQA) and a record of decision (under NEPA). While that is still our intended approach for this project, the Phase 1 timeline has been extended beyond the assumptions and available budget in our existing contract. Thus, we are including remaining Phase 1 tasks in this Phase 2 scope of work and cost estimate.

The Phase 1 scope of work was intended to cover a four-month period (June through September 2021). Due to multiple factors outside of Ascent's control, including ongoing project design refinements by the applicant team and a lengthier than anticipated process for the Forest Service to review and accept the MDP and PPL, Phase 1 is still in progress as of August 2022 (a total of 15 months). Further, many of the Phase 1 tasks have yet to be initiated. The attached scope of work describes the work that has been completed to date as well as the work that remains to be completed. This amendment request addresses several additions to Ascent's scope of work for Phase 1 of the Mammoth Main Lodge Redevelopment Specific Plan EIR/EIS. The additions are needed to address the extended time period for Phase 1, the additional coordination among team members, and the expanded project footprint (which will require more extensive surveys).

For similar reasons as described above, our two subconsultants—SE Group and LSC Transportation Consultants, Inc.—are requesting additional funding to complete their Phase 1 scopes of work as well as embark on Phase 2; their respective scopes of work are attached. Kimley Horn will also be joining the Ascent team to assist with preparation of the transportation analysis for the EIR/EIS (specifically, to conduct vehicle miles traveled [VMT] modeling), and their proposed scope of work is also attached.

If you have any questions, please contact me at 916-930-3182.

Sincerely,

Gary Jakobs, AICP
CEO/President
e: Gary.Jakobs@AscentEnvironmental.com
p: 916.930.3182

Attachments:

A Scope of Work
B Cost Estimate
C SE Group proposed scope of work and cost estimate
D LSC Transportation Consultants proposed scope of work and cost estimate
E Kimley Horn proposed scope of work and cost estimate

File No. 20210079.01

ATTACHMENT A

MAMMOTH MAIN LODGE REDEVELOPMENT SPECIFIC PLAN EIR/EIS ENVIRONMENTAL SERVICES PROPOSED SCOPE OF WORK

PROJECT UNDERSTANDING

Environmental compliance work under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) for the proposed Mammoth Main Lodge Redevelopment Specific Plan (project) was envisioned in the following two phases:

- Phase 1 was intended to include project initiation, development of the initial project description, completion of initial biological and cultural resources field surveys, preparation of the notice of preparation (NOP) for CEQA and the notice of intent (NOI) for NEPA, and environmental scoping; and
- Phase 2 was intended to include preparation of the Draft and Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS), as well as related tasks to reach EIR certification (under CEQA) and a record of decision (under NEPA).

However, due to an extended timeline and the need to accommodate project team requests including additional meetings, document review, and management/coordination as well as the expanded project footprint, the Phase 1 timeline has been extended beyond the assumptions and available budget in our existing contract. Thus, we are including remaining Phase 1 tasks in this Phase 2 scope of work and cost estimate.

Phase 2 is intended to accommodate the tasks needed to complete the project. As originally communicated to the Town of Mammoth Lakes, the Phase 2 scope of work was planned to be informed by the scoping process; however, scoping has not occurred yet and some project features are still being defined. However, to accommodate the need to continue progress on project tasks and in recognition of the understanding we have gained of potential project issues, Ascent is able to prepare a scope for the remainder of the project that is reasonably predictive of the scope of issues to be addressed. Therefore, Ascent has prepared this detailed Phase 2 scope of work while still recognizing that this scope may need to be modified as a result of scoping and further project development, as well as technical input from the applicant's engineering and design team.

Preparation of the joint EIR/EIS will require continued and close coordination between the Town, Forest Service, and the Ascent team. This scope assumes Ascent, with Town participation, will meet and interact with the Forest Service, as well as the applicant team on a regular basis (see Tasks 13 and 14, below). As also described below, it is assumed that Ascent is including SE Group in a significant role on the project. Ascent will continue serving as the prime consultant, and SE Group will provide significant support on certain tasks, particularly related to elements of NEPA compliance. LSC Transportation will provide

subconsultant support on transportation analysis tasks and Kimley Horn will provide subconsultant support related to vehicle miles traveled modeling.

PHASE 1: PROJECT INITIATION AND ENVIRONMENTAL SCOPING

As part of Phase 1, Ascent has been assisted by SE Group and LSC Transportation Consultants, who have conducted or will conduct various project initiation activities, including assisting with NEPA noticing and scoping and collecting summer traffic data, respectively. See Attachments C and D for detailed scopes of work for remaining Phase 1 tasks, as well as Phase 2 tasks, for SE Group and LSC Transportation Consultants.

The following describes what tasks have been completed and what tasks require additional funding to complete.

Task 1 Project Initiation

Task 1.1: Project Lead Team Kickoff Meeting and Materials Review

This task has been completed. The kickoff meeting was conducted on July 2, 2021 in the Town of Mammoth Lakes. Ascent prepared the agenda, participated in the kickoff meeting/site visit, and prepared and distributed a kickoff meeting summary. Additionally, Ascent reviewed information provided by the applicant team, including available technical/support studies, GIS data, preliminary design drawings, and the draft MOU between the Town and the Forest Service.

Task 1.2: Interdisciplinary Team Meeting

This task has been completed. The Interdisciplinary Team (IDT) meeting was conducted on May 31, 2022 in the Town of Mammoth Lakes. Ascent coordinated meeting logistics and prepared the agenda and other meeting materials. After the meeting, Ascent prepared a meeting summary, including action items, decision points, offline discussion topics, and the NOP/NOI checklist.

Task 2 Project Description

This task has not been fully completed. Ascent will prepare a project description based on information in the PPL (accepted by the Forest Service on August 9, 2022) and project application (submitted to the Town on September 14, 2022). We will develop a project description that meets the standards of CEQA and NEPA, and the best practices of the Town and the Forest Service. The project description will identify the project characteristics, including on- and off-site components, infrastructure required to serve the project, timing, construction methods, operational characteristics, and other information relevant to an understanding of the project and preparing an adequate environmental impact analysis. The elements of the project under private and Forest Service ownership will be clearly delineated; independent approval authority will be provided by the Town for elements under private ownership, and the Forest Service for elements on lands it owns. A list of anticipated local, state, and federal permitting actions will also be included. It is assumed that the applicant will provide maps, preliminary design drawings, and other materials sufficient to serve as the basis for figures to be included in the project description. After review by the Town, the Forest Service, and the applicant, Ascent will revise the project description, which will be incorporated into the NOP and a more detailed version will be developed later to be incorporated into the EIR/EIS.

Deliverables

- Draft project description (electronic)
- Final project description (electronic)

Task 3 Noticing and Scoping

Task 3.1: Noticing

This task has not been fully completed. In June 2022, Ascent began preparation of the NOP. The project description (to be prepared as part of Task 2, above) will be incorporated into the NOP, which will then be submitted to the project team for review. SE Group will prepare the NOI and has initiated this process (see Attachment C).

The NOP and NOI will be prepared in accordance with State CEQA Guidelines Section 15082.1 and Forest Service NEPA procedures and directives. The NOP and NOI will describe the project/proposed action that will be evaluated in the EIR/EIS, show the location of the project on a map, describe the probable environmental effects that will be addressed in the EIR/EIS, and provide information on the opportunities to submit written comments or oral comments at the scoping meeting.

As part of Ascent's original Phase 1 proposal, we had anticipated preparing an Initial Study, used to determine which issues would be addressed in the EIR/EIS, that would be attached to the NOP. After further consideration of the project and discussion with the project team, it has been determined that an Initial Study is not required and would not be meaningful because a full-scope EIR/EIS will be prepared.

Upon receiving project team comments on the drafts of the NOP and NOI, Ascent will prepare the final NOP for public distribution. The NOI will be submitted to the Forest Service for ultimate publication in the Federal Register. Ascent will submit the NOP to the State Clearinghouse via its online submittal system, along with a Notice of Completion (NOC). It is assumed that the Town will be responsible for distributing the NOP for public review and for newspaper noticing and any other noticing methods. It is assumed that the Forest Service will publish the NOI in the Federal Register and coordinate distribution of the NOI to the Inyo National Forest mailing list and email contacts.

Task 3.2: Project Study Plan

This task has not been fully completed. Concurrent with preparation of the NOP and NOI, Ascent will prepare a project study plan for the Inyo National Forest that addresses the required resource study areas for the Forest Service. This document will identify the process steps to complete NEPA; required deliverables, including technical studies; a purpose and need statement; the specific resource areas to be addressed and issues and indicators for each as identified by the Forest Service; and the anticipated environmental effects stemming from the proposed project. An initial "outline" draft has been submitted to the Forest Service.

Task 3.3: Scoping

This task has not been completed. A 30-day scoping period will introduce the project to members of the public, explain the process for review, and solicit input on the project and alternatives. The scoping period will begin when the NOP and NOI are distributed to the public, as described above, per the State CEQA Guidelines. In addition to CEQA, we will adhere to Forest Service protocol for public scoping (36 CFR 220.4[e][1]). Ascent's principal-in-charge and project manager will attend up to two joint public scoping meetings/open houses, to

be organized by the Town and the Forest Service. It is assumed that one scoping meeting will be held in person in the Town of Mammoth Lakes (at the Town offices) and the second meeting will be held virtually on the same day or on consecutive days. We will be available to address issues pertaining to the scope of the EIR/EIS, the CEQA/NEPA process, and other related issues that may arise during the meetings. This task includes preparation of presentation slides to support a meeting presentation. It is assumed that the applicant will arrange for a court reporter, at the applicant's expense, to attend the scoping meetings and record public comments. As described in their detailed scope of work (see Attachment C), SE Group will support the EIS public scoping process, including by preparing a scoping report.

At the conclusion of the scoping period and once SE Group has assembled a scoping report, Ascent's principal-in-charge and project manager will participate in one in-person IDT meeting (at the Town of Mammoth Lakes) to discuss the scoping comments with the project team.

Deliverables/Meetings

- Draft NOP and NOI (electronic)
- Final NOP and NOI: electronic copy and NOC submitted to the State Clearinghouse; 10 printed copies mailed to the Town and one electronic copy for its records; 10 printed copies mailed to the Forest Service and one electronic copy for its records
- Scoping materials (electronic)
- Presentation slides for scoping meeting (electronic)
- Participation in up to two scoping meetings (assumed to occur on the same day or on consecutive days)
- Participation in one in-person IDT meeting after the conclusion of scoping to discuss scoping comments that were received

Task 4 Field Surveys and Supporting Documentation

This task has not been fully completed. As described in more detail below, Ascent conducted some surveys in summer 2021 but since then some project features have been more defined and the project disturbance area has been expanded; thus, new surveys are required to address these project modifications. Ascent will conduct the following site surveys and analyses: a protocol-level biological survey, an invasive plant survey, an aquatic resources delineation (for waters of the state and waters of the United States), and a cultural resources survey for areas requiring Section 106 compliance. Project team members and Town and Forest Service technical staff will review survey protocols and timing prior to initiation and will communicate survey direction and preferences to Ascent. Data collected during the field surveys will be used to prepare technical and specialist reports that meet the requirements of CEQA/NEPA and state and federal legal requirements, as necessary (to be prepared as part of Phase 2). For purposes of this scope, it is assumed that the surveys will be confined to the disturbance area identified in the most recent map (provided by Tom Hodges on Aug 1, 2022). If additional area needs to be surveyed (for instance, if a major sewer line will be constructed or if the project changes after initial fieldwork is completed), additional scope may be needed.

Prior to entering the field, Ascent biologists will review existing data to preliminarily identify special-status species, other sensitive resources, and invasive plant infestations known or with potential to occur in the project area. As part of the data review, Ascent will review Forest Service survey and GIS data from the Natural Resource Information System (NRIS) database; Forest Service Region 5 EVeg land cover data for habitat types within the project area; GIS data; a list of federally proposed, candidate, threatened, and endangered species that may occur in the project region obtained from the US Fish and Wildlife Service (USFWS) IPaC system; other relevant literature and previous analyses conducted for the project; and the California Natural Diversity

Database, the California Invasive Plant Council database, and CalWeed Mapper. Biologists will also obtain the current Inyo National Forest list of Species of Conservation Concern. Forest Service biologists will be contacted to obtain any input on survey methods and target species and to invite Forest Service staff to participate in the field survey alongside Ascent staff, if desired.

Following the background data and literature reviews, Ascent botanists, wetland ecologists, wildlife biologists, and cultural resources specialists will conduct surveys. Ascent will arrange for any access permission from Mammoth Mountain Lodge Redevelopment, LLC (MMLR), if needed. It is assumed that MMSA will provide lodging free of charge to Ascent field staff. Surveys will be conducted at the appropriate time of year and to the appropriate level of detail to complete technical studies in support of the environmental review carried out in the EIR/EIS under Phase 2.

Task 4.1: Botanical Survey

This task has not been fully completed. In July 2021, Ascent coordinated with the Forest Service and the applicant team regarding the extent of the survey area, survey protocols, species lists, etc. and participated in a July 22, 2021 planning call with Tom Hodges to review the survey area in advance of the botanical survey. Ascent biologists conducted botanical field surveys on July 26-29, 2021. Since these surveys were completed, MMLR has developed an updated map of project disturbance areas and has added construction of Panorama Gondola to the project description. Because the blooming period for most of the plant species that are Forest Service Sensitive (FSS) or Species of Conservation Concern (SCC) has passed for 2022, Ascent will conduct floristic surveys (i.e., all plant species present will be identified to the taxonomic level necessary to determine if they have FSS or SCC status) of the additional project disturbance areas (e.g., Panorama Gondola, utility corridors, SR 203 realignment areas) during summer of 2023. A survey of whitebark pine may be conducted in September 2022 or in summer 2023. The floristic surveys will be conducted during a time that coincides with the blooming periods for FSS and SCC target plants (i.e., those FSS and SCC plant taxa that have potential to occur in the added project disturbance areas based on habitat and range). Ascent will coordinate with the Inyo National Forest botanist regarding target plant species and survey timing.

During the surveys, Ascent will map the location and extent of any FSS or SCC plant occurrences, including occurrences of whitebark pine, according to the Forest Service's 2015 Threatened, Endangered, and Sensitive Plants Element Occurrence Protocol and Field Guide and will collect required data in accordance with the Forest Service's 2014 Threatened, Endangered, and Sensitive (TES) Plants Survey Protocol and Field Guide. Ascent will also document invasive plant infestations according to the Forest Service 2014 Data Recording Protocols and Requirements for Invasive Species Survey, Inventory, and Treatment.

Task 4.2: Aquatic Resources Delineation

This task has not been completed. Ascent will conduct a field delineation to identify all aquatic resources in the project area that may meet the definition of waters of the United States or waters of the state. The delineation will follow methods established in the United States Army Corps of Engineers (USACE) wetlands delineation manual (Environmental Laboratories 1987) and Western Mountains, Valleys, and Coast regional supplement (Environmental Laboratories 2010) as well as the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (California Water Boards 2019). The extent of potential waters of the United States and state, including wetlands, will be determined by assessing soils, vegetation, and hydrologic features of aquatic resources. Routine wetland determination data forms and ordinary high water mark data forms will be completed, as appropriate, for each aquatic resource in the project area. Data recorded to demarcate and establish the jurisdictional boundaries will be recorded with highly accurate GPS units and digitized by geographic information system (GIS) staff in ArcGIS format. A map showing the extent and location of all aquatic features will be prepared in accordance with the 2016 USACE Map and Drawing Standards for the

South Pacific Division Regulatory Program. The jurisdictional delineation map will be used to determine whether or not aquatic resources within state or federal jurisdiction can be fully avoided during project construction.

If it is determined that aquatic resources within state or federal jurisdiction cannot be avoided, a report summarizing the methods and results of the field delineation will be prepared for submittal to USACE under Task 7. The report will be prepared in accordance with reporting standards acceptable to the USACE Sacramento District and the Regional Water Quality Control Board (RWQCB) and will include all required maps, copies of data forms, representative photographs, and a completed USACE aquatic resources Excel file with the submittal.

Task 4.3: Wildlife Survey

This task has not been completed. In August 2021, Ascent coordinated with the Forest Service regarding potential fisher[1] surveys and internally reviewed and discussed the fisher survey protocols. The Forest Service determined that surveys for fisher will be required to determine the potential impacts of the project on this species, as well as to determine the potential need to consult with the US Fish and Wildlife Service on the project. Based on Ascent's communications with the Forest Service and the Sept 7, 2022 meeting between the Forest Service, Mammoth Mountain, and Ascent, a minimum of 12 remote cameras will be placed within four sampling units of three cameras each. These units will be located within 2.8 kilometers of the approximate center point of project disturbance and will be checked every 1.5 to 2-weeks for a minimum total survey time of 42 days. An Ascent biologist and Mammoth Mountain staff will deploy the camera , during which time the Ascent biologist will train the Mammoth Mountain staff in camera function, bait replacement, and data retrieval. Camera checks will be performed by Mammoth Mountain staff at the appropriate intervals in coordination with the Ascent biologist. Mammoth Mountain staff will send Ascent the data from each camera check for analysis within 3 days. An Ascent biologist perform the final camera retrieval with Mammoth Mountain staff at the end of the survey period. Ascent will continue to coordinate with the Forest Service to refine the protocol and determine camera locations for the survey based on habitat suitability. Ascent will provide a draft map of camera station locations in electronic format to the Forest Service for review and approval prior to beginning field surveys.

It is assumed that the surveys will occur during the summer of 2023, and estimates relating to staff hours required to deploy and retrieve cameras are based on a summer survey and contingent on weather conditions.

Deliverables for Tasks 4.1, 4.2, and 4.3

- Completion of botanical field surveys (assumes two staff for four 10-hour days each)
- Completion of aquatic resources field delineation (assumes two staff for three 10-hour days each)
- Aquatic resources delineation map
- Draft delineation report for client review
- Final delineation report for submittal to USACE
- Completion of the survey map for review by the Forest Service (assumes two staff at two 8-hour days each)

[1] The Southern Sierra Nevada distinct population of fisher (*Pekania pennanti*) is listed as endangered under the federal Endangered Species Act (ESA). The fisher is an elusive, forest-dwelling member of the weasel family.

- Completion of fisher field surveys, including survey preparation, travel time, survey time, and data management (assumes one Ascent staff at 12 10-hour days)
- Note: survey reports for botanical and wildlife resources are included in Task 7, below

Task 4.4: Cultural Resources Survey

This task has not been fully completed. In September and October 2021, Ascent engaged in coordination regarding cultural resources surveys, including preparation of a Forest Service permit application (submitted Sept 21) and records search. As part of this coordination, Ascent conducted travel planning and acquisition of maps/supplies for site visits; coordinated with the Forest Service regarding the records search and review of the results; and drafted Tribal consultation letters. Ascent began cultural resources surveys the week of October 18, 2021 at the project site, but concluded early due to unforeseen snow conditions, which continued through the winter of 2021/2022. For adequate cultural resources surveys the ground surface must be clearly visible and free of snow. Since then, the project area has been expanded to include new areas and components. Therefore, Ascent will need to prepare a new permit application, conduct new records searches for the new areas, and complete the overall cultural resources surveys.

Ascent will prepare cultural documentation to satisfy Section 106 of the National Historic Preservation Act (36 CFR 800), as required by the Inyo National Forest (INF) and the California Department of Transportation (Caltrans). The cultural documentation will follow the requirements as outlined in Stipulation 7.7 and Appendix F of the programmatic agreement (PA) that has been developed among the USFS Pacific Southwest Region, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation (Region 5 PA). These documents will also be completed in accordance with the CEQA Guidelines and fulfill the requirements of the 2014 Caltrans Programmatic Agreement with the Federal Highway Administration and the California State Historic Preservation Officer for compliance with Section 106 (Caltrans Section 106 PA). These documents will inform preparation of the cultural resources section of the EIR/EIS.

Background Research and Project Planning Effort
Ascent will conduct a records search at INF and the California Historical Resources Information System's Eastern Information Center using a 0.5-mile radius of the proposed project area. The primary purpose of the records search is to identify any previously recorded cultural resources known to exist within or adjacent to the project area. The records search will also reveal the nature and extent of any cultural resources work previously conducted within the project area. Additionally, Ascent will contact local historical societies and repositories for additional information. Ascent will also consult with the Local Assistance Caltrans Architectural Historian and Archaeologist to request a record search of the Caltrans Cultural Resources Database for the State Route (SR) 203 realignment.

Ascent will contact the Native American Heritage Commission (NAHC) for a review of its Sacred Lands File. The NAHC will determine if any NAHC-listed Native American sacred lands are located within or adjacent to the project area. In addition, the NAHC will provide a list of Native American names that they believe should be contacted for additional information; Ascent will contact these representatives for background information, as required by CEQA. A project informational letter and project map will be sent by INF staff to each representative on the NAHC list; this consultation would meet Section 106 requirements under 36 CFR 800.2[c][[5] and Stipulation 7.5 of the Region 5 PA. Note that while it is assumed INF will be the Section 106 lead for this undertaking, Ascent will facilitate coordination between Caltrans and INF to confirm this decision (a letter will need to be signed by both parties).

Ascent will work with INF to obtain an Archaeological Resources Protection Act (ARPA) permit from INF prior to commencement of fieldwork. This includes the development of an Area of Potential Effect (APE) for the project. The APE will be developed in accordance with Section 106 (36 CFR 800.16[d]) and will consider potential direct, indirect, and cumulative impacts to historic properties. One round of edits to the ARPA permit application is anticipated.

Field Effort

After coordinating access and necessary permissions, an archaeologist meeting the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (36 CFR Part 61) will conduct the survey. Similarly, Ascent's architectural historian will conduct a built environment survey of the entirety of SR 203 and any previously unrecorded built environment structures within the APE. These resources will be recorded on the appropriate California Department of Parks and Recreation (DPR) 523 forms and will be evaluated for significance using the guidelines presented in Stipulation 7.7 and Appendix F of the Region 5 PA and the criteria in the California Register of Historical Resources (as defined in the California Code of Regulations Title 15, Chapter 11.5, Section 4850). This task includes field preparation and post-field work (i.e., photo download and management).

Assumptions

- No archaeological testing or evaluation excavation of archaeological sites.
- Only the portion of SR 203 to be realigned and newly constructed will require archaeological survey (not the entirety of SR 203).
- The protocols of Stipulation 7.7 and Appendix F of the USFS Region 5 PA will also meet the Section 106 requirements of the Caltrans Section 106 PA.
- If additional areas will be constructed or if the project area changes after initial fieldwork is completed, additional scope and cost may be needed.

Consultation and Coordination

Ascent's cultural resources specialists will assist the Town of Mammoth Lakes with Senate Bill (SB) 18 and Assembly Bill (AB) 52 consultation efforts. This may include writing letters on the Town's behalf, attending meetings, collaborating on approach to Tribal communications, and providing guidance on mitigation measures. Ascent assumes four one-hour online meetings with the tribes, two half-hour online meetings with the Town of Mammoth Lakes staff, and a half-hour of prep time for each meeting. Any non-confidential information pertaining to Native American tribal cultural resources gleaned from SB 18 or AB 52 consultation will be incorporated into the tribal cultural resource section of the EIR/EIS. Ascent will coordinate with INF on the results of their Section 106 tribal consultation efforts (as described above). These results will be incorporated into the archaeological report.

After field work has been completed, Ascent's cultural resource specialists will coordinate with INF and Caltrans related to preliminary findings, next steps, and possible mitigation measures. It is also anticipated that four one-hour meetings with the project development team will be required during the process.

Technical Documents

Based on the previous tasks, Ascent will prepare the cultural resource reports required by INF and Caltrans. These include the Archaeological Survey Report and associated DPR forms, the Historic Resources Evaluation Report and associated DPR forms, and the Caltrans Historic Properties Survey Report form. It is

also anticipated that Caltrans will require a Section 4(f) report. Department of Transportation Act "Section 4(f)" [49 USC § 303] requires that all administrations under the US Department of Transportation (USDOT) preserve and protect certain types of resources when approving transportation projects. Section 4(f) applies whenever a federal action involves the use of a publicly owned park, recreation area, wildlife or waterfowl refuge, or land from a historic site.

Assumptions

- One round of consolidated/reconciled comments from INF and Caltrans for all documents. Ascent to provide instructions to facilitate consolidated comments.
- Assumes up to 10 DPR forms (i.e., 5 archaeological sites, SR 203, and 4 structures).

Deliverables for Task 4.4

- Records searches (described above)
- Agency consultation (described above)
- Draft and final ARPA permit application
- Completion of cultural field surveys (assumes two staff at 5, 10-hour days each)
- Draft SB 18 and AB 52 letters
- Archaeological Survey Report
- Historic Resources Evaluation Report
- Historic Properties Survey Report
- Associated DPR forms
- Section 4(f) Report

Task 5 Refine Project Schedule and Scope

This task has been completed. Ascent prepared and distributed a draft schedule for the overall CEQA/NEPA process in September 2021 (revised in November 2021). Subsequently, Ascent prepared and distributed draft schedules for the NOP/NOI and EIR/EIS in June 2022. These schedules will continue to be refined and updated as part of Phase 2 as the project moves forward (see Task 21, below). Town and Forest Service input will be solicited to ensure that staff review times and internal processes are accurately reflected.

With this submittal, Ascent is submitting the Phase 2 scope of work.

Task 6 Project Management/Meetings

This task has been completed through July 2022 but is continuing. Ascent prepared agendas, participated in biweekly meetings, and prepared and distributed meeting summaries/action items. Ascent participated in approximately 30 conference calls (including biweekly and other calls) from May 2021 through June 2022, which exceeded our assumptions. Additionally, Ascent coordinated closely with the project team regarding the Forest Service-required Master Development Plan (MDP) and Project Proposal Letter (PPL), including review of draft documents.

Ascent will continue to participate in biweekly conference calls with the Town, the Forest Service, and the applicant as part of Phase 2 (see Task 21, below).

PHASE 2: ENVIRONMENTAL ANALYSIS

Task 7 Resource Protection Measures and Specialist Reports

In collaboration with the Forest Service and the Town, Ascent will develop a list of Resource Protection Measures (RPMs) based on the Forest Service's and the Town's standard operating procedures and directives. An initial list of RPMs will be developed predicated on a preliminary understanding of the project based on the activities carried out under Phase 1 and continued into Phase 2 and will be discussed at a meeting among technical staff from Ascent, the Forest Service, and the Town. These initial RPMs will be used in the specialist reports, and they will be updated in the specialist reports between the draft and final reports. Through the process of preparing the specialist reports, additional RPMs may be added or initial RPMs modified, and a final list of RPMs intended to protect specific resource areas will be developed. A second meeting among resource specialists will be held to discuss the adequacy of the final list. These RPMs will be included as a part of the project description (and any applicable alternatives) and evaluated as such in the EIR/EIS. It is expected that even with implementation of the RPMs, significant environmental effects will be identified, requiring additional mitigation and necessitating the level of review that an EIR/EIS will provide.

Ascent will complete specialist technical reports to support the EIR/EIS. To the extent possible, we will incorporate existing information from prior studies in the area to avoid redundant efforts in the evaluation of resources. Ascent will work closely with Inyo National Forest technical staff to ensure that all desired information is included and that the technical reports reflect the preferred format of the Inyo National Forest. Ascent will use Inyo National Forest templates for the technical reports when they are provided. Forest Service technical staff and Town technical reviewers (if desired) will provide one review cycle for each report. The following reports will be prepared:

- Biological Assessment (BA) for Plant, Wildlife, and Aquatic Species
- Biological Evaluation (BE) for Plant, Wildlife, and Aquatic Species
- Management Indicator Species Report
- Migratory Bird Treaty Act Evaluation Report
- Invasive Plant/Noxious Weed Risk Assessment
- Aquatic Resources Delineation Report
- Section 106 Heritage Resources Technical Memo

Further coordination is ongoing with the Forest Service regarding the content and approach to these reports, which may require a contract amendment once more information is available. These technical reports will support some portions of the EIR/EIS analysis described below.

Deliverables/Meetings

- Two meetings among Ascent project management and specialist staff, Forest Service IDT specialists, and Town technical staff to establish RPMs (virtual)

- Draft and final RPMs (electronic submittal)
- Draft specialist reports (electronic submittal)
- Final specialist reports (electronic submittal)

Task 8 Identify Organization and Format of EIR/EIS

It is assumed that through a series of up to four conference calls, as well as email exchanges and telephone conversations, the following elements of the EIR/EIS will be agreed upon before Ascent proceeds with document preparation:

- Document Outline/Table of Contents
- Technical Chapter Outline
- General Terminology and Integration of CEQA/NEPA Terminology (e.g., Proposed Action Alternative or Proposed Action/Proposed Project Alternative)
- Alternatives, including the Proposed Action
- Use of Significance Criteria and Characterization of Impact Significance/Intensity
- Characterization of No Action Alternative and Use in Impact Analysis (vs. typical CEQA/NEPA existing condition baseline)
- Approach to the Evaluation of Connected Actions under NEPA
- Past, Present, and Reasonably Foreseeable Future Projects to Use for Cumulative Impact Analysis

Ascent will provide a draft Document Outline/Table of Contents, Draft Technical Chapter Outline, suggested terminology list, , and list of questions for the lead agencies (i.e., the Town of Mammoth Lakes as the lead agency for CEQA and the Forest Service as the lead agency for NEPA). These materials will serve as the basis for discussions of document format and content. Based on lead agency input, updated versions of these documents will be prepared. Once the lead agencies agree on final versions of these materials, Ascent will use them to begin preparation of the EIR/EIS.

Deliverables/Meetings

- Document format/content guidance materials prior to meetings; final versions of materials to confirm agreement among lead agencies (electronic)
- Participation of up to three Ascent staff in up to four conference calls

Task 9 First Administrative Draft EIR/EIS

Task 9.1: Preparation of First Administrative Draft EIR/EIS

The Ascent team will prepare a First Administrative Draft EIR/EIS consistent with the format and approach developed during Task 8. Various chapters and sections of the EIR/EIS and related tasks are listed in Table 1 and the consultant team member (Ascent or SE Group) with primary responsibility is identified.

Some environmental issue areas may be "scoped out" based on the public scoping process and further coordination with the lead agencies; however, at this early stage, this scope or work assumes preparation of a

full-scope EIR/EIS. Chapter/section names and order may change based on the results of Task 8. It is also acknowledged that some topic areas, such as biological resources, may ultimately be split into multiple chapters, such as having wetlands addressed in a separate chapter, per Forest Service guidance.

As the document progresses, the team will coordinate and interact with the Town, the Forest Service, and the applicant team. Importantly, when significant impacts and associated mitigation measures are identified, it is suggested that we work with the team to determine if actions identified in the mitigation measures can be incorporated into the Specific Plan or if the impacts would instead continue to be identified as significant (with associated mitigation) in the EIR/EIS.

Table 1: Consultant Team Leads for EIR/EIS Chapters/Sections and Tasks

SECTION/CHAPTER/TASK	ASCENT	SE GROUP	COMMENTS
Initial EIR/EIS Sections/Chapters			
Executive Summary	Lead	Participates	To be provided with the 2nd Administrative Draft EIR/EIS
Table of Contents	Lead		
Introduction	Lead	Participates	
Description of Alternatives	Lead	Participates	
Approach to the Analysis	Lead	Participates	Addresses topics such how NEPA and CEQA are integrated into the impact analysis and projects to be included in the list of Reasonably Foreseeable Future Projects
EIR/EIS Technical Chapters			
Aesthetics		Lead	Visual simulations to be prepared by SE Group for inclusion
Air Quality	Lead		
Biological Resources	Lead		
Cultural Resources	Lead		
Energy	Lead		
Geology, Soils, and Mineral Resources	Lead		Applicant-prepared geotechnical reports will be reviewed for the analysis

Table 1: Consultant Team Leads for EIR/EIS Chapters/Sections and Tasks

SECTION/CHAPTER/TASK	ASCENT	SE GROUP	COMMENTS
Greenhouse Gases and Climate Change	Lead		
Hazards and Hazardous Materials	Lead		Applicant-prepared hazardous materials and fire safety/management/evacuation planning reports will be reviewed for the analysis
Hydrology and Water Quality	Lead		Applicant-prepared hydrology reports will be reviewed for the analysis
Land Use and Forestry Resources	Participates	Lead	Ascent provides content to SE Group related to Town land use issues. SE Group addresses Forest Service land use issues and completes chapter.
Noise	Lead		
Population, Employment, and Housing		Lead	
Public Services and Utilities	Lead		Applicant-prepared utility reports will be reviewed for the analysis
Recreation		Lead	
Transportation	Lead		LSC Transportation Consultants and Kimley Horn as subconsultants
Tribal Cultural Resources	Lead		
Wildfire	Lead		
Socioeconomics and Environmental Justice		Lead	
Other EIR/EIS Sections/Chapters			
Cumulative Impact Analyses	Lead	Participates	Each consultant prepares respective analyses for their chapters. Ascent compiles analyses as appropriate

Table 1: Consultant Team Leads for EIR/EIS Chapters/Sections and Tasks

SECTION/CHAPTER/TASK	ASCENT	SE GROUP	COMMENTS
Other Required NEPA and CEQA Analyses	Lead	Participates	Each consultant prepares respective CEQA/NEPA elements. Ascent compiles chapter
Consultation and Coordination	Participates	Lead	Ascent provides information to SE Group for inclusion
List of Preparers	Lead	Participates	SE Group provides information to Ascent for inclusion
References	Lead	Participates	SE Group provides Ascent references information for chapters they lead
Index	Lead	Participates	SE Group provides terms for inclusion in Index
Other Tasks			
Document Production	Lead		Ascent conducts Word Processing and Printing
Final QA/QC for all Chapters	Lead		Ascent reviews and provides QA/QC for all chapters, including those received from SE Group
Electronic Record	Lead	Participates	Ascent compiles the electronic record and SE Group provides content supporting their chapters
GIS Database Maintenance	Lead for data supporting chapters where Ascent is lead	Lead for data associated with project description and chapters where SE Group is lead	SE Group will be "keeper" of GIS data directly related to project description. Each firm maintains data related to their technical chapters. Before public release of Draft EIR/EIS, a single complete set of GIS data will be compiled for the lead agencies.
Record/Maintain Mailing Lists		Lead	SE Group maintains records of all mailing lists used.

Executive Summary

The executive summary will include a summary table of all impacts and mitigation measures identified in the EIR/EIS. An impact comparison table of the alternatives will also be included. The executive summary will be first provided with the 2nd Administrative Draft EIR/EIS described below.

Introduction

The Introduction will include a discussion of the project background, CEQA and NEPA and process to date, purpose and need and project objectives, issues analyzed and issues dismissed (if needed), consultation and public involvement, scope of the analysis, and regulatory framework.

Description of Alternatives

A preliminary project description would be developed by Ascent sufficient to support the NOP and NOI. This project description would be revised and expanded to include any project changes/refinements and further project details that are developed after scoping. To be sufficient to support the impact analysis, the project description will include locational descriptions, details of proposed project elements, construction methods, hours and season of operations, interrelationships with current operations, employment, visitation, and level of recreation. Projections of visitation generated by the project would be based on data provided by the applicant team. It is assumed that the alternatives that would receive a full analysis in each chapter of the EIR/EIS would consist of the Proposed Action Alternative, the No Action Alternative, and up to two additional action alternatives (e.g., an alternative with a modified site layout or reduced development). The analysis of each alternative would be conducted at a comparable level of detail consistent with the requirements of NEPA.

The alternatives chapter will also identify alternatives that were initially considered but not evaluated further, including justification for why these alternatives were not provided a full analysis in the EIR/EIS.

Approach to the Analysis

This chapter will assist the reader in understanding the EIR/EIS and the subsequent chapters in the document. Topics to be addressed will include:

- the differences between CEQA and NEPA and the approach to addressing these differences in a joint document;
- an overview of the organization, content, and approach taken in each resource analysis chapter;
- the general approach taken for the cumulative effects analysis;
- characterization of past and present projects that influence the existing cumulative condition; and
- the list of reasonably foreseeable future projects considered in the cumulative analysis taken in the impact analysis.

Aesthetics

The project area is located in a scenic alpine setting, with steep mountains, jagged peaks, meadows, and creeks. This EIR/EIS section will describe in clear and concise language the site's current appearance from key vantage points. Up to ten visual simulations total from key viewpoints in summer and/or winter conditions will be prepared by SE Group for inclusion as figures in the EIR/EIS. It is expected that simulations of the lodge area and ski area, including the location of a reservoir, will be needed. The EIR/EIS will use the Forest Service's Visual Management System, including Visual Quality Objectives (VQOs); VQOs provide a tool for the Forest Service to

define how a landscape will be managed, the level of acceptable modification permitted in the area, and under what circumstances modification may be allowed. VQOs direct visual resource management only on National Forest System lands and are not applicable to portions of the project area that occur on private lands.

The EIR/EIS analysis will describe how implementation of the project would change the view of the site from the key viewpoints, considering applicable RPMs that may minimize visual alterations. The EIR/EIS may also discuss in a general manner (without simulations) how the project could affect views from other notable viewpoints in the project vicinity. The analysis will also include a discussion of light- and glare-related impacts.

Air Quality

Regional and local air quality, including attainment status for all criteria pollutants, will be described. Short-term construction-related emissions and long-term operational emissions will be estimated using the most current version of the California Air Resources Board–approved California Emissions Estimator Model (CalEEMod) with project-specific details, Great Basin Unified Air Pollution Control District (GBUAPCD) recommended input parameters, CalEEMod default settings where appropriate, and specific data from the traffic analysis. Where feasible, emissions reductions resulting from RPM implementation will be reflected in the modelling input parameters. It is assumed that sufficient detail will be provided for the alternatives to conduct equitable emissions modeling for each alternative. Estimated levels of ozone precursors and particulate matter will be compared to GBUAPCD's recommended mass emission thresholds. In addition, to comply with NEPA and Title I, Section 176(c) of the federal Clean Air Act (42 United States Code Section7506(c)), a General Conformity Applicability analysis will be conducted, which would involve a comparison to applicable annual emissions de minimis levels. The analysis will be incorporated into the EIR/EIS analysis and included in the associated appendix as a standalone attachment.

The potential exposure of sensitive receptors to toxic air contaminants (TACs), odor sources, and carbon monoxide (CO) hot spots will be assessed qualitatively. Due to the proximity of sensitive receptors to the project site, it is possible that a Health Risk Assessment (HRA) would be required and/or recommended for the project. This scope does not include preparation of an HRA; however, Ascent can prepare one with a contract amendment and based on further discussion with the lead agencies and project team.

The air quality analysis will account for any emissions reduction actions proposed to apply to the project. Increases in criteria air pollutants, precursors, and exposure to TACs and odors (if applicable) during construction and operation of the project will be compared to applicable thresholds and mitigation measures will be prepared, as needed, that clearly identify timing, responsibility, and performance standards. Federal conformity analysis will also be addressed for each alternative.

Biological Resources

Documentation pertinent to the biological resources in the project area will be compiled, analyzed, and incorporated into the EIR/EIS. Based on information obtained through document review and the field surveys, Ascent will prepare the environmental setting of the biological resources section of the EIR/EIS. Data and observations on the presence/absence and distribution of sensitive species, and related critical habitats, in the project area will be integrated. This section will include figures showing the location and extent of potential sensitive biological resources in the project area. A brief overview of relevant federal, state, and local laws and regulations pertaining to the protection of biological resources in the project area will also be included. The EIR/EIS will use information from the biological resources reports prepared for the Forest Service by Ascent as part of Task 7 (e.g., BA, BE). After consideration of the impact reducing effects of applicable RPMs, potentially significant direct, indirect, and cumulative impacts on biological resources that could result from implementation of the project will be identified. Feasible and practical mitigation measures that would further minimize or eliminate potential significant adverse impacts on biological resources will be provided.

Cultural Resources

The Section 106 report prepared by Ascent will be relied upon to provide the basis for setting and impact information in the EIR/EIS. After consideration of the impact reducing effects of applicable RPMs, potentially significant direct and indirect impacts on cultural resources that could result from implementation of the project will be identified. Feasible and practical mitigation measures that would further minimize or eliminate potential significant adverse impacts on cultural resources will be provided.

Energy

Based on the CEQA Guidelines Appendix G checklist and the guidance included in CEQA Guidelines Appendix F regarding energy conservation and energy demand data to be supplied by the applicant, the EIR/EIS will include an analysis of the project's anticipated energy demands, reliance on fossil fuel energy sources rather than renewable sources, and determine whether the project would be likely to result in a wasteful or inefficient use of energy.

Geology, Soils, and Mineral Resources

It is assumed that the applicant would provide a geotechnical engineering report that would include information on geological and soil conditions and a land coverage assessment. The results of the report will be summarized for inclusion in the EIR/EIS and will be used as the basis for the impact assessment. The section will include a description of site geology and subsurface conditions, a description of local and regional seismic conditions, identification and estimated quantification (acres) of temporary and permanent ground disturbance, the amount of net new coverage that would result from the project, consideration of disturbance on high/moderate/low erodibility soils classes, and evaluation of slope stability concerns.

Compliance with existing building codes and seismic safety standards will be used as the basis for ensuring that potential seismic risks and geologic hazards (e.g., expansive or corrosive soils [if present]) are reduced to a less-than-significant level. Issues such as erosion, siltation, and loss of topsoil will also be addressed through compliance with existing building codes and other regulations (e.g., Forest Service requirements, LRWQCB erosion control standards), identification and implementation of standard best management practices (BMPs) provided by these sources, and implementation of relevant RPMs. Avalanche risk will be addressed in the Hazards and Hazardous Materials section, described below.

Greenhouse Gases and Climate Change

The analysis will include a brief discussion on the current state of the science (e.g., Intergovernmental Panel on Climate Change's [IPCC] Fourth Assessment Report) along with applicable regulatory framework and relevant guidance (e.g., AB and Senate Bill [SB] 32, federal guidance on addressing climate change in NEPA documents) associated with climate change. Project-generated construction- and operational-related greenhouse gas (GHG) emissions will be quantified and discussed. Any GHG emissions reductions attributable to RPMs will be included in the GHG emissions modelling. It is assumed that sufficient detail will be provided to conduct an equal level of analysis of GHG emissions modeling for the alternatives. The analysis will evaluate the project in terms of its consistency with federal GHG thresholds; California's GHG reduction goals; the Town of Mammoth General Plan; goals and policies, recommendations contained in the SB 32 Scoping Plan; and GBUAPCD' mass emissions thresholds for determining whether project generated GHG emissions would be a cumulatively considerable contribution to the global impact of climate change. The analysis will also include a qualitative discussion about any potential adverse impacts to the project from adaptation to climate change, if any. Mitigation measures will be prepared, as needed, that clearly identify timing, responsibility, and performance standards.

Hazards and Hazardous Materials

This EIR/EIS section will address the potential for introduction of hazardous materials that could affect the environment and the ability to evacuate the project area during an emergency and any increases in demand on emergency service providers that may cause. Provisions from the Public Health and Safety Element of the Town's General Plan will be reviewed and summarized, as applicable. It is assumed that information on the methods for evacuation and the personnel and equipment needed to execute an evacuation will be provided by the applicant. (See, also, the discussion on Wildfire below.)

Ascent will also consult with the Town and MMSA, as well as review available records pertaining to avalanche history and whether the project is located in any known avalanche runout zones.

After consideration of the impact reducing effects of applicable RPMs, potentially significant direct, indirect, and cumulative impacts related to hazards and hazardous materials that could result from implementation of the project will be identified. Feasible and practical mitigation measures that would further minimize or eliminate potential significant adverse impacts will be provided.

This section will not address issues related to hazards within one-quarter mile of a school or airport hazards as there are none of these land uses near the project site. Results from the Phase I Environmental Site Assessment, to be prepared by the applicant team, will be incorporated into the EIR/EIS.

Hydrology and Water Quality

It is assumed that the applicant would provide a hydrology report. The results of the report will be summarized for inclusion in the EIR/EIS and will be used as the basis for the impact assessment. Areas of focus for this section will include the impacts of the project on drainage patterns, rate or amount of surface runoff, stream sedimentation, groundwater supply, and water quality. Impacts will be primarily related to project construction and stormwater drainage and would be addressed through BMPs and RPMs applied to these issues. It is assumed that construction drawings and other materials provided by the applicant will indicate drainage plans for the project and any physical BMPs to be included in the project design. Although complete engineering drawings are not anticipated for project alternatives, it is assumed that sufficient information (e.g., conceptual drawings or textual descriptions of drainage plans) can be supplied by the applicant to provide an equitable level of analysis for project alternatives.

Using the applicant-provided water supply and hydrological technical study, and information from Ascent's evaluation of hydrological issues, the EIR/EIS will evaluate the potential effects of the project on groundwater and surface water (and provide direct and indirect input to the aquatic resources evaluation) and on water quality. Ascent will also review the snow storage, drainage, and stormwater management plans as a basis for evaluating whether any residual adverse effects on hydrology, flooding, or water quality could result from project implementation.

Land Use and Forestry Resources

This section will address land use issues related to Forest Service plans and policies, as well as applicable Town land use plans and policies. The project will require an amendment to the Town's General Plan to include the project site within the Town's Urban Growth Boundary as well as amendments to the Town's General Plan and Municipal Code to create a Mammoth Main Lodge Base Specific Plan (MMLBSP) land use designation and zoning district. The General Plan amendment will also update the Town's Buildout Table and projection. Ascent will examine the existing land use patterns in the area and will describe the potential for division of or conflicts with existing communities. Policies pertaining to resource issues will be addressed in each relevant technical area of the EIR/EIS.

Issues relating to forestry resources from the implementation of expanded ski areas will be addressed in this section of the EIR/EIS. It is assumed that Forest Service staff will supply the appropriate level of technical review based on their understanding of the forestry resources in the areas proposed for clearing.

Noise

The existing ambient noise environment on and near the project area will be described based on baseline noise measurements which will be taken as part of this Phase 2 scope of work, focusing on general ambient noise levels and application of widely accepted prediction methodologies (e.g., Federal Highway Administration [FHWA] Traffic Noise Prediction Model). This scope assumes four full days of staff time to conduct on-site noise measurements, time to assimilate noise data, and preparation for conducting noise monitoring. Noise monitoring results will be included as an appendix to the EIR/EIS. This section will include information on the location of existing sensitive receptors (e.g., nearby residences and open space/recreation areas) and major noise sources (e.g., maintenance of Mammoth Mountain ski resort and ski areas, general activity at the resort, snowmaking, motor vehicle traffic along Minaret Road [State Route 203], Mammoth Yosemite Airport), ambient noise levels, and natural factors that relate to the attenuation thereof. The EIR/EIS will analyze potential short-term construction-related noise (e.g., use of heavy-duty equipment for construction activities) and long-term operational noise (e.g., new resort operations). For project-generated transportation noise sources, average daily traffic volumes and distribution characteristics from the traffic analysis, reference noise measurement data, and prediction methods will be used to assess local noise increases.

Construction noise and operational noise impacts will be determined using applicable adopted noise standards contained in the local municipal code and/or General Plan, as well as a consideration of substantial noise increases, consistent with applicable CEQA case law (e.g., King & Gardiner Farms, LLC v. County of Kern), that requires noise analyses to not only consider adopted maximum noise standards but to also evaluate how project-generated noise increases affect nearby receptors

Noise levels will be modeled for existing and cumulative conditions (both with and without the project) for the purposes of determining increases and potential land use compatibilities at sensitive receptors. It is assumed that sufficient detail will be provided for the alternatives to conduct equitable noise modeling for the alternatives. The Town of Mammoth Lakes General Plan Noise Element, including Table 3, will be used as a basis for establishing thresholds of significance. The analysis will qualitatively address the potential exposure to vibration noise. Mitigation measures will be prepared, as needed, that clearly identify timing, responsibility, and performance standards.

Population, Employment, and Housing

The project will provide short-term (e.g., construction) and long-term employment opportunities. The analysis will describe local and regional housing opportunities including workforce housing proposals, any project-generated demands (e.g., new employees generating additional demand for housing in the region), and the housing opportunities that the project would offer. Policies in the Town of Mammoth Lakes General Plan Housing Element, including policies pertaining to workforce housing (Goal H.2), will be reviewed and considered as appropriate. It is assumed that the applicant will provide information on the amount of employee housing to be developed within the project boundary or elsewhere in the Town of Mammoth Lakes or other locations, if planned. The impact analysis will be based on CEQA checklist questions included in CEQA Guidelines Appendix G (inducement of substantial population growth, displacement of housing, etc.).

Public Services and Utilities

Ascent will consult with public service providers (Mammoth Lakes Fire Protection District, Town Police Department, Town Parks and Recreation Department, and Mammoth Unified School District) pertaining to their ability to provide adequate service to the project while maintaining sufficient service levels to existing uses.

Goals and policies in the Public Health and Safety Element of the Town's General Plan will be considered as applicable. The need for new facilities will be described with the associated potential environmental impacts.

The applicant is expected to provide studies analyzing the provision of utilities to the project, including water and wastewater.

- Water. Ascent will prepare the water supply section of the EIR/EIS and will evaluate the supply and demand for water and the ability of water developers to serve the project and cumulative development in the Town of Mammoth Lakes. It is assumed that the applicant would provide water demand calculations, if they are determined to be needed, which would be used as the basis for the water supply analysis in the EIR/EIS. Due to the size of the project, it will be evaluated under Section 15155 of the CEQA Guidelines (water supply projects). Ascent will consult with the Mammoth Community Water District as part of the analysis.
- Wastewater. After evaluating the feasibility of two wastewater management options, the applicant has determined to implement an on-site modular wastewater treatment facility as part of the project. Ascent will prepare the wastewater section of the EIR/EIS and will evaluate the project's anticipated demands and the wastewater treatment and conveyance capacities to serve the project and cumulative development in the Town of Mammoth Lakes. The applicant's feasibility report will, in part, be used as the basis for the wastewater analysis in the EIR/EIS, together with other available information relating to environmental resource areas (e.g., water quality, water quantity, soil and geological resources).
- Electricity/Gas/Energy. Ascent will use applicant-prepared utility reports by NV5 Consulting to identify whether energy system purveyors have sufficient capacity to serve the project and if not, the needs and potential impacts associated with expanding service. The EIR/EIS will also include an analysis of total energy use, including the concept of wasteful energy use. It is assumed that the applicant will provide energy use data for the project and information on any differences in energy use that might be associated with the alternatives. If geothermal wells are proposed, the analysis will be subject to a scope of work amendment.

Recreation

The project may increase the use of adjacent Forest Service land if it provides more convenient access to a remote area or increases visitation. Although this increase in use is not expected to result in the need for additional facilities that could cause a significant effect on the environment, it could result in the deterioration of existing facilities, including trails. The EIR/EIS will include an analysis of this issue and of potential changes in the recreational experience, as well as consideration of policies in the Parks, Open Space and Recreation Element of the Town's General Plan and the Forest Plan.

Transportation

LSC, supported by Kimley-Horn, will prepare a transportation impact study for the project, focusing on vehicle miles traveled (VMT) (using the Town's VMT thresholds), safety, and adequacy for emergency response. The results of the study will be the basis for the EIR/EIS transportation section, which will be prepared by Ascent. It is assumed that sufficient detail will be provided for the alternatives to support equitable traffic modeling for each alternative. The EIR/EIS transportation section will also evaluate the project's potential impacts related to alternative travel modes, including pedestrian, bicycle, and transit consistent with CEQA Appendix G.

Tribal Cultural Resources

The Section 106 report prepared by Ascent will be relied upon to provide the basis for setting and impact information in the EIR/EIS related to tribal cultural resources. Potentially significant direct and indirect impacts on tribal cultural resources that could result from implementation of the project will be described. Feasible and practical mitigation measures that would minimize or eliminate potential adverse impacts on cultural resources will be provided. It is assumed that tribal cultural resource consultation, as required by SB 18 and AB 52, will be conducted by the Town (as recommended under SB 18 and AB 52 guidance), and Ascent will assist the Town as described above under Task 4.4.

Wildfire

The EIR/EIS will include a section evaluating the potential effects related to wildfire using the questions included in the CEQA Guidelines Appendix G checklist. The analysis will consider the wildfire severity zones and policies in the Public Health and Safety Element of the Town's General Plan. It is expected that the applicant team will prepare a defensible space and wildfire evacuation plan, as well as information on any project elements supporting a shelter in place option. This applicant provided information will be reviewed for this analysis. Ascent will consult with the Mammoth Lakes Fire Protection District as part of the analysis.

Socioeconomics and Environmental Justice

CEQA does not require the analysis of socioeconomics and environmental justice; therefore, this section would be prepared to satisfy the Forest Service's obligation to evaluate this issue under NEPA. Project implementation has the potential to affect not only the physical environment but also the socioeconomic environment, due to the public use of private and National Forest System lands in the project area and the economies and societies of adjacent communities. Issues such as Town/County tax revenue, tourism, and visitor spending will be addressed. SE Group will conduct input-output modeling to address direct and indirect effects.

Cumulative Impact Analyses

Implementation of the project could potentially result in significant impacts to the above resource areas. When taken together with the effects of past projects, other current projects, and probable future projects, the project's contribution to the overall cumulative effect of all these activities could be considerable. Ascent will develop cumulative impact analyses, consistent with the requirements of both CEQA and NEPA, for each environmental issue area following the format agreed to with the completion of Task 8.

Other Required CEQA and NEPA Analyses

CEQA has very specific requirements for the contents of an EIR. Ascent will include in the EIR/EIS the following: Significant Environmental Effects Which Cannot Be Avoided, Significant Irreversible Environmental Changes, and Growth-Inducing Impacts.

It is assumed that required NEPA analyses in this chapter would include Short-Term Uses of the Environment versus Maintenance and Enhancement of Long-Term Productivity, Irreversible and Irretrievable Commitments of Resources, Environmentally Preferable Alternative, and Consistency with Executive Orders.

Other Chapters/Sections

Ascent will prepare the following other chapters/sections as part of the EIR/EIS: Table of Contents, Consultation and Coordination, List of Preparers, and References. Given the ability to easily search electronic documents for specific words or terms, the value of an Index has declined considerably. Meanwhile, inclusion of an index can be in direct conflict with EIS page limits under NEPA. Therefore, an Index is not proposed to be part of this EIS/EIS.

Electronic Record

Ascent will compile an electronic copy of all cited literature, studies, personal communications, and reference materials used by Ascent and SE Group during preparation of the EIR/EIS. We will consolidate the electronic record materials for delivery to the lead agencies with the Public Draft EIR/EIS and again with the Final EIR/EIS.

Task 9.2: First Administrative Draft Delivery Review Meeting

Staff from the Town and the Forest Service reviewing the First Administrative Draft EIR/EIS may not have previously reviewed a joint CEQA/NEPA document. Elements of the organization, content, and approach in the EIR/EIS may be unfamiliar and potentially inconsistent with expectations or past experience with environmental review documents. Upon delivery of the First Administrative Draft EIR/EIS, two Ascent staff will be available to participate in a conference call with Town and Forest Service staff to "walk through" the document and identify elements that may be unfamiliar but are necessary to meet the regulatory requirements of CEQA and/or NEPA. It is expected that senior Town and Forest Service staff would participate to provide guidance to staff on the review expectations for the joint document.

Deliverables/Meetings

- First Administrative Draft EIR/EIS (electronic)
- Participation of up to two Ascent staff in a document "walk through" conference call

Task 10 Second Administrative Draft EIR/EIS

Task 10.1: Second Administrative Draft EIR/EIS

The Town, the Forest Service, and the applicant team will each provide one set of consolidated, non-conflicting comments on the First Administrative Draft EIR/EIS to Ascent. Up to three Ascent staff will be available to participate in a conference call to discuss key issues raised in the comments and approaches to the comments acceptable to both lead agencies. For past joint documents prepared by Ascent, the most efficient mechanism to provide comments has been for reviewers to track changes and add "comment bubbles" in a Word file. This approach allows electronic consolidation of comments from multiple sources into a single file and provides a mechanism for Ascent to electronically record the response to each comment in the file. It is assumed that this comment and review process will also be used for the project. Ascent will prepare the Second Administrative Draft EIR/EIS in accordance with review comments from the Town, the Forest Service, and the applicant team. Ascent will provide both a track changes version of the electronic file, recording how review comments were responded to, and a "clean" version of the file where all text changes have been accepted and comment bubbles removed.

Task 10.2: Mitigation Monitoring and Reporting Program

Ascent will prepare a draft Mitigation Monitoring and Reporting Program (MMRP), consistent with the requirements of CEQA. The MMRP will lay out the information necessary for Town staff to determine if and when a mitigation measure is complete or whether ongoing mitigation is implemented in conformance with the EIR/EIS; such information includes timing, responsible party, and performance standards. The MMRP is not proposed to include the Forest Service RPMs; however, we can include them with a contract amendment and based on discussions with the lead agencies. The Town, Forest Service, and applicant team will each provide one set of consolidated, non-conflicting electronic comments on the draft MMRP. Once consolidated comments are received, Ascent will incorporate comments and prepare the final MMRP.

Deliverables/Meetings

- Second Administrative Draft EIR/EIS (electronic)
- Participation of up to three Ascent staff in a comment review conference call
- Draft and Final MMRP (electronic)

Task 11 Screencheck Draft EIR/EIS

The Town, Forest Service, and applicant team will each provide one set of consolidated, non-conflicting electronic comments on the Second Administrative Draft EIR/EIS to Ascent. Ascent will prepare the Screencheck Administrative Draft EIR/EIS in accordance with review comments from the Town, Forest Service, and applicant team. Ascent will provide both a track changes version of the electronic file, recording how review comments were responded to, and a "clean" version of the file where all text changes have been accepted and comment bubbles removed.

Deliverables/Meetings

- Screencheck Draft EIR/EIS (electronic)

Task 12 Public Draft EIR/EIS

Following receipt of comments from the Town, Forest Service, and applicant team, and approval of the Screencheck Draft EIR/EIS, Ascent will prepare the Public Draft EIR/EIS. It is assumed that the Town and the Forest Service will prepare and distribute the notices of availability to the project mailing list, the Federal Register, the county clerk's office, and any other necessary agencies. Additionally, the Town and/or the Forest Service will be responsible for newspaper noticing and any other noticing. Ascent will submit the Public Draft EIR/EIS (and NOC) to the State Clearinghouse via its online submittal system.

Deliverables/Meetings

- Public Draft EIR/EIS: electronic copy and NOC submitted to the State Clearinghouse; 10 printed copies, with appendices on CD, mailed to the Town and one electronic copy for its records; 10 printed copies, with appendices on CD, mailed to the Forest Service and one electronic copy for its records
- Web-friendly files for posting to the project website (less than 10 MG)
- Draft EIR/EIS reference materials (to be provided on flash drives)

Task 13 Draft EIR/EIS Public Hearings

Ascent's principal-in-charge and project manager will attend up to two public hearings, to be organized by the Town, during the Draft EIR/EIS review period. It is assumed that these meetings will occur on the same day or on consecutive days. Ascent will be available to describe the conclusions presented in the Draft EIR/EIS and respond to any questions on the Draft EIR/EIS analysis. It is assumed that the applicant will arrange for a court reporter to attend the public hearings and record public comments. This task also includes participation by the Ascent principal-in-charge and project manager in up to two planning conference calls prior to the hearings and preparation of PowerPoint slides to support a meeting presentation.

Deliverables/Meetings

- PowerPoint presentation slides (electronic)
- Attendance at up to two public hearings in the Town of Mammoth Lakes and participation in up to two pre-hearing preparation conference calls

Task 14 Final EIR/EIS Responses to Comments

The Town and the Forest Service will be responsible for receiving all public comments on the Draft EIR/EIS and providing them to Ascent. Ascent will review all comments received during the public review period, as well as late comments that require a response. We will thoughtfully respond to the comments received and will provide thorough, well-substantiated responses for comments that raise issues with the environmental analysis in the Draft EIR/EIS.

It is anticipated that weekly conference calls with the Town, the Forest Service, and the applicant team will provide a forum to discuss strategies for responding to comments (Ascent's participation in these calls is included in Task 21, below).

We cannot know at this time the number and complexity of comments to be received. Based on preliminary conversations with the Town, there is anticipated to be intense public interest in the project. A substantial effort was required to prepare responses to comments for the Village at Palisades Tahoe (formerly, Squaw Valley) Specific Plan EIR and the Gondola Base-to-Base EIR/EIS. For this scope of work, 400 hours of Ascent labor time is allocated to preparing the first draft of responses to comments. Once comments are received and the project team has had a reasonable amount of time to assess the content of the comments, Ascent will reassess the anticipated level of effort required to prepare the first draft responses and request a contract amendment if necessary.

Deliverables/Meetings

- First draft of responses to comments (electronic)
- Participation by up to three Ascent staff in up to two conference calls to discuss responses to comments

Task 15 Administrative Final EIR/EIS

After preparing the first iteration of responses to comments and receiving Town and Forest Service comments on these responses, Ascent will incorporate the responses into an Administrative Final EIR/EIS. It is assumed that the same review process described above for the Draft EIR/EIS deliverables will be implemented (e.g., comments provided in track changes in Word documents, consolidated comments from the agencies). Ascent will prepare an Administrative Final EIR/EIS that includes a reprinting of the Draft EIR/EIS with modifications based on the responses to comments or input from the lead agencies. NEPA does not require reprinting of a Draft EIS if there are minor changes to the original Draft EIS. However, anticipating a high volume of comments, with at least some corrections or adjustments made to the Draft EIR/EIS, this scope of work assumes a complete reprinting of the document as part of the Final EIR/EIS.

The Final EIR/EIS will also include an introductory chapter related to the process for moving from the Draft EIR/EIS to the Final EIR/EIS; a list of persons, organizations, and public agencies commenting on the Draft EIR/EIS; a summary of any lead agency– or applicant-initiated modifications to the project description or other elements of the EIR/EIS not implemented as a result of comments on the Draft EIR/EIS (if needed); a response to comments chapter or appendix, which will include the enumerated comment letters and any public hearing transcripts as well as responses to significant environmental points raised in comment letters received on the

Draft EIR/EIS; and the MMRP, which was included as an attachment to the Draft EIR/EIS and will be revised to be consistent with any changes made in the Final EIR/EIS.

It is assumed that a separate chapter showing text revisions to the EIR/EIS will not be required, with text revisions being recorded either in the body of the EIR/EIS through underline/strikeout or other means or in the responses to comments.

If there are project changes between the Draft and Final EIR/EIS, the Final EIR/EIS will include an evaluation of whether any of these project changes result in new significant impacts or trigger any other criteria that would result in the need to recirculate the Draft EIR/EIS. If recirculation of any EIR/EIS section/analysis is ultimately needed, a contract amendment will be required to address this effort.

It is anticipated that weekly conference calls with Town and Forest Service staff and the applicant team will provide a forum to discuss strategies for preparing the Final EIR/EIS (Ascent's participation in these calls is included in Task 21, below).

As stated above for Task 14, we cannot know at this time the number and complexity of comments to be received. Therefore, we also cannot know the extent of changes to the EIR/EIS that may be needed in response to comments or the extent of changes that may be initiated by the lead agencies or the project applicant. Each of these elements could significantly influence the level of effort required to prepare the Final EIR/EIS, beyond just the responses to comments.

Deliverables/Meetings

- Administrative Final EIR/EIS (electronic)
- Participation by up to three Ascent staff in up to two conference calls to discuss responses to comments and the Final EIR/EIS

Task 16 Screenecheck Final EIR/EIS

Ascent will revise the Administrative Final EIR/EIS and prepare the Screencheck Final EIR/EIS in accordance with review comments from the Town, the Forest Service, and the applicant team.

Deliverables/Meetings

- Screencheck Final EIR/EIS (electronic)

Task 17 Public Final EIR/EIS

Following receipt of comments on and approval of the Screencheck Final EIR/EIS, Ascent will prepare the Public Final EIR/EIS. The Town and the Forest Service will be responsible for preparing and distributing notices to the project mailing list. Ascent will be responsible for preparation of a draft and final Record of Decision (ROD) and notices. Ascent will submit the Final EIR/EIS (and NOC) to the State Clearinghouse via its online submittal system.

Following project approval and EIR certification, Ascent will prepare and file the notice of determination (NOD) with the State Clearinghouse. It is assumed that the Town will file the NOD with the County Clerk and arrange for the payment of the California Department of Fish and Wildlife review fee.

Deliverables/Meetings

- Public Final EIR/EIS: electronic copy and NOC submitted to the State Clearinghouse; 10 printed copies, with appendices on CD, mailed to the Town and one electronic copy for its records; 10 printed copies, with appendices on CD, mailed to the Forest Service and one electronic copy for its records
- Web-friendly files for posting to the project websites (less than 10 MG)
- Final EIR/EIS reference materials (to be provided on flash drives)
- Draft and final Record of Decision (electronic)

Task 18 Findings and Statement of Overiding Considerations

In coordination with Town staff, Ascent will prepare the CEQA Findings of Fact (Findings) and, if needed, a Statement of Overriding Considerations for use by the Town. The Findings will specify which mitigation measures have been incorporated into the project and those measures that have not, and if necessary, will explain why certain measures have been found to be infeasible. If applicable, the Findings will also identify feasible project alternatives that could reduce adverse environmental effects but are not being implemented, with an explanation as to why they are considered to be infeasible. Ascent will prepare an administrative draft of the Findings and will submit them (electronically) to the Town for review and comment. Once comments are received, Ascent will incorporate comments and prepare the final Findings.

Deliverables/Meetings

- Draft Findings and Statement of Overriding Considerations (electronic)
- Final Findings and Statement of Overriding Considerations (electronic)

Task 19 Final EIR/EIS Hearings

Task 19.1: Objection Review Process

Ascent's team will participate and assist the Forest Service in the objection review process. At the direction of the Forest Service we will review objections received during the objection period to determine whether each objection meets the requirements of eligibility (36 CFR 219.53), content (36 CFR 219.54(c), authorship (36 CFR 219.54(c)(2), and timeliness (36 CFR 219.56) and will consult with Forest Service staff. Ascent's team will assist Forest Service staff in setting aside objections that do not meet the requirements of eligibility and resolving those that do. We assume that the Forest Service will publish objections not set aside in the newspaper of record, conduct meetings, and post objections and notices on the SOPA/project website.

Task 19.2: Final EIR/EIS Hearings

Ascent's principal-in-charge and project manager will attend one Planning and Economic Development Commission hearing and one Town Council hearing addressing EIR/EIS certification and project approval. Ascent will be available to describe the conclusions presented in the Final EIR/EIS and respond to any questions. This task also includes participation by the Ascent principal-in-charge and project manager in up to four planning conference calls prior to the hearings and preparation of PowerPoint slides to support a meeting presentation.

Deliverables/Meetings

- PowerPoint presentation slides (electronic)

- Attendance at two public hearings in the Town of Mammoth Lakes and participation in up to four pre-hearing preparation conference calls

Task 20 Coordination with Forest Service and SE Group (NEPA Preparers)

Preparing a joint CEQA/NEPA document requires considerable coordination between the lead agencies. In a case like the Mammoth Main Lodge Redevelopment project, where two consultant teams will prepare the EIR/EIS, considerable coordination between these team members is also required. Ascent will continue to coordinate and interact with the Forest Service and SE Group, in collaboration with the Town, as the EIR/EIS is prepared. It is assumed that frequent e-mails and phone calls will be required, beyond the scheduled meetings identified in Task 21, below, to adequately coordinate the NEPA and CEQA processes and to relay information between Ascent and SE Group regarding our respective focus areas for the environmental review.

Deliverables/Meetings

- Coordination with the Forest Service and SE Group, in collaboration with the Town, via e-mails and phone calls in support of joint CEQA/NEPA document preparation and to relay information and data between document teams

Task 21 Project Management/Meetings

Ascent's team will attend meetings and conference calls with the Town, the Forest Service, and the applicant team to discuss project components, progress, etc. We will also conduct or participate in meetings with key stakeholder agencies likely to have a direct interest in the scope and content of the EIR/EIS (e.g., USFWS, LRWQCB). We have included budget for the following meeting attendance:

- Ascent's principal-in-charge, project director, and project manager (or a combination thereof) will participate in up to 64 conference calls with the project team. The number of conference calls is based on an average of two, 90-minute calls a month over 32 months of Phase 2 project activity.
- Ascent's team will contact, and if beneficial, meet with representatives of key agencies (under the direction and participation of the Town and the Forest Service) to help complete the EIR/EIS. Potential agency contacts would include USFWS and LRWQCB. Up to four conference calls attended by up to two Ascent staff, and hours for other phone calls and email coordination, are included in this item to accommodate meetings with additional agencies or multiple meetings with single agencies if needed.

Ascent will attend additional meetings/conference calls, subject to a budget modification, if requested.

Ascent's management team will devote effort each month to ensure an efficient and timely process for project execution. This includes close coordination with the Town, the Forest Service, and the project applicant (through the Town as directed by Town staff) about project issues, as they arise. Ascent will maintain close communication with Town and Forest Service staff to ensure the Town's and the Forest Service's objectives are met, the schedule is maintained, and the project is implemented within established budget parameters. Project management also includes contract and financial coordination with the Town, including monthly submittal of invoices.

Deliverables/Meetings

- Participation in the following conference calls

- Conference calls (64)
- Stakeholder agency contacts (up to four conference calls, and additional telephone and email contacts)

- Previously Identified Meetings – Other meetings already identified in this Phase 2 scope of work are listed here to provide a single reference for all meetings. Labor hours for these meetings are included in their respective tasks.
  - Task 8: Identify Organization and Format of EIR/EIS
    - Participation in up to four conference calls
  - Task 9: 1st Administrative Draft EIR/EIS
    - Participation in one comment review conference call
  - Task 10: 2nd Administrative Draft EIR/EIS
    - Participation in one comment review conference call
  - Task 12: Draft EIR/EIS Public Hearing
    - Attendance at up to two public hearings in the Town of Mammoth Lakes and participation in up to two pre-hearing preparation conference calls
  - Task 14: Final EIR/EIS Responses to Comments
    - Participation in up to two conference calls to discuss responses to comments
  - Task 15: Administrative Final EIR/EIS
    - Participation in up to two conference calls to discuss responses to comments and the Final EIR/EIS
  - Task 19: Final EIR/EIS Hearings
    - Attendance at two public hearings in the Town of Mammoth Lakes and participation in up to four pre-hearing preparation conference calls

Contingency Funding

The cost estimate table provided in Attachment C includes a line item with a 20 percent contingency fund for the Ascent team to minimize the need to execute future contract amendments. The contingency funding could only be accessed with prior written authorization from the Town.

Project Schedule

Ascent projects the following 32-month schedule for completion of the EIR/EIS, a copy of which was previously provided to the team on June 21, 2022 and has recently been updated. This is a conceptual schedule that will remain fluid throughout development of the Draft and Final EIR/EIS. Various issues related to the Forest Service NEPA process and studies and analyses by other team members are outside the control of Ascent. However, the schedule assumes that preparation of technical studies and other materials supporting the EIR/EIS will proceed in tandem with EIR/EIS preparation. If schedule delays occur related to any item outside the control of Ascent, an adjustment to the EIR/EIS schedule will be needed.

EXHIBIT "B"
SCHEDULE OF SERVICES

Work Product/Milestone	Review Period from Previous Task	Estimated Due Date
Phase 2 scope development and Town approval	NA	Aug—Sept 2022
NOP and NOI publication	NA	Oct 2022
Public scoping	30 days	Oct—Nov 2022
Fieldwork	NA	Summer 2021, Fall/Winter 2022 (possible), Spring/Summer 2023
Admin Draft EIR/EIS submittal	6 months from end of scoping and 1 month after completion of remaining surveys	Sept 2023
Team to provide comments	4 weeks	Oct 2023
2nd Admin Draft EIR/EIS submittal	4 weeks	Nov 2023
Team to provide comments	2 weeks	Nov 2023
Screencheck Draft EIR/EIS submittal	3 weeks	Dec 2023
Team to provide comments	2 weeks	Dec 2023
Public Draft EIR/EIS publication	3 months (includes FS process)	Mar 2024
Public review period	45 days	Apr 2024
Draft Response to Comments submittal	2 months from end of public review	June 2024
Team to provide comments	4 weeks	July 2024
Admin Final EIR/EIS submittal	4 weeks	Aug 2024
Team to provide comments	4 weeks	Sept 2024
Screencheck Final EIR/EIS submittal	3 weeks	Oct 2024
Team to provide comments	3 weeks	Oct 2024
Public Final EIR/EIS publication	3 months (includes FS process)	Dec 2024
CEQA public review period	10 days	Jan 2025

Work Product/Milestone	Review Period from Previous Task	Estimated Due Date
USFS NEPA objection period	45 days from publication	Feb 2025
USFS NEPA objection resolution period (if needed)	45 days	Mar 2025
Town hearings, EIR certification, and NOD	4 weeks from end of 10-day public review period	Mar–Apr 2025
FS signs ROD	45 days from end of objection resolution period	May 2025

ATTACHMENT B

MAMMOTH MAIN LODGE REDEVELOPMENT SPECIFIC PLAN
ENVIRONMENTAL SERVICES
PROPOSED COST ASSUMPTIONS

The proposed price for the Mammoth Main Lodge Redevelopment Specific Plan EIR/EIS is presented in the attached spreadsheet (Attachment C). To promote clarity, the following assumptions explain the basis of the proposed price. The price is estimated based on a good-faith, current understanding of the project's needs. If selected, Ascent is interested in discussing the needs of the Town and Forest Service and revising the scope of work and price, as warranted, to meet those expectations.

1. Proposed Price Validity: The price proposed to carry out the scope of work is valid for 120 days from the date of submittal, after which it may be subject to revision.

2. Schedule: The price is based on the proposed schedule. If the schedule is protracted significantly (more than 60 days) for reasons beyond Ascent's control, a budget amendment may apply to the remaining work. Ascent will consult with the Town about a course of action.

3. Price and Staff Allocation to Tasks: The proposed price has been allocated to tasks. Work has been assigned to the identified staff or labor category. Ascent will reallocate budget or staff among tasks, as needed, as long as the total contract price is not exceeded.

4. Meetings and Conference Calls: The number and duration of proposed meetings and conference calls are specified. If they are exceeded, a budget augmentation would be warranted.

5. Subcontractor Administrative Cost: An administrative cost of 5 percent will be applied to subcontractor prices for purposes of contract execution and management, invoicing, and payment processing.

6. Public Notices and Filing Fees: The Town will be responsible for the cost of newspaper publication of notices as well as the California Department of Fish and Wildlife Filing Fee (payable to the County Clerk) at the time the NOD is filed (if additional fees are required). These costs are not included in the proposed price.

7. Billing Rates: The proposed billing rates apply to the current calendar year. For work performed after this year has concluded, budget augmentations and contract amendments will be calculated using updated billing rates, unless precluded by contract terms.

8. Changes to the Project or Alternatives: If the descriptions of the project and alternatives are changed after they have been approved for use by the Town and Forest Service, a budget amendment will be warranted to the extent completed work needs to be revised or redone.

9. Scope of Analysis: The price is based on the proposed scope of analysis. If new technical issues, alternatives, field surveys, modeling, or analysis is identified after contract execution, a budget amendment would be warranted.

10. **Adequacy of Provided Materials:** Materials provided by others are assumed to be complete and adequate for use in the analysis. If supplemental or revised analysis, studies, data, or fieldwork is needed to render such materials adequate, a budget amendment would be warranted.

11. **Document Review Cycles:** Review cycles for preliminary versions of the deliverables are specified in the enclosed scope of work. Additional review cycles or additional versions of administrative or other drafts, if desired, can be provided with a budget augmentation.

12. **Consolidated Comments:** The Town, Forest Service, and MMLR will each provide Ascent with one consolidated set of reconciled, non-conflicting comments on preliminary drafts.

13. **References Cited:** Ascent will maintain electronic copies of reference documents or portions of documents cited and will make the electronic files available during public review. Ascent will submit electronic copies of references to the Town for project files upon completion of the authorized work.

14. **Litigation Support:** Ascent is available to assist in the lead agency's response to a lawsuit, subject to an amendment to the contract and budget. Except for electronic files of cited references, which will be provided as described above, assembly of an administrative record or project record, whether needed for litigation or other purposes, is not included in the budget, but can be provided with a budget augment.

EXHIBIT "C"
COMPENSATION

PRICE PROPOSAL

Mammoth Main Lodge Redevelopment Specific Plan EIR/EIS

September 29, 2022

PHASE 1 LABOR COSTS

				Jakobs	Bechta	Henningsen									
				PIC	Project Director	Project Manager	Asst. Project Manager	Sr. AQ/Noise/ GHG	AQ/Noise/ GHG Analyst	Sr. Botanist/ Wetland Ecologist/ Biologist	Wetland Ecologist/ Wildlife Biologist	Planner/ Cultural Resources Specialist	Env. Analyst	GIS/ Graphics	Word Processing/ Admin
			hourly rate:	$325	$255	$195	$150	$190	$145	$190	$150	$160	$155	$145	$135
Task 1:	**Project Initiation**	**Price**	**Hours**												
	Task completed	$ -	0												
	Subtotal, Task 1	**$ -**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Task 2:	**Project Description**	**Price**	**Hours**												
	Project description	$ 11,680	68	4	4	12	28							12	8
	Subtotal, Task 2	**$ 11,680**	**68**	**4**	**4**	**12**	**28**	**0**	**0**	**0**	**0**	**0**	**0**	**12**	**8**
Task 3:	**Noticing and Scoping**	**Price**	**Hours**												
	Draft NOP and NOI	$ 17,420	108	4		8	32	2	6	4	8	2	24	8	10
	Final NOP and NOI	$ 5,705	34	2		4	12	1	1	2	2	2	2	2	4
	Project Study Plan (for Forest Service)	$ 6,550	38	2		12	20							2	2
	Scoping materials	$ 3,925	23	2		4	8							8	1
	Scoping meetings (2)	$ 9,370	38	16		20									2
	Scoping Report (SE Group lead)	$ 2,330	10	2	2	6									
	Post-scoping IDT meeting (1)	$ 8,710	34	16		18									
	Subtotal, Task 3	**$ 54,010**	**285**	**44**	**2**	**72**	**72**	**3**	**7**	**6**	**10**	**4**	**26**	**20**	**19**
Task 4:	**Field Surveys**	**Price**	**Hours**												
4.1	Botanical Field Surveys (2 staff @ four, 10-hour days each; plus travel time & background info review)	$ 20,970	118	2	8	4				48	52			4	
4.2	Aquatic Resources Field Delineation (2 staff @ three, 10-hour days each; plus travel time & background info review)	$ 17,560	98	2	8	4				38	40			6	
4.3	Wildlife Field Surveys (2 staff @ 8 days each; plus travel time & background info review)	$ 27,600	172	4	8	4				4	136			16	
4.4	Cultural Field Surveys (2 staff @ 5 days each; plus travel time & background info review) and reports	$ 67,065	415	2	8	4						370		21	10
	Subtotal, Task 4	**$ 133,195**	**803**	**10**	**32**	**16**	**0**	**0**	**0**	**90**	**228**	**370**	**0**	**47**	**10**
Task 5:	**Refine Project Schedule and Scope**	**Price**	**Hours**												
	Task completed	$ -	0												
	Subtotal, Task 5	**$ -**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Task 6:	**Project Management/Meetings**	**Price**	**Hours**												
	Task completed/will continue in Phase 2 (below)	$ -	0												
	Subtotal, Task 6	**$ -**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	LABOR SUBTOTAL	**$ 198,885**	**1156**	**58**	**38**	**100**	**100**	**3**	**7**	**96**	**238**	**374**	**26**	**79**	**37**
				$ 18,850	$ 9,690	$ 19,500	$ 15,000	$ 570	$ 1,015	$ 18,240	$ 35,700	$ 59,840	$ 4,030	$ 11,455	$ 4,995

REIMBURSABLE EXPENSES	**$**	**72,550**
1 Printing: Final NOP (20 copies @ $10 each)	**$**	**200**
2 Mileage/Parking/Travel	**$**	**2,725**
3 Maps/Supplies/Photos/Miscellaneous	**$**	**2,350**
4 Postage/Delivery	**$**	**200**
5 Miscellaneous/Per Diem/Etc.	**$**	**3,854**
6 Subconsultants	**$**	**63,221**
SE Group	*$*	*54,500*
LSC Transportation Consultants	*$*	*5,710*
Administrative Cost (5%)	*$*	*3,011*

TOTAL PRICE, PHASE 1	**$**	**271,435**

ASSUMPTIONS
Assumptions that explain the basis of the proposed price are enclosed and are an integral part of this proposed scope for work for services.

PHASE 2 LABOR COSTS

Task 7:	**Resource Protection Measures and Specialist Reports**	**Price**	**Hours**												
	Draft and final RPMs (includes 2 virtual meetings)	$ 13,695	75	4	4	8	24			24	8	2			1
	Draft and final specialist reports	$ 104,500	656	2	12	4	24			94	370	100		30	20
	Subtotal, Task 7	**$ 118,195**	**731**	**6**	**16**	**12**	**48**	**0**	**0**	**118**	**378**	**102**	**0**	**30**	**21**
Task 8:	**Identify Organization and Format EIR/EIS**	**Price**	**Hours**												
	Organization, Format, Outline, Project description	$ 18,520	80	16	24	30									10
	Subtotal, Task 8	**$ 18,520**	**80**	**16**	**24**	**30**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**10**
Task 9:	**First Administrative Draft EIR/EIS**	**Price**	**Hours**												
	Introduction & Description of Alternatives	$ 13,150	74	2	4	32	16							14	6
	Approach to the Analysis	$ 5,180	28	2	2	10	12								2
	Aesthetics (SE Group lead)	$ 4,830	26	2	4	6								10	4
	Air Quality	$ 37,310	236	2	2	6		50	170					2	4
	Biological Resources	$ 24,000	150	2	6	4	10			12	100			10	6
	Cultural and Tribal Cultural Resources	$ 15,670	94	2	2	6						80			4
	Energy	$ 15,290	94	2	2	4		20	64						2
	Geology, Soils, and Mineral Resources	$ 9,870	58	2	2	6						40		6	2
	Greenhouse Gases and Climate Change	$ 19,360	120	2	4	6		20	80					4	4
	Hazards and Hazardous Materials	$ 12,780	76	2	2	14							50	6	2
	Hydrology and Water Quality	$ 18,510	110	2	4	12						80		8	4
	Land Use and Forestry Resources (SE Group lead)	$ 5,130	26	2	4	12								4	4
	Noise (includes noise measurements at Mammoth)	$ 37,305	237	2	4	8		40	165					12	6
	Population, Employment, and Housing (SE Group lead)	$ 3,110	14	2	4	6									2
	Public Services and Utilities (including Water Supply Assessment)	$ 31,690	194	2	4	20						40	120	4	4
	Recreation (SE Group lead)	$ 3,690	18	2	4	6								4	2
	Transportation	$ 14,540	86	2	4	12						50		10	8
	Wildfire	$ 12,310	74	2	4	4							60	2	2
	Socioeconomics and Environmental Justice (SE Group lead)	$ 5,360	26	2	4	16	2								2
	Cumulative Impact Analysis	$ 27,670	158	4	10	40	24	8	20	2	10	16	14	4	6
	Other Required CEQA and NEPA Analyses	$ 7,470	42	2	4	10	16						4	2	4
	Other EIR/EIS Chapters/Sections	$ 6,680	40	2	2	4	28								4
	Electronic Record	$ 4,540	30			2	8		4		2	4	4		6
	First Admin Draft Delivery Review Meeting	$ 8,320	32	16		16									
	Subtotal, Task 9	**$ 343,765**	**2,043**	**62**	**82**	**262**	**116**	**138**	**503**	**14**	**112**	**310**	**252**	**102**	**90**
	Draft and Final EIR/EIS	**Price**	**Hours**												
Task 10	Second Administrative Draft EIR/EIS	$ 73,460	424	20	20	80	60	8	24	8	24	24	100	24	32
Task 11	Screencheck Draft EIR/EIS	$ 29,350	170	8	8	40	40	2	10	2	8	8	8	12	24
Task 12	Public Draft EIR/EIS	$ 9,950	58	2	4	16	20								16
Task 13	Draft EIR/EIS public hearings (2) (plus 2 calls & materials prep)	$ 24,230	102	30	14	50	4							2	2
Task 14	Final EIR/EIS response to comments	$ 72,210	400	30	30	80	82	8	24	8	16	32	32	8	50
Task 15	Administrative Final EIR/EIS	$ 64,380	350	30	30	80	90	2	10	2	8	24	30	4	40
Task 16	Screencheck Final EIR/EIS	$ 24,210	140	6	10	30	40		4		4	10	10	2	24
Task 17	Public Final EIR/EIS	$ 13,240	79	2	6	16	20		1		1	4	4	1	24
Task 18:	**Findings and Statement of Overriding Considerations**	**Price**	**Hours**												
	Draft Findings and Statement of Overriding Considerations	$ 13,120	72	4	8	20	32								8
	Final Findings and Statement of Overriding Considerations	$ 5,930	34	2	2	8	16								6
	Subtotal, Task 18	**$ 19,050**	**106**	**6**	**10**	**28**	**48**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**14**
Task 19:	**Final EIR/EIS Hearings**	**Price**	**Hours**												
	Objection Review Process	$ 17,450	70	20	20	30									
	Final EIR/EIS hearings (2) (plus 4 calls & materials prep)	$ 23,120	92	36	12	40								2	2
	Subtotal, Task 19	**$ 40,570**	**162**	**56**	**32**	**70**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**2**
Task 20:	**Coordination with Forest Service and SE Group (NEPA Preparers)**	**Price**	**Hours**												
	Coordination with Forest Service and SE Group	$ 27,050	134	12	30	40	10		4		4	6	6	16	6
	Subtotal, Task 20	**$ 27,050**	**134**	**12**	**30**	**40**	**10**	**0**	**4**	**0**	**4**	**6**	**6**	**16**	**6**
Task 21:	**Project Management/Meetings**	**Price**	**Hours**												
	Conference calls (64 @ 1.5 hours per attendee)	$ 74,400	288	96	96	96									
	Stakeholder agency calls (4 @ 2 hours per attendee & emails)	$ 7,750	30	10	10	10									
	Schedule, team management, additional communication	$ 64,400	300	50	50	140									60
	Subtotal, Task 21	**$ 146,550**	**618**	**156**	**156**	**246**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**60**
	Contingency Funding	**Price**	**Hours**												
	20% Contingency (Phase 1 + 2)	$ 350,484.65	0												
	Subtotal	**$ 350,485**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	LABOR SUBTOTAL (without contingency)	**$ 1,024,730**	**5,597**	**442**	**472**	**1080**	**578**	**158**	**580**	**152**	**555**	**520**	**442**	**203**	**415**
				$ 143,650	$ 120,360	$ 210,600	$ 86,700	$ 30,020	$ 84,100	$ 28,880	$ 83,250	$ 83,200	$ 68,510	$ 29,435	$ 56,025
	LABOR SUBTOTAL (with contingency)	**$ 1,375,215**													

REIMBURSABLE EXPENSES	**$**	**456,259**
1 Printing	**$**	**12,600**
Public Draft EIR/EIS (20 copies @ $250 each)	*$*	*5,000*
Public Final EIR/EIS (20 copies @ $300 each)	*$*	*6,000*
Other reproduction (CDs or flash drives, general photocopying)	*$*	*1,600*
2 Mileage/Parking/Travel	**$**	**8,000**
3 Maps/Supplies/Photos/Miscellaneous	**$**	**1,200**
4 Postage/Delivery	**$**	**1,000**
5 Miscellaneous/Per Diem/Etc.	**$**	**1,200**
6 Subconsultants	**$**	**432,259**
SE Group	*$*	*250,500*
LSC Transportation Consultants	*$*	*141,375*
Kimley Horn (VMT Modeling)	*$*	*19,800*
Administrative Cost (5%)	*$*	*20,584*

TOTAL PRICE, PHASE 2 (without contingency)	**$**	**1,480,989**
TOTAL PRICE, PHASE 2 (with contingency)	**$**	**1,831,473**

ASSUMPTIONS
Assumptions that explain the basis of the proposed price are enclosed and are an integral part of this proposed scope for work for services.

SE GROUP

August 25, 2022

Mr. Gary Jakobs
President
Ascent Environmental

TRANSMITTED VIA EMAIL: Gary.Jakobs@AscentEnvironmental.com

Re: Mammoth Mountain Resort EIS/EIR Phase 1 Amendment and Phase 2 Scope of Work

Dear Gary:

Sno.engineering, Inc., d/b/a SE Group, is pleased to present the following Scope of Work (SOW) to assist Ascent Environmental with the NEPA/CEQA process for the Mammoth Main Lodge Base Lodge Redevelopment project. This SOW includes additional Phase 1 tasks, as well as Phase 2 tasks, which have not started yet. This SOW is intended to serve as a new contract for both Phases. Some of the tasks technically fall into Phase 1 and estimated fees are proposed in addition to the existing Phase 1 contract balance.

Our understanding of the work associated with these phases is based on our current involvement in the project, ongoing discussions with your team and local/federal agencies, and experience with similar NEPA projects.

SCOPE OF WORK

The following is a summary of project phases and descriptions of tasks involved to complete the process.

PHASE 1: PROJECT INITIATION AND PUBLIC SCOPING (IN PROCESS)

As previously mentioned, our team is currently under contract with Ascent for Phase 1. This contract dates back to June of 2021, and many of the tasks associated with this Phase have evolved since its authorization. Accordingly, the following tasks are outlined as additions to the existing Phase 1 SOW and an estimate of updated fees is provided alongside Phase 2 tasks in the attached *Appendix A: Professional Fees.* Any remaining balance on the existing Phase 1 contract will also be billed in accordance with our terms and conditions.

Task 1: Interdisciplinary Team Kickoff Meeting

The SE Group team attended an Interdisciplinary Team Kickoff Meeting at Mammoth Mountain Ski Area on May 31st, 2022. This task was related to project initiation and helped inform the steps needed to scope the project (major milestone of Phase 1) and the Phase 2 analysis; however, it was not anticipated at the time of our previous contract.

Task 2: Project Proposal Refinement

At the request of the Forest Service, the SE Group team has been involved in multiple iterations of project proposal refinements and revisions to the project proposal package that was submitted by Mammoth. The initial proposal letter was completed outside of our existing Phase 1 SOW; however, now that the Forest Service has engaged in the process, more recent refinements are related to advancing the proposal to a point that is suitable for public scoping.

Task 3: NOI and Scoping Notice Preparation

This SOW reflects fees associated with an increased level of effort and coordination that we now understand to be necessary to complete this task. The task includes the following.

SE Group will draft the Notice of Intent (NOI) to prepare an EIS; the Forest Service will publish this NOI in the Federal Register to initiate a public scoping period. In addition, SE Group will prepare a Scoping Notice (letter format that will include similar information as the NOI document) and support Ascent and the Inyo National Forest, as necessary in transmitting this information to the public. SE Group will also prepare a legal notice for publication in the newspaper of record.

This SOW assumes that two public open houses will be held during the scoping period and that SE Group team members will attend these meetings.

Task 4: Scoping Comment Processing

At the conclusion of the scoping period, the Forest Service will transmit comments received from the public to SE Group for review and incorporation into a comment database we have created. We anticipate receiving approximately 200 comment letters from the public during the scoping period that will require processing. SE Group will assemble a brief scoping report as well as comment reports that will be utilized in a subsequent Forest Service Interdisciplinary (ID) Team meeting, which our team will attend. This information will be transmitted and discussed with Ascent prior to submittal to the Forest Service.

PHASE 2: EIS/EIR PREPARATION, RESOURCE ANALYSES, AND DECISION DOCUMENTATION

In collaboration with Ascent, SE Group has now prepared a working study plan, resource analysis matrix, and received initial input from agency resource specialists during the ID Team meeting that occurred in May. All of this information, combined with our experience in similar NEPA projects, has informed this Phase 2 SOW.

Specific Tasks associated with Phase 2 are described in detail, in the following paragraphs.

Task 1: Study Plan Finalization

Using input from public scoping, SE Group will assist Ascent in the finalization of a study plan. The intent of the study plan will be to align the contracting team with agency expectations for resource analysis, serving as a blueprint for the document architecture. We expect that SE Group and Ascent will share responsibility in drafting this document, leveraging our various expertise.

Task 2: Resource Technical Reports and EIS/EIR Support

This SOW assumes that Ascent will be the lead author of the combined EIS/EIR document. SE Group will be responsible for the preparation of the following Technical Reports: Visuals, Recreation, Socioeconomics and Environmental Justice, and Land Use and Forestry. SE Group will prepare EIS/EIR resource sections (Chapter 3) that correspond to the aforementioned Technical Reports that our team will prepare. For these sections SE Group will prepare the NEPA and CEQA portions of the analysis. SE Group will also provide support on NEPA specific portions of Chapters 1 and 2, and the executive summary. For these EIS/EIR sections, we anticipate that Ascent will provide a document structure for our team to work in. Further, we assume that Ascent will handle all document production with the exception of the Technical Reports that our team will prepare. Should additional support be necessary, this SOW may be amended.

The following further describes our proposed approach to resource analysis:

- SE Group will prepare up to ten visual simulations/renderings for the proposed projects from a variety of key observation points in summer and/or winter conditions (as determined appropriate). This information will be contained in a visual resources Technical Report that will be summarized in the EIS/EIR (NEPA and CEQA analysis). The Technical Report and EIS/EIR scenery section will be prepared by SE Group. Should additional simulations/renderings be necessary, this SOW may be amended.
- Based on our extensive experience in ski area planning and recent involvement in the Mammoth Mountain Master Development Plan update, SE Group will assess the recreation resource and anticipated impacts preparing the necessary Technical Report that will be summarized in the EIS/EIR (NEPA and CEQA analysis). The Technical Report and EIS/EIR recreation section will be prepared by SE Group.
- SE Group will prepare the required socioeconomic and environmental justice Technical Report that will be summarized in the EIS/EIR (NEPA and CEQA analysis). The Technical Report and EIS/EIR socioeconomic and environmental justice section will be prepared by SE Group. At this time, specific economic modeling has not been identified, but it is assumed that it will be required. Should a need for modeling beyond IMPLAN be determined, this SOW may be amended.
- SE Group will act as the lead in preparing the Land Use and Forestry Technical Report that will be summarized in the EIS/EIR (NEPA and CEQA analysis). Specifically, SE Group will address Forest Service land use and forestry issues and Ascent will provide

contents related to Town land use issues. SE Group will bear responsibility for completing the report and EIS/EIR resource section.

- As SE Group as prepared project figures to date and the Master Development Plan, our team will maintain the project data library and will continue to be responsible for all project figures. Further, we will prepare a disturbance theme to be used for various resource analyses. This disturbance theme will quantify the acreage of disturbance, by disturbance type (e.g., grading, vegetation clearing, etc.). The SE Group team will not be responsible for completing resource specific disturbance calculations (e.g., disturbance by vegetation type, acres of habitat disturbed) from this disturbance theme, that will be the responsibility of the Ascent specialist associated with that resource analysis.
- As it relates to the analysis of cumulative effects that will be included in the various resource reports and EIS/EIR sections, SE Group and Ascent will both contribute to the list of past, present, reasonably foreseeable future actions. Specifically, SE Group will identify NEPA/Forest Service cumulative actions and Ascent will identify CEQA cumulative actions. The list will ultimately be merged and used by both teams.

Task 3: Draft EIS/EIR Comment Process

SE Group will assist the Inyo National Forest in coordinating the Notice of Availability (NOA) of the Draft EIS/EIR to be published in the Federal Register. The NOA will initiate the determined comment period on the Draft EIS/EIR.

During the Draft EIS/EIR public comment period, we anticipate the agencies will wish to conduct two public open houses to gain a better understanding of public concerns and allow the public to interface with key project representatives to ask questions or provide input. SE Group will assist Ascent in conducting these meetings (staffing, graphics/presentation materials, commenting abilities, etc.).

At the close of the comment period SE Group will process public comments received and will assist Ascent in formulating a Response to Comments document, as well as responses to comments on resource analyses prepared by our team. SE Group will be responsible for creating a Response to Comments document and will provide responses to comments on Visuals, Recreation, Socioeconomics and Environmental Justice resources, and Land Use and Forestry, as well as any NEPA process specific comments. This SOW assumes that Ascent will provide responses for all other resources and general CEQA comments. The estimate provided in the attached *Appendix A: Professional Fees* and Contract total assumes that no more than 200 public comment letters will be received. Should additional comments be received, this SOW may need to be revised.

Task 4: Final EIS/EIR and Record of Decision Support

As information from the Draft EIS/EIR comment period will be used to prepare a Final EIS/EIR, SE Group will provide support for the Draft EIS/EIR sections we prepared. SE Group has included a small budget to support Ascent in the preparation of the Final EIS/EIR.

As a part of this task, SE Group proposes to prepare the Draft and Final Record of Decision documents in their entirety. As these documents will ultimately comprise the Forest Service side of the Decision package, we feel that this best aligns with our expertise and role in the project. We will plan to complete production for the NEPA Decision documents.

SE Group will not be responsible for the Notice of Determination that will be prepared as part of the CEQA Decision.

Ongoing Task Common to both Phases: Project Management and Meetings

Due to the complex nature of NEPA/CEQA projects, SE Group includes a project management budget for tasks addressed above. This task also includes time for recurring calls with Ascent, the client, and federal/local agency personnel. Estimated fees are based on our participation in these calls to date and the current cadence at which these calls occur.

Key Assumptions associated with Phase 2 Tasks

This SOW is based on the following key assumptions. Should any of the following assumptions be inconsistent with the process an amendment to the contract may be necessary.

- This SOW assumes that Ascent will complete all final formatting and production for the EIS/EIR and Decision documentation. SE Group will only be responsible with final formatting of the technical reports it prepares.
- This SOW assumes that Ascent will be responsible for all mailings and printing of published materials.
- This SOW does not account for SE Group involvement in an objection process.
- This SOW will terminate at the release of a Final EIS/EIR and Draft Record of Decision unless otherwise amended.

CONCLUSION

All work performed on this project has will be billed on an hourly basis and in accordance with our standard hourly rates. If the overall contract amount meets with your approval, your signature shall serve as a contract between us.

Respectfully Submitted,
Sno.engineering, Inc. (d/b/a SE Group)



Kent Sharp,
President/CEO



Scott Prior,
Senior Project Manager

ACKNOWLEDGED AND ACCEPTED:
This letter of proposal and SE Group's Terms and Conditions as attached comprise the total agreement between SE Group and Ascent Environmental Inc.

By: _____

Title: _____

Date: _____

APPENDIX A: PROFESSIONAL FEES

We have prepared an estimated **not to exceed** (NTE) budget of $305,000 for assisting Ascent with the NEPA/CEQA process for the Mammoth Main Lodge Base Lodge Redevelopment project. This includes SE Group's fees and our direct expenses.

Fees for the Mammoth Main Lodge Base Lodge Redevelopment Projects EIS/EIR

Phase 1: Project Initiation and Public Scoping (in process)	
Task 1: Interdisciplinary Team Kickoff Meeting	$6,000
Task 2: Project Proposal Refinement	$5,000
Task 3: NOI and Scoping Notice Preparation	$21,500
Task 4: Scoping Comment Processing	$22,000
Phase 2: EIS/EIR Preparation, Resource Analyses, and Decision Documentation	
Task 1: Study Plan Finalization	$7,500
Task 2: Resource Technical Reports and EIS/EIR Support	$106,000
Task 3: Draft EIS/EIR Comment Process	$32,500
Task 4: Final EIS/EIR and Record of Decision Support	$23,000
Ongoing Task Common to both Phases: Project Management and Meetings	$63,500
Direct Expenses	$18,000
Total (Including Direct Expenses)	***$305,000***

The proposed Project Budget has been illustrated by tasks to depict the sequential steps and provide context. SE Group reserves the right to reallocate budget among tasks, as needed, as long as the total budget is not exceeded.

SE Group
(Sno.engineering, Inc., d/b/a SE Group)

TERMS AND CONDITIONS

Retainers: All retainers will be applied to final project billing to Client.

Compensation: Billings to Client for all work in connection with the Scope-of-Work and Additional Services (i.e., all work in addition to that required in connection with the stated Scope-of-Work) shall consist of the following:

Professional Fees: All professional services performed by SE Group will be billed on an hourly basis.

SE Group's hourly rates for calendar year 2022 are as follows:

Principals/Directors	$190 to $260
Senior Associates	$155 to $195
Associates	$130 to $160
Professional Staff	$100 to $150
Administrative Support	$95 to $135

The above hourly rates will be adjusted on an annual basis, effective January 1 of each ensuing year.

Direct Expenses: Direct expenses include, but are not limited to, travel and travel related costs such as actual transportation costs, food, subsistence and lodging, printing, maps, documents prepared by others, materials, in-house prints, copies, renderings, models and mock-ups, plots, any expenses for insurance coverage or limits of insurance which are in excess of that normally carried by SE Group and other similar direct expenses related to the completion of the Scope-of-Work. All Direct Expenses will be billed at cost, plus ten (10%) percent.

Sub-Consultant Fees: Sub-Consultant fees and expenses, if any, will be billed at cost, plus ten (10%) percent.

Payment Terms: SE Group's invoices will be prepared and sent on a monthly basis. Invoices will be sent in a standard summary format without supporting documentation. More detailed billings may be requested by the Client, and will be prepared by SE Group and billed as Additional Services.

Payment is due upon receipt of the invoice. A "Service Charge," which is the greater of twenty ($20.00) dollars, or one and one-half (1½ %) percent per month (unless limited by the prevailing legal rate) will be assessed and billed monthly (at SE Group's discretion) on each unpaid invoice, or unpaid portion thereof, at the time of the next billing.

Client agrees to pay all costs of collection, including, but not limited to, reasonable attorney's fees, expert witnesses fees, and all other collection charges and expenses.

Termination: If the Client fails to make payments to SE Group in accordance with the "Payment Terms" above, SE Group may, at its sole discretion, elect either to temporarily suspend or terminate all work and services. SE Group will give seven (7) days' notice, in writing, to Client of any said suspension or termination. Other than termination for non-

payment, either party may terminate this Agreement upon five (5) days' notice, in writing, to the other.

In the event of termination of SE Group's services for any reason, SE Group shall be paid "Termination Expenses," which include time and expenses necessary for both itself and for its Sub-Consultants, to finalize analyses and records as necessary, and to complete any reports on services already performed, in a manner appropriate for the professional services provided. Billing of these expenses shall be as Additional Services; and are in addition to Professional Fees, Direct Expenses and Sub-Consultant Fees incurred to the date set forth in the Notice of Termination, attributable to work performed on the Scope-of-Work and any previously authorized Additional Services.

Client hereby waives any and all claims for consequential damages arising out of any disputes or other matters relating to this Agreement, including, without limitation, consequential damages due to said termination. Specifically, but without limiting the generality of the foregoing, Client hereby waives on claims for damages incurred by Client for rental expenses, for losses of use, income, project financing, business and reputation. In no event shall SE Group's liability arising out of any claims or demands exceed the amount paid for Professional Fees as defined in "Compensation" above.

Instruments of Service: Drawings, specifications and other documents, including those in electronic form, prepared by SE Group and its Sub-Consultants are instruments of service for use solely with respect to this project. SE Group and its Sub-Consultants shall be deemed the authors and owners of their respective instruments of service and shall retain all common law, statutory and other reserved rights, including copyrights.

Upon execution of this Agreement SE Group grants to the Client a non-exclusive license to reproduce said instruments of service solely for the purposes of the project described in the Scope-of-Work, provided that the Client shall comply with all obligations including prompt payment of all sums when due under this Agreement. SE Group shall obtain similar nonexclusive licenses from its Sub-Consultants consistent with this Agreement. Any termination of this Agreement prior to completion of the project shall terminate this license. Upon such termination, the Client shall refrain from making further reproductions of instruments of service and shall return to SE Group within seven (7) days of termination all originals and reproductions in the Client's possession or control. If and upon the date SE Group is adjudged in default of this Agreement, the foregoing license shall be deemed terminated and replaced by a second, non-exclusive license permitting the Client to authorize other similarly credentialed design professionals to reproduce and, where permitted by law, to make changes, corrections or additions to the instruments of service solely for purposes of completing, using and maintaining the project.

Except for the licenses granted in the preceding paragraph, no other license or right shall be deemed granted or implied under this Agreement. The Client shall not assign, delegate, sub-license, pledge or otherwise transfer any license granted herein to another party without the prior written agreement of SE Group. However, the Client shall be permitted to authorize any Contractor, Subcontractors, or material or equipment suppliers to reproduce applicable portions of the instruments of service appropriate to and for use in their execution of the project by license granted above. Submission or distribution of instruments of service to meet official regulatory requirements or for similar purposes in connection with the project is not to be construed as publication in derogation of the reserved rights of SE Group and its Sub-Consultants. The Client shall not use the instruments of service for future additions or alterations to this project or for other projects, unless it obtains the prior written agreement of SE Group. Any unauthorized use of the

instruments of service shall be at the Client's sole risk and without liability to SE Group and SE Group's Sub-Consultants.

Change in Scope-of-Work: The Scope-of-Work to be performed by SE Group is as set forth in the attached letter or proposal. Change in services or in the Scope-of-Work including services required of SE Group's Sub-Consultants, may be accomplished, without invalidating the authorization contained in the attached letter or proposal, if mutually agreed in writing, if required by circumstances beyond SE Group's control, or if SE Group's services are affected as described below. In the absence of mutual agreement in writing, SE Group shall notify the Client prior to providing such services. If the Client deems that all or a part of such Change in Services is not required, the Client shall give prompt written notice to SE Group, and SE Group shall have no obligation to provide those services. Except for a change due to the fault of SE Group, change in services of SE Group shall entitle SE Group to an adjustment in compensation in accordance with the "Compensation" paragraph above.

If any of the following circumstances affect SE Group's services for the project, SE Group shall be entitled to an appropriate adjustment in SE Group's schedule and compensation: 1) change in the instructions or approvals given by the Client that necessitate revisions in instruments of service; 2) enactment or revision of codes, laws or regulations or official interpretations which necessitate changes to previously prepared instruments of service; 3) decisions of Client not rendered in a timely manner; 4) material change in the Scope-of-Work including, but not limited to, size, quality, complexity, the Client's schedule or budget, or procurement method; 5) failure of performance on the part of the Client, or the Client's consultants or contractors; 6) preparation for and attendance at a public hearing, a dispute resolution proceeding or a legal proceeding except where SE Group is party thereto and, except as provided for in the Scope-of-Work.

Mammoth Mtn. Base Area Transportation Analyses Scope - 3rd DRAFT

LSC Transportation Consultants, Inc.

8/25/22

Available Analysis

LSC has conducted traffic counts and surveys as part of Phase 1 of this work, which will be available for Phase 2. LSC is contracted separately for a parking analysis. This will include quantification of existing parking, the parking required for new land uses, parking required for employees vs. guests, and the change in parking associated with changes in ski area operations. This information will be available for the CEQA/NEPA document.

CEQA/NEPA Analysis

Task 1: Finalization of Scope and Ongoing Coordination

LSC will assist in the finalization of the project description. Also as part of this task, LSC will participate in up to 8 virtual meetings for purposes of coordination. The final formal project description developed in Phase I of the project will be summarized for purposes of the transportation analysis.

Task 2: Existing Conditions and Policies

LSC will develop the following:

- A summary of existing summer and winter traffic volumes and trends, based on available data including the recently conducted summer and winter traffic counts and any available Caltrans traffic counts.
- A summary of existing transit services to the Main Lodge area, as well as ridership data for summer and winter peak days.
- A summary of existing bicycle and pedestrian conditions and use patterns in the area for winter and summer.
- A review and summary of applicable transportation-related policies from the Town of Mammoth Lakes (TOML) General Plan, CEQA requirements, the Inyo National Forest Plan and the Devils Postpile National Monument General Management Plan.

Task 3: Transportation Analysis

Transportation analyses will be conducted for both summer and winter peak days and for the following conditions: existing, future no project, existing plus project and future plus project. Winter future no-project conditions will be based on the Town of Mammoth Lakes (TOML) Travel Demand Model outputs, to be provided by Kimley Horn under separate contract. We will work with Kimley Horn to define the land use inputs that exclude future change in the project site and the volume outputs needed for our analysis. Summer volumes will be based on the observed summer counts and the difference in model winter volumes (future vs. existing) adjusted for the difference in summer vs. winter site trip generation and distribution pattern.

The following specific analyses will be conducted.

Level of Service Analysis

While Level of Service (LOS) is no longer a specific CEQA criteria, the evaluation of LOS and associated traffic delays and queue lengths is still necessary to assess consistency with other transportation-related impacts such as traffic safety. Accordingly, LSC will conduct a traffic impact analysis of the following intersections.

- 395 North Ramps/203
- 395 South Ramps/203
- 203/Meridian
- Main/Old Mammoth
- Main/Forest Trail
- Main/Minaret
- Minaret/Forest Trail
- Minaret/Mammoth Knolls
- Minaret/Mammoth Scenic Loop
- Minaret/Woolly's
- Minaret/Main Lodge

LSC will also evaluate impacts of the proposed plan on peak-hour directional traffic volumes, as the basis for an evaluation of roadway congestion impacts. This will include an evaluation of the pedestrian crossing of Minaret Road in the Village. In addition to LOS, traffic queues will be reviewed to assess public safety issues of queue blocking.

Transit Impacts

LSC will assess the change in demand for transit services associated with the proposed project. We will review site plans and forecast congestion levels to evaluate impacts on transit operations and the adequacy of planned transit facilities to service the transit program. It will include an evaluation of the ability of transit to serve continued access to public lands.

Also, as part of this subtask LSC will evaluate the potential to expand public transit service to Main Lodge to address traffic congestion or parking impacts. This will be useful information in potential development of transit mitigation measures.

Bicycle /Pedestrian Impacts

LSC will review proposed site plans for impacts on bicycling and pedestrian conditions in the Main Lodge area. This will include a qualitative review of key roadway crossing locations.

Construction Impacts

LSC will prepare a qualitative discussion of construction traffic impacts and the need to continuously provide public access beyond the Main Lodge area.

Main Lodge Area Circulation Analysis

The proposed project will result in a full redesign of the roadway network in the Main Lodge area, including relinquishment and relocation of the existing SR 203. LSC will use the trip generation analysis of proposed development and existing available counts regarding through traffic, summer recreational traffic and ski area traffic in the area to define traffic volumes on roadway links and at key intersections in the Main Lodge area. We will then evaluate the proposed circulation plan to assess traffic operations in the area for summer and winter design days. This will consist of an assessment of the need for changes in the proposed roadway configuration (such as turn lanes), any operational/traffic safety issues associated with closely-spaced intersections, any potential driver sight distance safety issues, and traffic/pedestrian conflicts. We will specifically quantify the traffic volume using the access road across National Forest System lands to Parcel B (Ski

Ranch). In addition, we will assess the overall impact of the change in roadways on the ability to accommodate access to public lands. Note that this work will not include quantification of Level of Service for individual driveway intersections, except as needed to assess roadway geometrics.

Evacuation Time Analysis

LSC will conduct an analysis of the time required to evacuate the Main Lodge area (and public lands to the west) via SR 203 in peak summer. We will estimate the traffic volume generated by an evacuation order on a busy summer day and assess the available roadway capacity to define the evacuation flow rate. Specifically, we will assess the capacity of SR 203 west of the Scenic Loop (where the additional egress route would provide additional evacuation capacity). Together these factors will yield the time (in hours) needed to evacuate the area, which may be useful in assessing overall impacts on emergency planning (conducted by others).

Task 4: Coordination Regarding VMT Analysis

LSC will work to Kimley Horn to define the land use changes to the TOML Travel Demand Model that reflects the proposed project. We will also work with Kimley Horn and Town staff to address any other land use modifications to the model needed for it to be a valid tool for existing and future no-project conditions. Kimley Horn would then conduct model runs of 4 scenarios:

- Existing No Project
- Existing Plus Proposed Project
- Future No Project
- Future Plus Proposed Project

Kimley Horn would provide a stand-alone VMT analysis memo. We expect that this memo would include the results of the modeling analysis and application of the Town's VMT standards to define impact significance. LSC would assist in the review of this memo, and also assist in ensuring that the results are accurately represented in the EIR/EIS. LSC would also evaluate potential VMT mitigation measures, such as transit improvements and trip reduction strategies, as necessary.

Task 5: Report Preparation

LSC will prepare a stand-alone transportation study report that documents the work described in the previous tasks. An administrative draft will be prepared for review within the Study Team, after which any comments will be addressed to provide a public draft. After review, a final report will be prepared.

Task 6: Assistance Regarding Draft EIR/EIS Preparation

Ascent will take the lead in preparing the Transportation/Circulation section of the EIR/EIS, using materials provided by LSC. We will provide time to coordinate with Ascent staff and to review draft materials. We will also be available to work with others on the team (such as air and noise consultants) to provide and discuss data and forecasts developed under the scope described above.

Task 7: Response to Comments & Public Meetings

LSC will provide up to 80 hours of professional staff time to assist Ascent in reviewing and responding to comments. Any time needed beyond these hours would be considered outside of the scope.

LSC COST ANALYSIS

Mammoth Main Lodge Redevelopment Phase 2
Transportation Study

		Personnel & Hourly Rates							
		Principal Engineer	Engineer	Planner	Graphic Technician	Support Staff	Count Technician	TOTAL HOURS	TOTAL COSTS
		$230.00	$120.00	$110.00	$85.00	$75.00	$40.00		
Task 1	Scope and Coordination	20	8	0	0	2	0	30	$5,710
Task 2	Existing Conditions and Policies	16	24	16	16	0	0	72	$9,680
Task 3	Transportation Analysis								
	Traffic Forecasts	24	40	0	0	0	0	64	$10,320
	LOS Impact	16	100	0	0	0	0	116	$15,680
	Transit Impacts & Mitigation Analysis	16	0	24	0	0	0	40	$6,320
	Bicycle/Pedestrian Impacts	8	8	0	0	0	0	16	$2,800
	Construction Impacts	8	20	0	0	0	0	28	$4,240
	Main Lodge Area Circulation Analysis	24	60	0	16	0	0	100	$14,080
	Evacuation Time Analysis	24	24	0	0	0	0	48	$8,400
	Subtotal	120	252	24	16	0	0	412	$61,840
Task 4	VMT Coordination	24	24	24	0	0	0	72	$11,040
Task 5	Report Preparation	40	40	32	60	40	0	212	$25,620
Task 6	Assistance With Draft EIR/EIS Section	24	40	20	0	0	0	84	$12,520
Task 7	Assistance with Public Comments, Public Meetings (2)	60	40	0	0	0	0	100	$18,600
Total		**304**	**428**	**116**	**92**	**42**	**0**	**982**	
TOTAL PERSONNEL COSTS		$69,920	$51,360	$12,760	$7,820	$3,150	$0		$145,010

Travel (2 Trips)	$1,875
Printing/Copy Costs	$0
Phone/Postage/Delivery Costs	$200
Subtotal: Other Expenses	*$2,075*
TOTAL	**$147,085**

September 28, 2022

Sarah Henningsen
Ascent Environmental
455 Capitol Mall, Suite 300
Sacramento, CA 95814

RE: ***VMT Analysis for the Mammoth Main Lodge Redevelopment Project***

Dear Ms. Henningsen:

Kimley-Horn and Associates, Inc. ("KHA" or "the Consultants") is pleased to submit this letter proposal to Ascent Environmental for providing professional service associated with the Mammoth Main Lodge Redevelopment Project in the T*own of Mammoth Lakes (TOML)*, CA. This letter constitutes a proposal setting forth our Scope of Service, Schedule, and Fee.

Project Understanding

The proposed Project consists of lodging, hotel, retail, and other recreational land uses in the Town. It is assumed that land use information for the proposed project will be provided which can be used directly as an input to the travel demand model.

As of July 1, 2020, the state of California has fully adopted a change in the California Environmental Quality Act (CEQA) significant impact methodology for transportation impacts to use vehicle miles traveled (VMT) as opposed to level of service (LOS) via State bill 743 (SB 743). The Town of Mammoth Lakes adopted a VMT methodology and significant criteria in November 2020 based on the guidance from the Office of Planning and Research (OPR) Technical Advisor on Evaluation Transportation Impacts in CEQA. However, the OPR guidelines does not provide complete solutions to several unique projects such as the proposed development. Therefore, the analysis will be conducted using the tools and methodology suitable for the proposed development.

Scope of Services

Task 1: Vehicle Miles Travel (VMT) Analysis

VMT analysis will be conducted for the proposed land uses for the project. VMT impacts will be evaluated based on the threshold adopted by the Town and applicable to each land use. VMT analysis will be conducted using the TOML Travel Demand Model as well as other data sources such as big data and/or Census data if applicable. The process undertaken will be consistent with OPR guidance as described in the most recent release of its guidance. Kimley Horn will identify applicable mitigation measures for reducing VMT impacts determined to be potentially significant. Kimley-Horn will document the methods and results of the analyses performed in this task in a brief technical memorandum format with graphics, as deemed appropriate by Kimley-Horn. Kimley-Horn will prepare and submit an electronic (PDF) copy of the memorandum. Kimley-Horn will address and respond to one set of non-conflicting comments from the Town and submit a final copy of the

memorandum electronically. Kimley-Horn will attend virtual coordination and technical meetings with the project master consultant and Town staff as needed. The VMT analysis will include following scenarios.

- Existing Conditions
- Existing Plus Project Conditions
- Horizon Year Without Project Conditions
- Horizon Year With Project Condition

Deliverables:

- One virtual kick-off meeting
- Summary of land use and network changes to be used in the modeling assessment for project scenarios
- VMT results for the Project area for each scenario
- Draft Memorandum summarizing VMT analysis and results
- Final Memorandum

Task 2: Model Traffic Volumes

Model results will be provided for the study area and each project scenarios. Results will be provided in form of turning movements for study intersections that are available in the model network. For study intersections that are not available in the model network, Kimley-Horn will work with the client to provide solutions to develop reasonable project turning movement volumes. Study intersections are listed below.

- 395 North Ramps/203
- 395 South Ramps/203
- 203/Meridian
- Main/Old Mammoth
- Main/Forest Trail
- Main/Minaret
- Minaret/Forest Trail
- Minaret/Mammoth Knolls
- Minaret/Mammoth Scenic Loop
- Minaret/Woolly's
- Minaret/Main Lodge
- Main/Mountain
- Forest Trail/Berner

Deliverables:

- Excel Spreadsheet for Traffic Volumes at Link level and intersection turning movements

Task 3: Model Traffic Volumes Related to Parking Supply

A Nexus between parking and traffic demand on the roadway network is required as part of the Specific Plan update. Additional model runs will be conducted for sensitivity analysis related to parking supply and traffic volumes. Considering the limitations of the travel demand model and sensitivity to parking attributes, model parameters will be adjusted to best represent a scenario where additional parking is considered for the proposed project. **Kimley-Horn will conduct up to two additional model runs for this sensitivity analysis and provide traffic volume changes related to parking supply**.

Fee and Billing

Kimley-Horn will perform the services described in the Scope of Service on a Lump Sum bases for $19,800.

Schedule

We are prepared to begin work upon receipt of authorization to proceed and will endeavor to meet your scheduling needs. As stated in our original contact, we will submit our first draft of the traffic study within two weeks of receipt of all requested data, project information, and confirmation of scope of work by the Lead Agency and the Client.

Closure

We appreciate the opportunity to provide these services for this project. In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, "Consultant" shall refer to Kimley-Horn and Associates, Inc., and "Client" shall refer to Ascent Environmental. We appreciate your response to this request. Please have an authorized representative sign and return one copy of this Agreement.

Sincerely,



Mehul Champaneri
Project Manger



Frederik Venter, PE #64621
Principal-in-Charge

APPROVED:
Ascent Environmental

By: _____
(Print or Type Name)

_____
(Date)

Attachment – Standard Provisions

KIMLEY-HORN AND ASSOCIATES, INC.
STANDARD PROVISIONS

1) **Consultant's Scope of Services and Additional Services.** The Consultant will perform only the services specifically described in this Agreement. If requested by the Client and agreed to by the Consultant, the Consultant will perform Additional Services, which shall be governed by these provisions. Unless otherwise agreed to in writing, the Client shall pay the Consultant for any Additional Services an amount based upon the Consultant's then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 times cost.

2) **Client's Responsibilities**. In addition to other responsibilities herein or imposed by law, the Client shall:
   a. Designate in writing a person to act as its representative, such person having complete authority to transmit instructions, receive information, and make or interpret the Client's decisions.
   b. Provide all information and criteria as to the Client's requirements, objectives, and expectations for the project and all standards of development, design, or construction.
   c. Provide the Consultant all available studies, plans, or other documents pertaining to the project, such as surveys, engineering data, environmental information, etc., all of which the Consultant may rely upon.
   d. Arrange for access to the site and other property as required for the Consultant to provide its services.
   e. Review all documents or reports presented by the Consultant and communicate decisions pertaining thereto within a reasonable time so as not to delay the Consultant.
   f. Furnish approvals and permits from governmental authorities having jurisdiction over the project and approvals and consents from other parties as may be necessary.
   g. Obtain any independent accounting, legal, insurance, cost estimating, and feasibility services required by Client.
   h. Give prompt written notice to the Consultant whenever the Client becomes aware of any development that affects the Consultant's services or any defect or noncompliance in any aspect of the project.

3) **Period of Services**. Unless otherwise stated herein, the Consultant will begin work after receipt of a properly executed copy of this Agreement. This Agreement assumes conditions permitting continuous and orderly progress through completion of the services. Times for performance shall be extended as necessary for delays or suspensions due to circumstances that the Consultant does not control. If such delay or suspension extends for more than six months, Consultant's compensation shall be renegotiated.

4) **Method of Payment.** Client shall pay Consultant as follows:
   a. Invoices will be submitted periodically for services performed and expenses incurred. Invoices are due and payable upon presentation. Client shall pay Consultant a time price differential of one and one-half percent (1.5%) of the outstanding amount of each invoice that is overdue for more than 30 days. The Client shall also pay any applicable sales tax. All retainers will be held by the Consultant and applied against the final invoice. If the Client fails to make any payment due under this or any other agreement within 30 days after presentation, the Consultant may, after giving notice to the Client, suspend services and withhold deliverables until all amounts due are paid, and may commence legal proceedings including filing liens to secure payment.
   b. If the Client relies on payment or proceeds from a third party to pay Consultant and Client does not pay Consultant's invoice within 60 days of receipt, Consultant may communicate directly with such third party to secure payment.
   c. If the Client objects to an invoice, it must advise the Consultant in writing giving its reasons within 14 days of receipt of the invoice or the Client's objections will be waived, and the invoice shall conclusively be deemed due and owing. If the Client objects to only a portion of the invoice, payment for all other portions remains due.
   d. If the Consultant initiates legal proceedings to collect payment, it may recover, in addition to all amounts due, its reasonable attorneys' fees, reasonable experts' fees, and other expenses related to the proceedings. Such expenses shall include the cost, at the Consultant's normal hourly billing rates, of the time devoted to such proceedings by its employees.
   e. The Client agrees that the payment to the Consultant is not subject to any contingency or condition. The Consultant may negotiate payment of any check tendered by the Client, even if the words "in full satisfaction" or words intended to have similar effect appear on the check without such negotiation being an accord and satisfaction of any disputed debt and without prejudicing any right of the Consultant to collect additional amounts from the Client.

5) **Use of Documents.** All documents and data prepared by the Consultant are related exclusively to the services described in this Agreement and may be used only if the Client has satisfied all of its obligations under this Agreement. They are not intended or represented to be suitable for use or reuse by the Client or others on extensions of this project or on any other project. Any modifications by the Client to any of the Consultant's documents, or any reuse of the documents without written authorization by the Consultant will be at the Client's sole risk and without liability to the Consultant, and the Client shall indemnify, defend and hold the Consultant harmless from all claims, damages, losses and expenses, including but not limited to attorneys' fees, resulting therefrom. The Consultant's electronic files and source code remain the property of the Consultant and shall be

provided to the Client only if expressly provided for in this Agreement. Any electronic files not containing an electronic seal are provided only for the convenience of the Client and use of them is at the Client's sole risk. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the documents prepared by the Consultant, the hardcopy shall govern.

6) **Intellectual Property.** Consultant may use or develop its proprietary software, patents, copyrights, trademarks, trade secrets, and other intellectual property owned by Consultant or its affiliates ("Intellectual Property") in the performance of this Agreement. Unless explicitly agreed to in writing by both parties to the contrary, Consultant maintains all interest in and ownership of its Intellectual Property and conveys no interest, ownership, license to use, or any other rights in the Intellectual Property to Client. Any enhancements of Intellectual Property made during the performance of this Agreement are solely owned by Consultant and its affiliates.

7) **Opinions of Cost.** Because the Consultant does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to the costs of construction and materials, are made solely based on its judgment as a professional familiar with the industry. The Consultant cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost. If the Client wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator. Consultant's services required to bring costs within any limitation established by the Client will be paid for as Additional Services.

8) **Termination.** The obligation to provide further services under this Agreement may be terminated by either party upon seven days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof, or upon thirty days' written notice for the convenience of the terminating party. The Consultant shall be paid for all services rendered and expenses incurred to the effective date of termination, and other reasonable expenses incurred by the Consultant as a result of such termination.

9) **Standard of Care.** The standard of care applicable to Consultant's services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by the Consultant's performance of services, and it is agreed that the Consultant is not a fiduciary with respect to the Client.

10) **LIMITATION OF LIABILITY.** In recognition of the relative risks and benefits of the Project to the Client and the Consultant, the risks are allocated such that, to the fullest extent allowed by law, and notwithstanding any other provisions of this Agreement or the existence of applicable insurance coverage, that the total liability, in the aggregate, of the Consultant and the Consultant's officers, directors, employees, agents, and subconsultants to the Client or to anyone claiming by, through or under the Client, for any and all claims, losses, costs or damages whatsoever arising out of or in any way related to the services under this Agreement from any causes, including but not limited to, the negligence, professional errors or omissions, strict liability or breach of contract or any warranty, express or implied, of the Consultant or the Consultant's officers, directors, employees, agents, and subconsultants, shall not exceed twice the total compensation received by the Consultant under this Agreement or $50,000, whichever is greater. Higher limits of liability may be negotiated for additional fee. This Section is intended solely to limit the remedies available to the Client or those claiming by or through the Client, and nothing in this Section shall require the Client to indemnify the Consultant.

11) **Mutual Waiver of Consequential Damages.** In no event shall either party be liable to the other for any consequential, incidental, punitive, or indirect damages including but not limited to loss of income or loss of profits.

12) **Construction Costs.** Under no circumstances shall the Consultant be liable for extra costs or other consequences due to unknown conditions or related to the failure of contractors to perform work in accordance with the plans and specifications. Consultant shall have no liability whatsoever for any costs arising out of the Client's decision to obtain bids or proceed with construction before the Consultant has issued final, fully approved plans and specifications. The Client acknowledges that all preliminary plans are subject to substantial revision until plans are fully approved and all permits obtained.

13) **Certifications.** All requests for the Consultant to execute certificates, lender consents, or other third-party reliance letters must be submitted to the Consultant at least 14 days prior to the requested date of execution. The Consultant shall not be required to execute certificates, consents, or third-party reliance letters that are inaccurate, that relate to facts of which the Consultant does not have actual knowledge, or that would cause the Consultant to violate applicable rules of professional responsibility.

14) **Dispute Resolution.** All claims arising out of this Agreement or its breach shall be submitted first to mediation in accordance with the American Arbitration Association as a condition precedent to litigation. Any mediation or civil

action by Client must be commenced within one year of the accrual of the cause of action asserted but in no event later than allowed by applicable statutes.

15) Hazardous Substances and Conditions. Consultant shall not be a custodian, transporter, handler, arranger, contractor, or remediator with respect to hazardous substances and conditions. Consultant's services will be limited to analysis, recommendations, and reporting, including, when agreed to, plans and specifications for isolation, removal, or remediation. The Consultant will notify the Client of unanticipated hazardous substances or conditions of which the Consultant actually becomes aware. The Consultant may stop affected portions of its services until the hazardous substance or condition is eliminated.

16) **Construction Phase Services.**

a. If the Consultant prepares construction documents and the Consultant is not retained to make periodic site visits, the Client assumes all responsibility for interpretation of the documents and for construction observation, and the Client waives any claims against the Consultant in any way connected thereto.
b. The Consultant shall have no responsibility for any contractor's means, methods, techniques, equipment choice and usage, sequence, schedule, safety programs, or safety practices, nor shall Consultant have any authority or responsibility to stop or direct the work of any contractor. The Consultant's visits will be for the purpose of endeavoring to provide the Client a greater degree of confidence that the completed work of its contractors will generally conform to the construction documents prepared by the Consultant. Consultant neither guarantees the performance of contractors, nor assumes responsibility for any contractor's failure to perform its work in accordance with the contract documents.
c. The Consultant is not responsible for any duties assigned to it in the construction contract that are not expressly provided for in this Agreement. The Client agrees that each contract with any contractor shall state that the contractor shall be solely responsible for job site safety and its means and methods; that the contractor shall indemnify the Client and the Consultant for all claims and liability arising out of job site accidents; and that the Client and the Consultant shall be made additional insureds under the contractor's general liability insurance policy.

17) **No Third-Party Beneficiaries; Assignment and Subcontracting.** This Agreement gives no rights or benefits to anyone other than the Client and the Consultant, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole benefit of the Client and the Consultant. The Client shall not assign or transfer any rights under or interest in this Agreement, or any claim arising out of the performance of services by Consultant, without the written consent of the Consultant. The Consultant reserves the right to augment its staff with subconsultants as it deems appropriate due to project logistics, schedules, or market conditions. If the Consultant exercises this right, the Consultant will maintain the agreed-upon billing rates for services identified in the contract, regardless of whether the services are provided by in-house employees, contract employees, or independent subconsultants.

18) **Confidentiality.** The Client consents to the use and dissemination by the Consultant of photographs of the project and to the use by the Consultant of facts, data and information obtained by the Consultant in the performance of its services. If, however, any facts, data or information are specifically identified in writing by the Client as confidential, the Consultant shall use reasonable care to maintain the confidentiality of that material.

19) **Miscellaneous Provisions.** This Agreement is to be governed by the law of the State of California. This Agreement contains the entire and fully integrated agreement between the parties and supersedes all prior and contemporaneous negotiations, representations, agreements, or understandings, whether written or oral. Except as provided in Section 1, this Agreement can be supplemented or amended only by a written document executed by both parties. Any conflicting or additional terms on any purchase order issued by the Client shall be void and are hereby expressly rejected by the Consultant. If Client requires Consultant to register with or use an online vendor portal for payment or any other purpose, any terms included in the registration or use of the online vendor portal that are inconsistent or in addition to these terms shall be void and shall have no effect on Consultant or this Agreement. Any provision in this Agreement that is unenforceable shall be ineffective to the extent of such unenforceability without invalidating the remaining provisions. The non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

Mammoth Lakes Town Council
Agenda Action Sheet

Title: Approve the Mayor signing the letter of support for the Whitebark Institute to apply Sierra Nevada Conservancy (SNC) grant funding to continue the Eastern Sierra Climate and Communities Resilience Project (ESCCRP) work (Mammoth Donut).

Council Meeting Date: 10/5/2022

Prepared by: Lawson Reif, Outdoor Recreation Manager

Recommended Motion: Approve the Mayor signing the letter of support for the Whitebark Institute to apply SNC grant funding to continue ESCCRP (Mammoth Donut) work.

Summary: The Whitebark Institute is seeking grant funding from the Sierra Nevada Conservancy (SNC) to continue its work on the ESCCRP (Mammoth Donut).

Mammoth Lakes Town Council
P.O. Box 1609, Mammoth Lakes, CA, 93546
(760) 965-3600
www.townofmammothlakes.ca.gov

Sierra Nevada Conservancy
Sierra Nevada Watershed Improvement Program
11521 Blocker Drive, Suite 205
Auburn, CA 95603

Attention: Angela Avery
Executive Officer
Sierra Nevada Conservancy

RE: Support for the Whitebark Institute grant application for the Eastern Sierra Climate & Communities Resilience Project (ESCCRP): Reds Meadow II Implementation

The Town of Mammoth Lakes writes this letter to express support for the Whitebark Institute grant application for the ***Eastern Sierra Climate & Communities Resilience Project (ESCCRP)- Reds Meadow II Implementation***, which will build on work initiated with the ESCCRP Phase I Implementation project on the Inyo National Forest and funded by CAL FIRE in 2021. The ESCCRP is a 56,000-acre landscape-scale forest restoration project addressing both climate and community resilience surrounding the Town of Mammoth Lakes. These uncharacteristically overstocked headwater forests are declining in function due to more than a century of anthropogenic influences. The ESCCRP aims to promote resilient landscapes, help create fire adapted communities, increase public and firefighter safety, and protect the priceless ecosystem services upon which millions of Californians depend.

The Eastern Sierra Nevada is a remote and unique region of California comprised of rugged mountains, high desert, and rural communities. The region is a year-round tourist destination, supporting rural communities via a robust recreation and tourism economy which is largely dependent on healthy forests. The headwater forests of the ESCCRP area provide vital water resources for local communities, the Central Valley, and the City of Los Angeles, and are home to an abundance of terrestrial and aquatic species. Declining forest health, coupled with a rapidly intensifying wildfire trajectory fueled by climate change, underscores the imperative to protect the ecological and economic resources of the region. The **ESCCRP Reds Meadow II Implementation** is an opportunity for Sierra Nevada Conservancy to continue to serve as an active partner in the Eastern Sierra on our continued journey to achieve regional resilience.

The **ESCCRP- Reds Meadow II Implementation** is a continuation of work completed during the ESCCRP Phase I implementation to restore forest health on the Inyo National Forest. The approximate 1,800 acres proposed would provide forest restoration in high wildfire hazard areas with a focus on the Reds Meadow planning area within the ESCCRP, a priority conservation watershed on the Inyo National Forest. Implementation of these acres would not only allow for immediate action towards restoring forest health and reducing the risk of unnaturally large high

severity wildfires, but it will continue to prepare us for restoration on the remaining acres of the ESCCRP at the desired pace and scale of the project.

Funding, if awarded by Sierra Nevada Conservancy, would enable the Whitebark Institute to continue implementation of an additional 1,800 acres of Inyo National Forest lands within the ESCCRP, in a highly vulnerable watershed, and continue to build on acres completed during ESCCRP Phase I Implementation.

Proactive management of forests is our only hope to ward off catastrophic loss of these irreplaceable habitats and the multitude of co-benefits that headwater forests provide. We strongly urge Sierra Nevada Conservancy to consider this application as a pivotal opportunity to continue forest health restoration and promote resilience in the Eastern Sierra.

Sincerely,

Lynda Salcido, Mayor

Report Criteria:
Report type: Invoice detail
Check.Type = {<>} "Adjustment"

Check Issue Date	Check Nu	Invoice Number	Vendor Nu	Payee	Invoice GL Account	Description	Amount	GL Period
A T & T								
09/15/2022	106610	08/22-0193609	1447	A T & T	100-420-43404	08/22-PD	171.35	09/22
Total A T & T:							171.35	
AMERIGAS								
09/15/2022	106611	3140516628/20	6982	AMERIGAS	100-416-43404	08/22-TOWN (T)	18.73	09/22
09/15/2022	106611	3140516632/20	6982	AMERIGAS	100-416-43404	08/22-TOWN (Y)	13.22	09/22
09/15/2022	106611	3140516635/20	6982	AMERIGAS	100-416-43404	08/22-TOWN (R)	13.22	09/22
09/15/2022	106611	3140516640/20	6982	AMERIGAS	100-416-43404	08/22-TOWN (S)	13.22	09/22
09/15/2022	106611	3140516645/20	6982	AMERIGAS	100-416-43404	08/22-TOWN (T)	16.66	09/22
09/15/2022	106611	3140517353/20	6982	AMERIGAS	100-416-43404	08/22-TOWN (U)	13.22	09/22
09/15/2022	106611	3140517356/20	6982	AMERIGAS	100-416-43404	08/22-TOWN (Z)	13.22	09/22
09/15/2022	106611	3140517369/20	6982	AMERIGAS	100-434-43404	08/22-POOL	1,329.49	09/22
09/15/2022	106611	3140531318/20	6982	AMERIGAS	100-420-43404	08/22-PD	136.80	09/22
09/15/2022	106611	3140539502/20	6982	AMERIGAS	100-438-43404	08/22-PARKS	29.88	09/22
09/15/2022	106611	3140539504/20	6982	AMERIGAS	210-456-43404	08/22-PWM	949.86	09/22
09/15/2022	106611	3140570582/20	6982	AMERIGAS	100-464-43404	08/22-MINARET CT I10	62.99	09/22
Total AMERIGAS:							2,610.51	
BRITT'S DIESEL & AUTOMOTIVE								
09/15/2022	91522100	58294	2559	BRITT'S DIESEL & AUT	910-000-13003	PARTS	1,651.96	09/22
Total BRITT'S DIESEL & AUTOMOTIVE:							1,651.96	
CASHMAN EQUIPMENT CO.								
09/15/2022	106612	INPS3638717	49	CASHMAN EQUIPMEN	910-000-13003	MOTOR	2,507.14	09/22
Total CASHMAN EQUIPMENT CO.:							2,507.14	
CIVICPLUS INC.								
09/15/2022	106613	238886	8825	CIVICPLUS INC.	100-414-44600	MUNICODE UPDATES	1,575.00	09/22
Total CIVICPLUS INC.:							1,575.00	
CREATIVE BUS SALES, INC.								
09/15/2022	91522101	XA128002317:	6623	CREATIVE BUS SALES	910-000-13003	PARTS	458.34	09/22
Total CREATIVE BUS SALES, INC.:							458.34	
DIMAS, JESUS								
09/15/2022	106614	08/21/22	18507	DIMAS, JESUS	210-450-42030	MEAL ALLOWANCE	120.00	09/22
09/15/2022	106614	09/04/22	18507	DIMAS, JESUS	210-450-42030	MEAL ALLOWANCE	100.00	09/22
Total DIMAS, JESUS:							220.00	
DIY HOME CENTER								
09/15/2022	106615	77008	5476	DIY HOME CENTER	210-456-42007	MAINT SUPPLIES	17.44	09/22
09/15/2022	106615	79956	5476	DIY HOME CENTER	210-450-42022	MAINT SUPPLIES	9.69	09/22
09/15/2022	106615	80260	5476	DIY HOME CENTER	220-471-42007	MAINT SUPPLIES	76.90	09/22
09/15/2022	106615	80346	5476	DIY HOME CENTER	210-450-42022	MAINT SUPPLIES	25.68	09/22
09/15/2022	106615	80386	5476	DIY HOME CENTER	220-471-42007	MAINT SUPPLIES	41.43	09/22

Check Issue Date	Check Nu	Invoice Number	Vendor Nu	Payee	Invoice GL Account	Description	Amount	GL Period
Total DIY HOME CENTER:							171.14	
EXTRON ELECTRONICS								
09/15/2022	106616	3777400	18148	EXTRON ELECTRONIC	100-418-48801	EXPANSION MATRIX	1,977.06	09/22
Total EXTRON ELECTRONICS:							1,977.06	
FIRST NATIONAL BANK OF OMAHA								
09/15/2022	106617	AUG 2022	3387	FIRST NATIONAL BAN	100-416-43115	AUG 2022	35,139.91	09/22
Total FIRST NATIONAL BANK OF OMAHA:							35,139.91	
FRONTIER COMMUNICATIONS								
09/15/2022	106618	08/22-7493	10869	FRONTIER COMMUNIC	100-416-43404	08/22-TOWN	3.08	09/22
09/15/2022	106618	08/22-3636	10869	FRONTIER COMMUNIC	100-420-43404	08/22-PD	168.44	09/22
Total FRONTIER COMMUNICATIONS:							171.52	
GARNICA, VICTOR								
09/15/2022	106619	08/21/22	18535	GARNICA, VICTOR	210-450-42030	MEAL ALLOWANCE	20.00	09/22
Total GARNICA, VICTOR:							20.00	
GRAY, JAMIE								
09/15/2022	106620	10/04-10/07/22	6839	GRAY, JAMIE	100-414-43150	PER DIEM	65.00	09/22
Total GRAY, JAMIE:							65.00	
HIGH COUNTRY LUMBER								
09/15/2022	106621	89067	830	HIGH COUNTRY LUMB	220-471-42007	MAINT SUPPLIES	46.31	09/22
09/15/2022	106621	89161	830	HIGH COUNTRY LUMB	220-471-42007	MAINT SUPPLIES	9.68	09/22
09/15/2022	106621	89196	830	HIGH COUNTRY LUMB	210-450-42022	MAINT SUPPLIES	7.53	09/22
09/15/2022	106621	89210	830	HIGH COUNTRY LUMB	220-471-42007	MAINT SUPPLIES	46.31-	09/22
09/15/2022	106621	89211	830	HIGH COUNTRY LUMB	220-471-42007	MAINT SUPPLIES	80.80	09/22
09/15/2022	106621	89477	830	HIGH COUNTRY LUMB	215-511-42007	MAINT SUPPLIES	49.54	09/22
09/15/2022	106621	89908	830	HIGH COUNTRY LUMB	100-464-45100	MAINT SUPPLIES	52.82	09/22
09/15/2022	106621	89918	830	HIGH COUNTRY LUMB	100-464-45100	MAINT SUPPLIES	31.52	09/22
09/15/2022	106621	89938	830	HIGH COUNTRY LUMB	100-464-45100	MAINT SUPPLIES	2.90	09/22
Total HIGH COUNTRY LUMBER:							234.79	
HORIZON CALIFORNIA PUBLICATIONS, INC.								
09/15/2022	91522102	300288135	6100	HORIZON CALIFORNIA	100-413-43130	DYK AUGUST	260.00	09/22
Total HORIZON CALIFORNIA PUBLICATIONS, INC.:							260.00	
HOT CREEK AVIATION, LLC CAR RENTAL								
09/15/2022	106622	JULY 2022	6622	HOT CREEK AVIATION,	220-471-43031	JULY 2022 CAR RENTA	777.90	09/22
Total HOT CREEK AVIATION, LLC CAR RENTAL:							777.90	
KIMBALL-MIDWEST								
09/15/2022	106623	100240325	4812	KIMBALL-MIDWEST	910-000-13003	PARTS	116.34	09/22
Total KIMBALL-MIDWEST:							116.34	

Check Issue Date	Check Nu	Invoice Number	Vendor Nu	Payee	Invoice GL Account	Description	Amount	GL Period
LED LIGHTING SOLUTIONS								
09/15/2022	106624	IVC26994	19260	LED LIGHTING SOLUTI	100-467-45081	LED SLOW SIGNS	2,571.82	09/22
Total LED LIGHTING SOLUTIONS:							2,571.82	
MAMMOTH COMMUNITY WATER DISTRICT UTILIT								
09/15/2022	106625	08/22-5700	97	MAMMOTH COMMUNI	100-438-43404	08/22-CRK RST	313.69	09/22
09/15/2022	106625	08/22-6000	97	MAMMOTH COMMUNI	100-438-43404	08/22-HWY LAND	73.04	09/22
09/15/2022	106625	08/22-6383	97	MAMMOTH COMMUNI	100-438-43404	08/22-CRK PARK IRRIG	394.64	09/22
09/15/2022	106625	08/22-6398	97	MAMMOTH COMMUNI	100-438-43404	08/22-C CTR	145.80	09/22
09/15/2022	106625	08/22-6440	97	MAMMOTH COMMUNI	210-456-43404	08/22-PWM	335.88	09/22
09/15/2022	106625	08/22-6564	97	MAMMOTH COMMUNI	100-438-43404	08/22-SDY RST PARK	5,321.41	09/22
09/15/2022	106625	08/22-6854	97	MAMMOTH COMMUNI	100-438-43404	08/22-SDY RST	386.74	09/22
09/15/2022	106625	08/22-7851	97	MAMMOTH COMMUNI	100-438-43404	08/22-SKATE PARK	355.38	09/22
09/15/2022	106625	08/22-7884	97	MAMMOTH COMMUNI	856-450-43404	08/22-OMR	73.04	09/22
09/15/2022	106625	08/22-7981	97	MAMMOTH COMMUNI	100-438-43404	08/22-PARKS	104.30	09/22
09/15/2022	106625	08/22-8069	97	MAMMOTH COMMUNI	858-436-43404	08/22-ICE RINK	160.30	09/22
09/15/2022	106625	08/22-8520	97	MAMMOTH COMMUNI	210-450-43404	08/22-HYDRONIC SYS	36.41	09/22
09/15/2022	106625	08/22-8577	97	MAMMOTH COMMUNI	100-438-43404	08/22-PARK & RIDE	25.55	09/22
09/15/2022	106625	08/22-8657	97	MAMMOTH COMMUNI	100-420-43404	08/22-PD	205.96	09/22
09/15/2022	106625	08/22-7783	97	MAMMOTH COMMUNI	100-438-43404	08/22-OLD LIBRARY	87.49	09/22
09/15/2022	106625	1165695U014	97	MAMMOTH COMMUNI	205-490-43404	08/22-C CTR	299.00	09/22
Total MAMMOTH COMMUNITY WATER DISTRICT UTILIT:							8,318.63	
MAMMOTH DISPOSAL, INC.								
09/15/2022	106626	1164860U014	94	MAMMOTH DISPOSAL,	100-434-43404	08/22-POOL	173.65	09/22
09/15/2022	106626	1164864U014	94	MAMMOTH DISPOSAL,	100-434-43404	08/22-SDY RST PARK	594.50	09/22
09/15/2022	106626	1164940U014	94	MAMMOTH DISPOSAL,	220-471-43404	08/22-AIRPORT	146.81	09/22
09/15/2022	106626	1165040U014	94	MAMMOTH DISPOSAL,	100-420-43404	08/22-PD	381.00	09/22
09/15/2022	106626	1165133U014	94	MAMMOTH DISPOSAL,	100-460-43031	08/22-LAKE GEORGE	343.50	09/22
09/15/2022	106626	1165146U014	94	MAMMOTH DISPOSAL,	100-460-43031	08/22-PINE CITY	343.50	09/22
09/15/2022	106626	1165170U014	94	MAMMOTH DISPOSAL,	100-438-43404	08/22-PARKS	474.00	09/22
09/15/2022	106626	1165407U014	94	MAMMOTH DISPOSAL,	100-460-43031	08/22-HORSESHOE LA	416.69	09/22
09/15/2022	106626	1165626U014	94	MAMMOTH DISPOSAL,	100-475-43404	08/22-TRANSIT STOPS	2,568.00	09/22
09/15/2022	106626	1165659U014	94	MAMMOTH DISPOSAL,	205-490-43404	08/22-BUSINESS & VA	1,736.00	09/22
09/15/2022	106626	1165936U014	94	MAMMOTH DISPOSAL,	100-434-43404	08/22-SDY RST PARK	284.00	09/22
09/15/2022	106626	1167777U014	94	MAMMOTH DISPOSAL,	215-511-43404	09/22-WATERFORD BR	1,244.90	09/22
09/15/2022	106626	1167906U014	94	MAMMOTH DISPOSAL,	215-511-43404	09/22-LIBRARY	146.20	09/22
09/15/2022	106626	1168551U014	94	MAMMOTH DISPOSAL,	220-471-43404	08/22-AIRPORT	1,150.00	09/22
Total MAMMOTH DISPOSAL, INC.:							10,002.75	
MINARET VILLAGE SHOPPING CENTE								
09/15/2022	91522103	OCT 2022 REN	1	MINARET VILLAGE SH	100-416-45010	10/22-RENT	41,139.20	09/22
Total MINARET VILLAGE SHOPPING CENTE:							41,139.20	
MOBERLY, SANDRA								
09/15/2022	106627	10/01-10/04/22	7533	MOBERLY, SANDRA	100-440-43150	PER DIEM	160.00	09/22
Total MOBERLY, SANDRA:							160.00	
MOUNTAIN SHADOWS HOMEOWNERS' ASSOC								
09/15/2022	106628	MS17687 SEP	19168	MOUNTAIN SHADOWS	100-464-43404	COMMON AREA G1	569.02	09/22
Total MOUNTAIN SHADOWS HOMEOWNERS' ASSOC:							569.02	

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PELHAM, AMANDA								
09/15/2022	106629	10/04-10/07/22	18144	PELHAM, AMANDA	100-417-43150	PER DIEM	118.00	09/22
Total PELHAM, AMANDA:							118.00	
QUILL CORPORATION								
09/15/2022	91522104	27375200	2090	QUILL CORPORATION	100-416-42002	OFFICE SUPPLIES	108.72	09/22
09/15/2022	91522104	27468982	2090	QUILL CORPORATION	100-413-42030	OFFICE SUPPLIES	140.06	09/22
Total QUILL CORPORATION:							248.78	
SIERRA OFFICE SOLUTIONS, INC.								
09/15/2022	106630	10195	7903	SIERRA OFFICE SOLU	100-416-46010	03/24-09/08/22 PRINT C	18,334.77	09/22
Total SIERRA OFFICE SOLUTIONS, INC.:							18,334.77	
SILVER STATE INTERNATIONAL TRUCKS								
09/15/2022	91522105	X201085363:0	35	SILVER STATE INTERN	910-000-13003	PARTS	114.19	09/22
Total SILVER STATE INTERNATIONAL TRUCKS:							114.19	
SOUTHERN CALIF EDISON								
09/15/2022	106631	08/22-4188	145	SOUTHERN CALIF EDI	100-438-43404	08/22-LIGHTS	567.66	09/22
09/15/2022	106631	08/22-7919	145	SOUTHERN CALIF EDI	100-416-43404	08/22-REC	328.47	09/22
09/15/2022	106631	08/22-3004	145	SOUTHERN CALIF EDI	210-450-43404	08/22-LIGHTS	1,411.14	09/22
09/15/2022	106631	08/22-4416	145	SOUTHERN CALIF EDI	210-450-43404	08/22-PWM	115.17	09/22
09/15/2022	106631	08/22-7029	145	SOUTHERN CALIF EDI	100-438-43404	08/22-CRK RST	242.34	09/22
09/15/2022	106631	08/22-8520	145	SOUTHERN CALIF EDI	210-450-43404	08/22-PARK & RIDE	100.73	09/22
09/15/2022	106631	08/22-8559	145	SOUTHERN CALIF EDI	100-420-43404	08/22-PD	1,191.11	09/22
09/15/2022	106631	08/22-9020	145	SOUTHERN CALIF EDI	100-416-43404	08/22-TOWN	2,083.06	09/22
09/15/2022	106631	08/22-0749	145	SOUTHERN CALIF EDI	100-464-43404	08/22-MERIDIAN CT I10	102.97	09/22
09/15/2022	106631	08/22-6264	145	SOUTHERN CALIF EDI	857-450-43404	08/22-LIGHTS	334.47	09/22
Total SOUTHERN CALIF EDISON:							6,477.12	
STEVE'S AUTO & TRUCK PARTS								
09/15/2022	106632	057666	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	14.50	09/22
09/15/2022	106632	546805	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	42.98	09/22
09/15/2022	106632	058673	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	14.48	09/22
09/15/2022	106632	058870	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	132.15	09/22
09/15/2022	106632	058875	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	20.00	09/22
09/15/2022	106632	058876	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	39.33	09/22
09/15/2022	106632	059169	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	47.39	09/22
09/15/2022	106632	059241	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	27.67	09/22
09/15/2022	106632	059335	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	25.00	09/22
09/15/2022	106632	059438	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	17.12	09/22
09/15/2022	106632	059838	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	58.39	09/22
09/15/2022	106632	059840	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	58.39	09/22
09/15/2022	106632	059960	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	358.60	09/22
09/15/2022	106632	060207	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	312.64	09/22
09/15/2022	106632	060279	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	372.07	09/22
09/15/2022	106632	060405	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	177.32	09/22
Total STEVE'S AUTO & TRUCK PARTS:							1,718.03	
SUDDENLINK								
09/15/2022	106633	SEPT 2022-C	10002	SUDDENLINK	100-438-43404	09/22-C CTR	5.39	09/22
09/15/2022	106633	SEPT 2022-P	10002	SUDDENLINK	210-456-43404	09/22-PWM	123.43	09/22

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Total SUDDENLINK:							128.82	
THOMAS PETROLEUM, LLC								
09/15/2022	106634	377794A-IN	7891	THOMAS PETROLEUM	910-000-13001	GAS	4,974.04	09/22
09/15/2022	106634	377794B-IN	7891	THOMAS PETROLEUM	910-000-13001	DIESEL	8,413.52	09/22
Total THOMAS PETROLEUM, LLC:							13,387.56	
TITUS TOOLS LLC								
09/15/2022	106580	0823225995	19153	TITUS TOOLS LLC	210-454-46200	PARTS	402.99-	09/22
09/15/2022	106635	0823225995	19153	TITUS TOOLS LLC	210-454-46200	PARTS	402.99	09/22
Total TITUS TOOLS LLC:							.00	
US BANK CORPORATE TRUST SVCS								
09/15/2022	106636	2068973	19160	US BANK CORPORATE	854-590-49490	CASH ON HAND	436,114.69	09/22
09/15/2022	106636	2068975	19160	US BANK CORPORATE	990-590-49498	CASH ON HAND	1,494,299.82	09/22
Total US BANK CORPORATE TRUST SVCS:							1,930,414.51	
WEST, QWINA								
09/15/2022	106637	08/21/22	18760	WEST, QWINA	210-450-42030	MEAL ALLOWANCE	40.00	09/22
Total WEST, QWINA:							40.00	
Grand Totals:							2,081,871.16	

Signature: Sandra Moberly Sandra Moberly Date 9-15-22

Signature: Jamie Gray Jamie Gray Date 9/15/22

Signature: Stephanie Trujilly Stephanie Trujillo Date 9/15/22

Report Criteria:
Report type: Invoice detail
Check.Type = {<>} "Adjustment"

Report Criteria:
Report type: Invoice detail
Check.Type = {<>} "Adjustment"

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AMERICAN LEAK DETECTION								
09/22/2022	106646	9446	19197	AMERICAN LEAK DET	100-434-43031	05/22-SVCS	2,265.00	09/22
Total AMERICAN LEAK DETECTION:							2,265.00	
AMERIGAS								
09/22/2022	106647	3140689681/20	6982	AMERIGAS	100-434-43404	09/22-POOL	564.63	09/22
Total AMERIGAS:							564.63	
AVCOM COMPANY								
09/22/2022	106648	09010722	6453	AVCOM COMPANY	220-471-43031	AWOS TRI-ANNUAL M	797.00	09/22
Total AVCOM COMPANY:							797.00	
BIG MOUNTAIN BOTTLED WATER								
09/22/2022	92222100	2284	3570	BIG MOUNTAIN BOTTL	100-416-42030	WATER-PD	467.50	09/22
Total BIG MOUNTAIN BOTTLED WATER:							467.50	
BPR CONSULTING GROUP								
09/22/2022	106649	276	19259	BPR CONSULTING GR	100-442-43031	JULY 2022 SVCS	702.50	09/22
09/22/2022	106649	313	19259	BPR CONSULTING GR	100-442-43031	AUG 2022 SVCS	3,717.50	09/22
Total BPR CONSULTING GROUP:							4,420.00	
BRADY INDUSTRIES OF CALIFORNIA								
09/22/2022	92222101	7477281	8686	BRADY INDUSTRIES O	220-471-42007	MAINT SUPPLIES-Janit	93.33	09/22
Total BRADY INDUSTRIES OF CALIFORNIA:							93.33	
BUSWEST								
09/22/2022	106650	XA410036451:	7396	BUSWEST	910-000-13003	PARTS	262.13	09/22
Total BUSWEST:							262.13	
CALIFORNIA BROADBAND CORP								
09/22/2022	106651	20000014131	10416	CALIFORNIA BROADB	100-418-43404	SEPT 2022	2,637.94	09/22
Total CALIFORNIA BROADBAND CORP:							2,637.94	
CALIFORNIA CONSULTING, INC.								
09/22/2022	92222102	5394	19212	CALIFORNIA CONSULT	100-416-43031	GRANT WRITING SVC	4,250.00	09/22
Total CALIFORNIA CONSULTING, INC.:							4,250.00	
CASELLE INC.								
09/22/2022	106652	119587	10606	CASELLE INC.	100-418-45050	OCT 2022	3,445.00	09/22
Total CASELLE INC.:							3,445.00	
CHALFANT, LLC								
09/22/2022	92222103	OCT 2022	18513	CHALFANT, LLC	210-450-43031	STORAGE UNIT PWM	848.00	09/22

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Total CHALFANT, LLC:							848.00	
CREATIVE BUS SALES, INC.								
09/22/2022	92222104	XA128002359:	6623	CREATIVE BUS SALES	910-000-13003	PARTS	1,064.67	09/22
Total CREATIVE BUS SALES, INC.:							1,064.67	
DEPT OF JUSTICE								
09/22/2022	106653	595848	1775	DEPT OF JUSTICE	100-420-43156	07/22-FINGERPRINT	373.00	09/22
Total DEPT OF JUSTICE:							373.00	
DIY HOME CENTER								
09/22/2022	106654	73317	5476	DIY HOME CENTER	100-420-42002	PADLOCK	16.47	09/22
09/22/2022	106654	73890	5476	DIY HOME CENTER	100-438-45080	MAINT SUPPLIES	12.60	09/22
09/22/2022	106654	76997	5476	DIY HOME CENTER	210-456-42007	MAINT SUPPLIES	23.92	09/22
09/22/2022	106654	79856	5476	DIY HOME CENTER	910-000-13003	PARTS	17.43	09/22
09/22/2022	106654	79866	5476	DIY HOME CENTER	100-438-45080	MAINT SUPPLIES	21.49	09/22
09/22/2022	106654	79983	5476	DIY HOME CENTER	100-438-45080	MAINT SUPPLIES	6.29	09/22
09/22/2022	106654	80775	5476	DIY HOME CENTER	220-471-42007	MAINT SUPPLIES	8.70	09/22
Total DIY HOME CENTER:							106.90	
EASTERN SIERRA PROPANE								
09/22/2022	106655	02336	5323	EASTERN SIERRA PR	100-416-43404	GENERATOR TANK 2-R	91.59	09/22
09/22/2022	106655	02337	5323	EASTERN SIERRA PR	100-416-43404	GENERATOR TANK 1-R	91.59	09/22
Total EASTERN SIERRA PROPANE:							183.18	
ESTA								
09/22/2022	106656	220808-01	7884	ESTA	100-475-43031	JULY 2022 RTE HOUR	106,900.87	09/22
Total ESTA:							106,900.87	
FRONTIER COMMUNICATIONS								
09/22/2022	106657	08/22-3825	10869	FRONTIER COMMUNIC	220-471-43404	08/22-AIRPORT	80.47	09/22
Total FRONTIER COMMUNICATIONS:							80.47	
HIGH COUNTRY LUMBER								
09/22/2022	106658	88986	830	HIGH COUNTRY LUMB	100-438-45080	MAINT SUPPLIES	53.86	09/22
09/22/2022	106658	89869	830	HIGH COUNTRY LUMB	100-464-45100	MAINT SUPPLIES	128.01	09/22
09/22/2022	106658	89959	830	HIGH COUNTRY LUMB	100-438-45080	MAINT SUPPLIES	4.71	09/22
09/22/2022	106658	90331	830	HIGH COUNTRY LUMB	100-417-42030	KEYS	12.90	09/22
09/22/2022	106658	90402	830	HIGH COUNTRY LUMB	210-450-42022	MAINT SUPPLIES	21.53	09/22
Total HIGH COUNTRY LUMBER:							221.01	
HOT CREEK AVIATION, LLC								
09/22/2022	106659	OCTOBER 202	6335	HOT CREEK AVIATION,	220-471-45010	HANGAR RENT	6,169.66	09/22
Total HOT CREEK AVIATION, LLC:							6,169.66	
INYO NETWORKS								
09/22/2022	106660	10000373217	18118	INYO NETWORKS	100-418-43404	SEPT 2022	526.44	09/22

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Total INYO NETWORKS:							526.44	
KIMBALL-MIDWEST								
09/22/2022	106661	100307447	4812	KIMBALL-MIDWEST	910-000-13003	PARTS	287.44	09/22
Total KIMBALL-MIDWEST:							287.44	
LEMUS, BRIAN								
09/22/2022	106662	09/18/22	19130	LEMUS, BRIAN	210-450-42030	MEAL ALLOWANCE	20.00	09/22
Total LEMUS, BRIAN:							20.00	
LINDE GAS & EQUIPMENT INC.								
09/22/2022	106663	30767465	19251	LINDE GAS & EQUIPM	220-471-43031	CYLINDER RENTALS	437.50	09/22
Total LINDE GAS & EQUIPMENT INC.:							437.50	
MAMMOTH BUSINESS ESSENTIALS								
09/22/2022	106664	9016	18730	MAMMOTH BUSINESS	910-000-13003	SHIPPING CHGS	210.78	09/22
Total MAMMOTH BUSINESS ESSENTIALS:							210.78	
MAMMOTH DISPOSAL, INC.								
09/22/2022	106665	1164846U014	94	MAMMOTH DISPOSAL,	220-471-43404	08/22-AIRPORT	1,251.56	09/22
09/22/2022	106665	1164849U014	94	MAMMOTH DISPOSAL,	210-450-43404	08/22-PWM	2,386.50	09/22
Total MAMMOTH DISPOSAL, INC.:							3,638.06	
MAMMOTH HOSPITAL								
09/22/2022	106666	210021610	7376	MAMMOTH HOSPITAL	100-420-43031	MEDICAL EXAM	200.25	09/22
Total MAMMOTH HOSPITAL:							200.25	
MAMMOTH LAKES FIRE PROTECTION DISTRICT								
09/22/2022	106667	FIRE DIF DIST	1696	MAMMOTH LAKES FIR	838-531-43031	FIRE STATION #1	760,000.00	09/22
Total MAMMOTH LAKES FIRE PROTECTION DISTRICT:							760,000.00	
MAMMOTH LAKES TOURISM								
09/22/2022	106668	TBID PASS TH	8858	MAMMOTH LAKES TO	218-480-49020	THROUGH 07/31/22	332,074.47	09/22
09/22/2022	106668	TBID PASS TH	8858	MAMMOTH LAKES TO	218-480-49020	THROUGH 08/31/22	433,046.63	09/22
Total MAMMOTH LAKES TOURISM:							765,121.10	
MARTINEZ, FEDIRICO								
09/22/2022	106669	09/18/22	18775	MARTINEZ, FEDIRICO	210-450-42030	MEAL ALLOWANCE	80.00	09/22
Total MARTINEZ, FEDIRICO:							80.00	
MERIDIAN COURT CONDOMINIUM ASSOC.								
09/22/2022	106670	MER11649-OC	18792	MERIDIAN COURT CO	100-464-43404	COMMON AREA-MERI	251.70	09/22
09/22/2022	106670	MER17727-OC	18792	MERIDIAN COURT CO	100-464-43404	COMMON AREA-550 M	251.70	09/22
Total MERIDIAN COURT CONDOMINIUM ASSOC.:							503.40	
MICHAEL BAKER INTERNATIONAL								
09/22/2022	92222105	1156864	18064	MICHAEL BAKER INTE	100-440-43031	JULY 2022	1,100.00	09/22

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Total MICHAEL BAKER INTERNATIONAL:							1,100.00	
MISSION LINEN SUPPLY, INC								
09/22/2022	106671	517705988	6482	MISSION LINEN SUPPL	210-450-42006	UNIFORM	41.25	09/22
Total MISSION LINEN SUPPLY, INC:							41.25	
MOLINA JANITORIAL SERVICE								
09/22/2022	106672	6093	8617	MOLINA JANITORIAL S	220-471-43031	AUG 2022	929.97	09/22
Total MOLINA JANITORIAL SERVICE:							929.97	
MONO COUNTY INVESTMENTS								
09/22/2022	106673	MONO COUNT	10517	MONO COUNTY INVES	001-000-10030	INCREASING REU HOL	1,672,000.00	09/22
Total MONO COUNTY INVESTMENTS:							1,672,000.00	
MOUNTAIN SHADOWS HOMEOWNERS' ASSOC								
09/22/2022	106674	MS17687-OCT	19168	MOUNTAIN SHADOWS	100-464-43404	COMMON AREA G1	569.02	09/22
Total MOUNTAIN SHADOWS HOMEOWNERS' ASSOC:							569.02	
PARS								
09/22/2022	106675	51408	6552	PARS	100-416-43031	07/22-SVCS	345.37	09/22
09/22/2022	106675	51469	6552	PARS	100-420-43031	07/22-SVCS	800.00	09/22
Total PARS:							1,145.37	
PERFORMANCE TOWING								
09/22/2022	106676	1234	19062	PERFORMANCE TOWI	100-420-43031	TOWING SVCS	300.00	09/22
Total PERFORMANCE TOWING:							300.00	
PLEXUSGLOBAL								
09/22/2022	106677	15166	18747	PLEXUSGLOBAL	100-417-43140	BACKGROUND SCREE	152.00	09/22
Total PLEXUSGLOBAL:							152.00	
PRENTICE LONG, PC								
09/22/2022	106678	5319	19182	PRENTICE LONG, PC	100-412-43031	08/22-SVCS	210.00	09/22
Total PRENTICE LONG, PC:							210.00	
SAMBASAFETY								
09/22/2022	106679	INV00948513	18151	SAMBASAFETY	100-417-43140	BACKGROUND CHK	238.53	09/22
Total SAMBASAFETY:							238.53	
SIERRA EMPLOYMENT SERVICES INC.								
09/22/2022	106680	35399	6837	SIERRA EMPLOYMENT	100-442-43031	TEMP EMPLOYMENT	1,444.00	09/22
09/22/2022	106680	35455	6837	SIERRA EMPLOYMENT	100-442-43031	TEMP EMPLOYMENT	1,178.00	09/22
Total SIERRA EMPLOYMENT SERVICES INC.:							2,622.00	
SIERRA SECURITY SYS, INC.								
09/22/2022	106681	665746	5362	SIERRA SECURITY SY	100-438-43404	07/22-PARKS	39.50	09/22

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Total SIERRA SECURITY SYS, INC.:							39.50	
SILVER STATE INTERNATIONAL TRUCKS								
09/22/2022	92222106	X201085660:0	35	SILVER STATE INTERN	910-000-13003	PARTS	374.98	09/22
09/22/2022	92222106	X201085825:0	35	SILVER STATE INTERN	910-000-13003	PARTS	64.22	09/22
Total SILVER STATE INTERNATIONAL TRUCKS:							439.20	
SOUTHERN CALIF EDISON								
09/22/2022	106682	08/22-5841	145	SOUTHERN CALIF EDI	100-434-43404	08/22-POOL	6,904.58	09/22
09/22/2022	106682	09/22-5720	145	SOUTHERN CALIF EDI	220-471-43404	09/22-AIRPORT	102.52	09/22
09/22/2022	106682	08/22-9143	145	SOUTHERN CALIF EDI	100-464-43404	08/22-L'ABRI 2	36.86	09/22
09/22/2022	106682	09/22-1155	145	SOUTHERN CALIF EDI	210-450-43404	09/22-CANYON LIGHT	36.44	09/22
09/22/2022	106682	09/22-4645	145	SOUTHERN CALIF EDI	857-450-43404	09/22-STREET LIGHTS	221.67	09/22
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Total SOUTHERN CALIF EDISON:							7,431.21	
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09/22/2022	106683	059406	1221	STEVE'S AUTO & TRU	910-000-13003	PARTS	25.05	09/22

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TITUS TOOLS LLC								
09/22/2022	106684	0920226695	19153	TITUS TOOLS LLC	210-454-46200	DUAL CHARGER	118.47	09/22
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TRUIST GOVERNMENTAL FINANCE								
09/22/2022	106685	990500019200	18381	TRUIST GOVERNMENT	990-590-49494	PRINCIPAL	583,411.74	09/22
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VETTER, JOE								
09/22/2022	106686	VEST	18104	VETTER, JOE	100-420-42006	UNIFORM	1,250.00	09/22
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WESTERN NEVADA SUPPLY CO.								
09/22/2022	92222108	19434459	155	WESTERN NEVADA SU	100-438-45080	MAINT SUPPLIES	1,244.51	09/22
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09/22/2022	106688	017039247	234	XEROX CORPORATIO	100-416-46010	08/22-PARKS	174.89	09/22
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09/22/2022	106689	3476367	18375	XEROX FINANCIAL SE	100-416-46010	09/22-AIRPORT	1,614.11	09/22
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Grand Totals:							3,946,237.78	

Signature: Sandra Moberly Sandra Moberly Date 9.23.22

Signature: Jamie Gray Jamie Gray Date 9/23/22

Signature: Stephanie Trujilly Stephanie Trujillo Date 9/23/22

Report Criteria:
Report type: Invoice detail
Check.Type = {<>} "Adjustment"

TOWN COUNCIL STAFF REPORT

Title: Consider approval of the Parking Management Plan for the Sawyer (Parcel Phase 1) and update on the Kingfisher (Parcel Phase 2)

Meeting Date: October 5, 2022

Prepared by: Sandra Moberly, Community and Economic Development Director

RECOMMENDATION:

Receive an update from staff on the Parcel and approve the final parking management plan for Phase 1 "The Sawyer" in order to satisfy Condition 85 of Town Council Resolution 21-10.

BACKGROUND:

Project Milestones

2021	
Jan. 6	Town Council approved the Parcel Master Plan to establish zoning standards for the site and allow a 100% density bonus on the site for a maximum of 580 units.
Feb. 3	In accordance with the Surplus Land Act, the Town Council approved and awarded the contract for the sale of the Parcel to Pacific West Communities[1] Inc. This included $943K loan (land loan $650K; deferred DIF loan $296,600) Approved the use permit and design review for Phase 1 of the Parcel to allow 81 units (80 affordable, 1 manager) of housing to be built at the Parcel (Resolution 21-10 – **Attachment 1**).
Apr. 28	Approved the Disposition and Development Agreement (DDA) between the Town and The Pacific Companies (TPC) to memorialize the terms and conditions for conveyance of land within the Parcel site to TPC for development of the Parcel project. The Council's approval included a reduction in the maximum unit count allowed within the DDA to 450.
May 5	Approved quitclaim deeds with Center Street and Main Street property owners to resolve a minor overlap between the north property line of the Parcel and the south property lines of the adjoining lots to the north.
Sept/Oct	Tree removal and rough grading began for Phase 1 "The Sawyer"

[1] The Pacific Companies is the parent company of Pacific West Communities.

	Oct. 20	The Town Council allocated $1.2M in local funding for public infrastructure associated with the Parcel. Town staff will work with TPC to determine funding gaps and will seek out grant funding for Parcel infrastructure prior to allocating the $1.2M for this purpose.
	Nov. 3	The Town Council conducted a Groundbreaking Ceremony at the project site, with over 50 members of the public in attendance.
2022		
	May 11	PEDC approved TTM 22-001 to allow subdivision of the property into 14 lots for future affordable housing uses, 3 lots for open space and parks, and public street dedications to complete the westerly extension of Tavern Road, the creation of Inyo Street connecting Center Street and Tavern Road, and the northerly extension of Chapparal Road.
	May 25	The Town Council approved allocating $5.03M to the Parcel Phase 2 "Kingfisher" which represents funding of the Town's portion of the Phase 2 anticipated construction costs.
	July 13	PEDC approved Design Review 22-003 for the Parcel Phase 2 Kingfisher development. This included site and building design for the Kingfisher, which includes a total of 148 units (76- and 72-unit phases).
	September	TPC submitted for Low Income Housing Tax Credit (LIHTC) and tax-exempt bond (CDLAC) financing. Awards are expected by November 30.

PHASE 1 "THE SAWYER" UPDATE

Following tree removal and rough grading in the fall of 2021, construction on the project resumed in April 2022 with continued construction of the building pads and rough grading of the new roads. Building permits were issued on May 3, 2022, allowing construction of the buildings to begin, starting with foundations and parking podiums. As of today, structural walls and columns to support the second-floor podium of both buildings are complete and forming the post-tensioned concrete podium itself is in progress. Prefabricated building modules, which have been in production since the Spring of 2022, are being delivered to an off-site staging area. Setting of modules on site is anticipated to begin later this month.

Work on the public roads and utility infrastructure has been ongoing throughout this past summer and fall season, starting with sewer, water, and storm drain. Dry utilities (electric, gas, communications) are expected to be installed this fall prior to paving. Construction of sidewalks and multi-use paths will resume this spring.

Completion of The Sawyer Building A and B and the Phase I infrastructure is scheduled for Fall 2023.

Funding

Phase 1 cost (excluding infrastructure) is approximately $47M. Funding for Phase 1 will come from a variety of sources including California Housing Accelerator funding, Infill Infrastructure Grant funding, Mono County No Place Like Home funding, Mono County MHSA funding, and Town DIF deferrals and below market rate land loan. The Infill Infrastructure Grant contract was executed by the California Department of Housing and Community Development (HCD) on October 19, 2021. The California Housing Accelerator funding notice of award was received on February 3, 2022, and the standard agreement was executed in May 2022.

Parking – Condition of Approval 85

Phase 1 Parking Management Program

The Sawyer was designed to meet the Master Plan's parking requirements; however, Design Review approval for Phase 1 included the following condition of approval:

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

The Pacific Companies (TPC) engaged Fehr & Peers, a traffic/transportation consultant, to complete a parking management plan in accordance with this condition of approval. The parking management plan describes how parking is managed in other similar communities and provides fourteen site specific strategies to manage parking at the Sawyer (**Attachment 2:** Fehr and Peers Parking Management Plan, Table 1, pages 3-4). The applicant has incorporated the strategies 1-5 into the project as required by the Parcel Master Plan:

1. *Long-term bicycle parking* – covered and protected bicycle parking and storage at all times of day.
2. *Short-term bicycle parking* – bicycle racks located near building facility entrances.
3. *On-street parking* – Additional on-street parking for guests or overflow parking.
4. *On-site transit stops* – Design and placement of on-site transit stops to increase access and ridership. Transit stop design should include bus shelter for use in all weather.

5. *Dedicated car and ride share program space* – Provide preferential and dedicated parking space for a community shared car (car not provided by management).

The applicant has committed to implement additional strategies 6-9 which include:

6. *Outlets for electric bicycle charging in bike storage room and common areas* – accessible outlets for residents to charge their electric bicycle in bike storage room and within common areas.

7. *Active Parking Management* – Property management staff responsible for parking management (e.g., ensure tenants not parking in unpaved areas, not parking in front of dumpsters, not parking on neighboring properties). This will include means to identify resident and visitor vehicles (e.g., stickers, hangers, guest parking passes).

8. *Free Educational Materials* – A guide will be provided to residents with alternative transportation mode information such as bicycle facilities/routes, transit routes, and walking paths to key destinations. The applicant has committed to posting materials in the community room or lobby as well as providing to residents.

9. *Gamification/Incentive/Rewards Program* – Property management to create competitions centered around any mode (biking competition, pedometer/walking challenges), develop recognition programs (Commuter of the Month, etc.) and provide prizes.

In addition to the above strategies proposed by the applicant, the Town has independently committed to building an approximately 50-space satellite public parking lot adjacent to the Sawyer and Phase 2 "The Kingfisher" which can serve as overflow parking for residents and park users in any phase. The Town intends on implementing a Town-managed permit process for the parking lot and track the usage to determine whether the additional parking will be needed long term. If Town staff determines that the parking lot is not required to meet project needs the Town may remove the lot at a later date in order to make the lot available for construction of additional affordable housing for the community.

Staff has determined that the proposed strategies will adequately manage the parking at the Sawyer. If unforeseen parking issues beyond the scope of these management strategies occur, the Town can work with TPC to implement additional strategies from Table 1 of the Parking Management Plan.

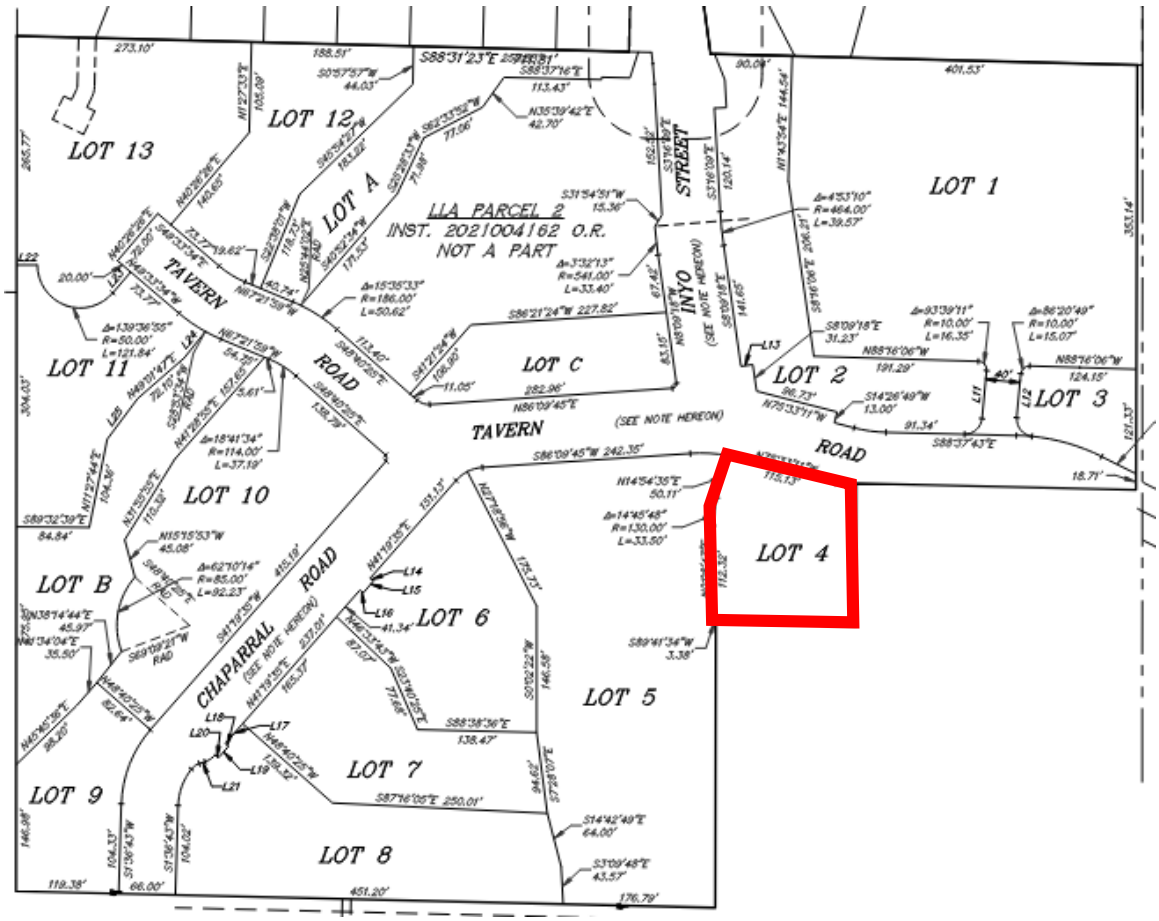


Figure 1: Town Satellite Parking Lot Location

PHASE 2 – "THE KINGFISHER" UPDATE

The Planning and Economic Development Commission approved Design Review 22-003 for the Kingfisher on July 13, 2022. TPC and the Town have been working on securing funding since project approval and expects a response to the Low-Income Housing Tax Credit (LIHTC) application by November 30. If unsuccessful, the team will continue pursuing funding through future rounds of LIHTC and other sources that may become available.

Project Summary

Phase 2 (Kingfisher) includes infrastructure improvements and construction of four 3-story buildings and one 4-story building for a total of 148 rental units (146 deed restricted affordable housing units and 2 manager's units). The two-phased project includes 21 studios, 36 one-bedroom units, 53 two-bedroom units, and 38 three-bedroom units. All buildings in Phase 2 are double loaded interior corridor layouts with units on both sides with views in a variety of directions, similar to Phase 1. They have flat roofs designed to drain and meet TOML snow and wind loads.

The four 3-story buildings offer tuck-under enclosed carports with ground floor units facing Inyo Street and Tavern Road and will include small, covered porches along the sidewalk, creating a townhome-like atmosphere. These buildings have stairways at each end adjacent to the main entrances. All accessible units are located on the ground floor with accessible path access from parking and entrance sidewalks.

The L-shaped 4-story podium building has three residential floors over podium parking (similar to Phase 1 buildings) and a centrally located stairway and elevator core adjacent to a main lobby, some office space and primary entrance. Exit stairways are located at the end of each wing. This building forms the backdrop to a central open green space designed to retain natural features of the site, including retaining existing mature pine trees, and provide an amenity for residents. Each floor includes lounge areas, laundry facilities, library nooks, gear storage and other amenities for families including an indoor play area for young children. The main driveway and fire access loop circulates around the central green space and provides direct access to all buildings. The side facing the central green serves as the primary pedestrian entrance and the ground floor includes lobby space and indoor bicycle parking areas.

The smaller 3-story "tuck under" buildings (2A, 2B, 2C, and 2D) oriented along Inyo Street and Tavern Road are intended to engage the pedestrian experience along the public roadways, and measure between 40'-4" and 40'-10" high, with the covered porch element scaled to one-story height. Views from units on the street side look out onto and over the landscaped area west toward Phase 1 or south. Units on the inward side view out onto the central green and the podium building.

The central green area will include "natural" features that preserves existing trees and evokes the feeling of the native forest. The goal is for this centrally located amenity to support a high quality of life for residents and strengthen neighborhood bonds by providing areas to gather, play and socialize.

The tentative tract map and conceptual designs are provided below, Figure 2.

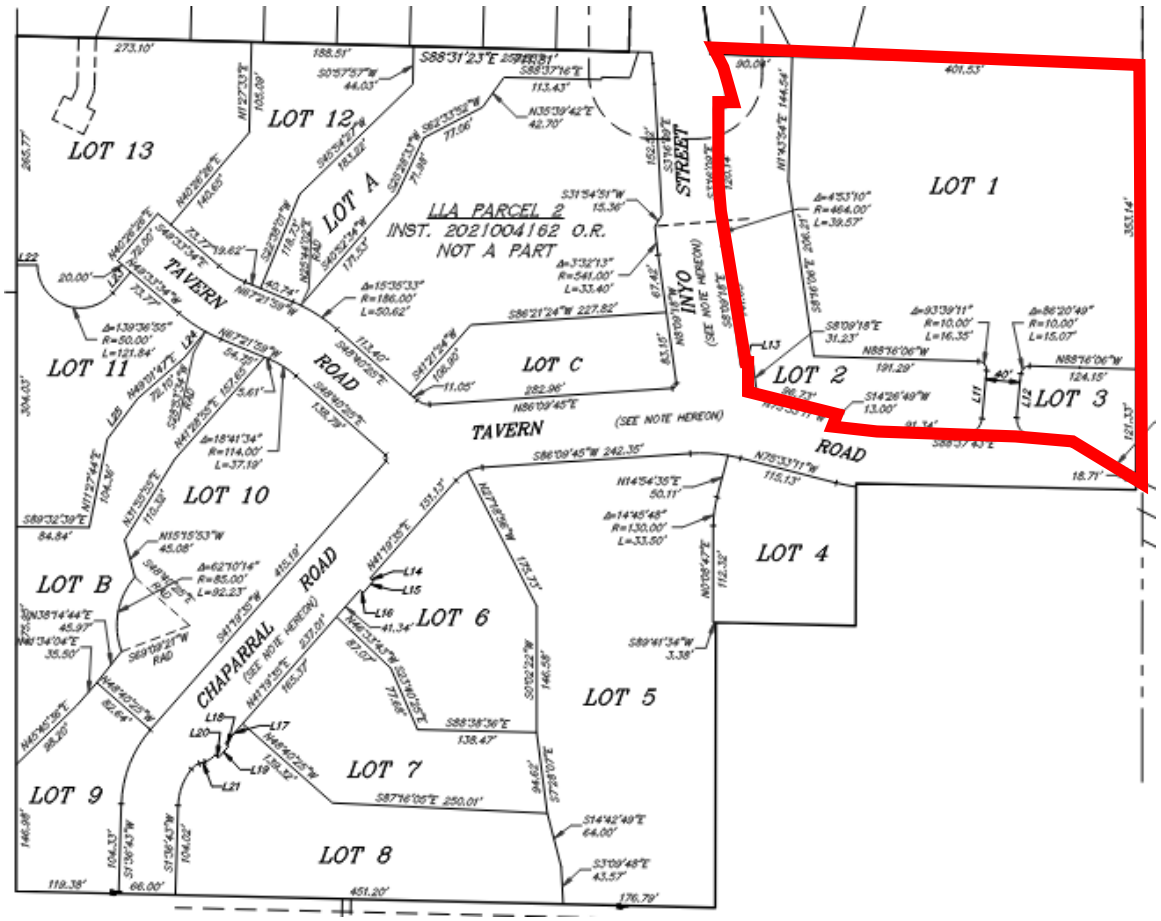


Figure 2: Tentative Tract Map



Figure 3 – Scaled imagery of Phase 1 (left) and Phase 2 (center)

Building 2A, 2B, 2C and 2D, are between 40'-4" and 40'-10" in height and include a total of 76 units. The smaller three-story "tuck under" buildings (2A, 2B, 2C, and 2D) oriented along Inyo and Tavern Streets are intended to engage the pedestrian experience along the public roadways. These units also include amenities such as covered porch elements.



Figure 3: 3-story Buildings 2A and 2D

Building 2E is the largest of the five buildings and includes four floors with three residential floors and one ground level podium parking. The building holds 72 units, varies in height from 53'-3" to 58'-3 and is an "L" shaped building located in the northeast portion of the site. As shown in **Figure 4** below, the primary pedestrian entrance and lobby face the inner central green to create pedestrian activity and is located at the nexus of the north wing and the east wing. The entry lobby includes 200 square feet of office space, 212 square feet of indoor play area, and 840 square feet of indoor bike storage. The total gross floor area for Building 2E is 89,390 square feet. The main drive and fire access loop circulates around the central green space and provides direct access to all buildings.



Figure 4: 4-story Building 2E

Both Phase 2 and the previously approved Phase 1 are intended to maintain basic, common character traits between them, while concurrently emphasizing unique thematic differences in the planning, material applications, architectural details, and landscape concepts of each.

The planning of Phase 1 revolved around the main central park as an amenity for the entire development. Adjacent to the park are common spaces: a community room, fitness gym, management and leasing offices, entrance lobby, and a day care center. This one-story component of the design provides a human scale element along the park frontage where the generous glazing provides a welcoming feel. The two 4 story podium buildings form more of a backdrop to the open space.

Phase 2 differs substantially in its relationship to the streets. Smaller, 3-story buildings engage the street and sidewalks with ground level units and porches fronting both major roads that serve the development, providing a more intimate building scale along the sidewalks. The larger 4-story podium building is set internal to the property and defines a central open space. Internal to the Phase 2 property, tuck-under parking spaces in the street-front buildings that are enclosed with garage doors form the perimeter of the loop drive. Phase 2 adopts much of the material palette from Phase 1 but introduces new and unique features. Stone cladding is displayed more prominently on stair towers, column bases, and building wainscots. This provides an attractive and durable base at ground level. A fiber cement board and batten cladding are used in lieu of the flat panel elements in specific locations to give more areas of vertically oriented texture on building facades. A primary theme throughout Phase 2 is adoption of 3 different color schemes depending on building types. Buildings 2A and 2D utilize a scheme very similar to Phase 1 which helps to

reinforce the continuity of the development. Buildings 2B, 2C, and 2E vary significantly in color application. Both phases adopt an articulation approach that utilize shed roof pavilions to differentiate building heights and forms, and a variety of module depths to create offsets in the wall planes. These variations are more pronounced on the smaller 3-story buildings of Phase 2. The landscape concept for Phase 2 departs from Phase 1 in terms of a more limited plant palette.

Parking for Phase 2

The project includes a total of 219 parking spaces with 113 covered spaces (72 podium garage parking spaces and 44 tuck-under carport stalls) and 103 surface spaces. No additional on-street parking spaces are planned for Inyo Street or Tavern Road. The project exceeds the Parcel Master Plan parking requirement by 39 spaces.

NEXT STEPS

Construction will continue on the Sawyer over the next year with delivery of the project anticipated in Fall 2023. Some tree removal for the Kingfisher is expected to begin this fall in anticipation of future construction and enabling more staging area. The next major milestone is funding for Phase 2. We anticipate that the results from the September LIHTC application will be made public by November 30. If the funding is not awarded, staff and TPC will work to determine other possible funding sources and will apply for funding as it is available.

Attachments

Attachment 1: Town Council Resolution 21-10
Attachment 2: Parcel Parking Management Plan: Phase 1 Parking Management Strategies and Monitoring Plan
Attachment 3: The Parcel Parking Management Plan: Background Data and Document Review
Attachment 4: TPC Parking Management Initiatives

Doc # 2021001885
Page 1 of 209
Date: 2/23/2021 09:39A
Filed by: MAMMOTH LAKES; TOWN OF
Filed & Recorded in Official Records
of MONO COUNTY
SHANNON KENDALL
CLERK-RECORDER
Fee: $0.00

Recording Requested by and
When Recorded Mail To:

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

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

RESOLUTION NO. 21-10

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

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

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

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

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

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

5. The Town Council approves Use Permit 20-003 and Design Review 20-005, subject to the conditions attached hereto as Exhibit "B."

6. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Town Council directs staff to file a Notice of Determination.

7. The documents and other materials that constitute the record of proceedings upon which the Town Council's decision is based are located in the Town Offices of the Town of Mammoth Lakes, at 437 Old Mammoth Road, Suite 230, Mammoth Lakes, California 93546 and the Town Clerk is hereby designated as the custodian of these records.

APPROVED AND ADOPTED THIS 3rd day of February, 2021

LYNDA SALCIDO, Mayor Pro Tem

ATTEST:

JAMIE GRAY, Town Clerk

WHEREAS, the Town Council considered, without limitation:

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

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

1. That the Town Council finds the above recitations true and correct.

2. The Town Council incorporates by reference all exhibits and attachments cited in this Resolution.

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

4. Pursuant to the requirements of the Town of Mammoth Lakes Municipal Code, the Town Council makes the findings contained in Exhibit "A" attached hereto.

APPLICANT:

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

Caleb Roope
(Notary Required)

Date: 2/16/21

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

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

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

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

WITNESS my hand and official seal.

Signature of Notary

KATIE CALLEN
COMMISSION #65899
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/08/2021

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

Daniel C. Holler

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

2-11-2021
Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

State of California
County of Mono }

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

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

WITNESS my hand and official seal.

Signature of Notary

KARI ORR
COMM. #2234210
NOTARY PUBLIC - CALIFORNIA
MONO COUNTY
My Comm. Expires APR. 6, 2022

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

FINDINGS.

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

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

   i. <u>In an incorporated city that is not within the boundary of metropolitan planning organization;</u>
   The Town is an incorporated city and is not located within the boundaries of a metropolitan planning organization.

   ii. <u>Within an area of approximately one-quarter mile diameter of contiguous land that includes a residential area adjacent to a retail downtown area and that is designated by the city for infill development consisting of residential and commercial uses. A city may designate such an area within its general plan, zoning code, or by any legislative act creating such a designation, and may make such designation concurrently with project approval; and</u>
   The General Plan evaluates the project site in conjunction with Main Street and Old Mammoth Road and collectively defines this area as a vibrant mix of retail, commercial, and workforce housing and envisions the residential development on the project site as a catalyst for continued commercial development in the surrounding area. (General Plan, pp. D-3, D-4.) Both the Main Street Corridor and Old Mammoth

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

iii. Either a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both.
The proposed project would have a density of 16-23 units per acre (gross).

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

c. ***The project is not inconsistent with any applicable provisions of Appendix M.***
Qualifying residential projects located outside the boundaries of a metropolitan planning organization, such as the Town, are only required to implement the project features described in Section III of Appendix M of the State CEQA Guidelines. Specifically, Section III includes three provisions:

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

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

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

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

No other Appendix M criteria are applicable to the project.

d. The Project would not have a significant effect on the environment that either has not already been analyzed in a prior EIR or that is more significant than previously analyzed. The Project was analyzed in the Final Program Environmental Impact Report for the Town of Mammoth Lakes 2005 General Plan Update (State Clearinghouse No. 2003042155, dated May 2007) and Town of Mammoth Lakes General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Draft Environmental Impact Report (State Clearinghouse No. 2015052072, dated June 2016) (Prior EIR) and the Project will have no new specific effects. The Town has prepared an Infill Environmental Checklist ("Checklist") (Exhibit C) which documents consistency with the previous environmental documents.

e. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential significant environmental effects of the Project, as set forth in the Checklist and the Prior EIR. The Checklist found that no new mitigation measures are required for the Project, and the mitigation measures relating to the Project as set forth in the Prior EIR remain in effect. The mitigation measures applicable to the Project are binding on the Project based on the previously certified EIR and the efficacy and impacts of such measures have been analyzed in the Prior EIR. Town Council Resolution 16-68 includes the findings for the Prior EIR which are incorporated by reference and included as Exhibit D.

i. Though the Project would not have a significant effect on the environment that either has not already been analyzed in a prior EIR or that is more significant than previously analyzed, the project will nonetheless be required to comply with all uniformly applicable development policies or standards that apply to the project, including but not limited to compliance with the Migratory Bird Treaty Act (MBTA), as well as the following 2005 General Plan Update policies:

1. I.1.B.d.4: Future development projects with the potential to significantly impact animal or plant habitats shall assess site-specific resource values and potential impacts where the habitats of special status plant and animals species are known to exist and provide a method of protecting, monitoring, replacing, or otherwise mitigating the impacts of development in and around these sensitive habitats, as required by CDFG and Department of Fish and Game.

2. I.1.B.c.3: All feasible project modifications shall be considered to avoid wetland disturbance. Direct or indirect losses of wetlands and/or riparian vegetation associated with discretionary application approval shall be compensated by replacement, rehabilitation, or creation of wetlands habitat mitigation as approved by appropriate State and Federal agencies.

3. I.1.B.d.1: The Town of Mammoth Lakes shall coordinate with the State Department of Fish and Game, U.S. Fish and Wildlife Service, and other appropriate agencies and maintain an up-to-date inventory of all Special Status Wildlife Species and Special Status Plants and Plant Communities within the Planning Area.

4. I.1.B.d.3: The Town shall maximize the protection of primary wildlife habitats through public and/or private management programs, which may include: 1) the construction of active and passive recreation and development areas away from the habitat, and 2) use of fences, or other barriers and buffer zones.

g. The custodian and location of the documents and other material which constitute the record of proceedings upon which this decision is based is the Town Clerk at the Town of Mammoth Lakes Offices, 437 Old Mammoth Road, Suite 230, Mammoth Lakes, California 93546.

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

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

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

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

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

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

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

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

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

Required Density Bonus Findings:

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

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

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

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

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

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

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

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

FINDINGS FOR DESIGN REVIEW PERMIT (Municipal Code Section 17.88.060)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS OF APPROVAL.

STANDARD PLANNING CONDITIONS

1. This Resolution approves: Design Review 20-005 for the first phase (Development Area 1) of the 2021 Parcel Master Plan, which includes construction of 81 units (80 affordable multi-family housing units and 1 caretaker unit) along with space for a daycare facility and community center and a public park. A Density Bonus is approved through Use Permit 20-003 to allow for up to 580 affordable housing units to be developed in phases across the Parcel site in accordance with the development standards set forth in the 2021 Parcel Master Plan. For the purposes of these Conditions of Approval, both "on-site" and "off-site" improvements refer to improvements on the 33 Center St and 1699 Tavern Rd Parcels, also referred to as the "Master Planning Area." Conditions 2 through 84 apply to the first phase of the development only (DR 20-005). This approval is not effective until Ordinance 21-01, adopting District Zoning Amendment 20-001 and Zoning Code Amendment 20-005, is effective.

2. The approved site and building plans, including all sheets contained within "Design Review 20-005 for Town of Mammoth Lakes – The Parcel - Phase 1 Development" dated received by the Town of Mammoth Lakes November 16, 2020, including Sheet G1.0; Sheets C2.0, 2.1, 3.0 & 3.3; Sheet L1; and Sheets A1.0, 2.0, 2.1 to 2.8, 3.0, 3.1 to 3.5, 4.0 & 5.0 shall be adhered to and maintained for the duration of the permit.

3. This entitlement and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this entitlement and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.

4. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.

5. This resolution of approval, as conditioned herein, shall be recorded for the subject

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

6. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials, except for firewood, is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.

7. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.

8. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.

9. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.

10. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.

11. Prior to the issuance of a building or grading permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on the project processing account.

12. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.

13. Prior to issuance of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.

14. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this

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

15. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Municipal Code Section 17.36.030.F.6. This shall be verified prior to issuance of a certificate of occupancy.

16. The final landscape plan shall be submitted to the Planning Division for approval prior to issuance of a Building Permit and shall substantially conform to the preliminary "Master Landscape Plan" dated November 16, 2020, approved by the Planning and Economic Development Commission. . Trees used for revegetation and landscaping shall be a minimum size of 2-inch caliper. Shrubs used for revegetation and landscaping purposes shall be a minimum 2-gallon container size. Completion of all landscape improvements and revegetation of fill slopes and disturbed areas shall occur prior to issuance of the first Certificate of Occupancy.

    If the aggregate landscaped area exceeds 500 sq. ft., a landscape documentation package shall be required prior to issuance of a certificate of occupancy. Said landscape documentation package shall conform with the requirements identified in Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations). The aggregate landscape area is defined as the total horizontal surface area dedicated to plant installation and irrigation plus the wet surface of any decorative water features. The landscape area for shrubs and trees shall be determined using the shrub/tree mature growth diameter or drip line. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other pervious or non-pervious hardscapes outside of planted areas. Landscape area does not include undisturbed areas with established non-irrigated vegetation, or landscaping that is exempt pursuant to Municipal Code Section 17.40.020.D.

17. The project shall comply with the Guidelines for Erosion Control in the Mammoth Lakes area. This shall include submittal of a Report of Waste Discharge, if applicable.

18. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.

19. Proposed water and sewer connections require a Connection Permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water district and pay applicable fees to the District.

20. New or changed improvements, exterior illumination, elevations, designs,

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

21. A certificate of occupancy is required for all future tenant improvements within the subject structures. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.

22. All conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.

23. Developers of residential properties shall include a disclosure statement indicating that Mammoth Lakes is an area of habitat for Mountain Lions, which indicates potential risk, particularly to small children and pets. (General Plan Mitigation Measure 4.3-1)

SPECIAL PLANNING CONDITIONS

24. The Mitigation Monitoring and Reporting Program (MMRP) established by the Town of Mammoth Lakes 2005 General Plan Update (State Clearinghouse No. 2003042155, dated May 2007) and Town of Mammoth Lakes General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Draft Environmental Impact Report (2016 Update EIR) shall be adhered to in the implementation of the proposed development and is incorporated herein by reference. Applicable Mitigation Measures have been compiled and included as Appendix J of the Infill Environmental Checklist and are incorporated by reference.

25. If required, the applicant shall submit Homeowner's Association CC&Rs for the maintenance and control of common area for review and approval by the Community and Economic Development Director prior to issuance of the first Certificate of Occupancy. The CC&Rs shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the units.

26. All retaining walls visible from off-site shall be made of split face block, faced with rock, or similarly treated to be compatible with the design of the project. (MC Section 17.36.040.C.)

27. Roof vents, exhaust, pipes, and flues shall be combined and/or collected together

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

28. The required trash enclosure shall be improved with a concrete slab and enclosure constructed of materials compatible with that of the buildings. Adequate space for recyclable materials shall be provided within the enclosure. All trash enclosures, and receptacles shall be animal resistant. The enclosure is not required to be gated. The final alignment of the trash enclosure shall be reviewed by Mammoth Disposal, the Public Works Department and the Community and Economic Development Department and shall comply with Municipal Code section 17.36.130. The trash enclosure shall be installed prior to issuance of the final Certificate of Occupancy unless an alternative method of trash collection service is available (e.g. individual trash cart service) and the use of which has been approved by the Town.

29. All tree removal activities shall adhere to the Federal Migratory Bird Treaty Act and California Fish and Wildlife Code Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey, except as otherwise provided by FGC or any regulation made pursuant thereto. Completion of a nesting bird survey by a biologist with relevant qualifications within three days of initiation of site disturbance is recommended for projects that have the potential to disturb suitable nesting habitat, which may include riparian vegetation, mature trees, snags, and structures.

30. No snow shall shed or be deposited onto adjacent properties or Town right-of-way. This shall include snow that is removed from any portion of the property, including, but not limited to, the structure, driveway, and/or common areas. All interim snow storage areas shall be on the subject property. The property owner shall be subject to fines pursuant to Municipal Code §12.16.030 (*Snow Removal – Violation/Penalty*) if found to be in violation of this condition.

31. A key box shall be provided with an individual master key that provides access to each unit. This shall be reviewed and approved by the Mammoth Lakes Fire Protection District prior to building permit issuance.

32. All exterior wood products shall comply with the Wildland Urban Interface (WUI) construction materials requirements certified by the State Fire Marshal's Office and be in compliance with Chapter 7A of the current California Building Code. Plywood or OSB sheeting shall be a minimum of one-half inch thickness with approved siding material placed over top.

33. All eave and crawl space ventilation shall resist the intrusion of flame and burning embers and comply with Chapter 7A of the California Building Code and local modifications.

34. The structure shall comply with NFPA 13R automatic fire sprinkler requirements as required by Section 903.2.8 and 903.3 of the California Fire Code. A deferred

submittal for sprinkler plans and calculations will be acceptable.

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

ENGINEERING DIVISION CONDITIONS

STANDARD CONDITIONS / GENERAL REQUIREMENTS:

36. The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by an appropriate district or property owners' association.

37. Slope rights adjacent to public rights of way shall be dedicated to the Town where necessary.

38. All new utility lines within, adjacent to, or serving the site shall be placed underground.

39. The site grading design and all building construction shall conform to State and federal disabled access regulations.

40. Paved access is required from the project to a maintained street.

41. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).

42. Private landscaping and irrigation systems within the project and adjacent to the project area within the public right of way shall be maintained by property owner, with the exception of benefit assessment district areas.

43. All easements and dedications shall be in a form and content acceptable to the Public Works Director.

44. Nothing in the approval of this entitlement shall be construed to allow for the deviation, adjustment, variance or non-conformance of any Municipal Code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein.

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

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

46. The applicant shall obtain an encroachment permit, easement or letter of permission to grade all areas requiring off-site grading prior to issuance of a grading permit or a building permit. These areas shall be contour graded.

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

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

49. An application for an engineered grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance with Chapter 12.08 of the Municipal Code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until grading and drainage plans have been approved by the Public Works Director.

50. An engineered grading permit for the project shall not be issued unless one of the following has occurred:

    a. Submission of a complete application for a building permit to the building division of the Community and Economic Development Department. The building official shall make the determination as to whether or not the application is complete; or

    b. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure restoration of the site. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be made at prevailing

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

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

52. No work within Town right of way shall be commenced until a traffic control plan has been approved by the Engineering Services Division of the Town.

53. Improvement plans for streets, sidewalks, drainage, and other public/private infrastructure shall be prepared by a registered civil engineer and submitted to the Town for review and approval. Existing topography and proposed grading with sufficient contour intervals (not to exceed two (2) feet) shall be prepared by a registered civil engineer or a licensed land surveyor.

54. Final grading and improvement plans and profiles shall indicate the location of any existing utility facility that would affect construction. All existing utilities shall be shown on the improvement plans and relocated as necessary without cost to the Town. All existing overhead utilities shall be converted to underground.

55. Prior to approval of the improvement plans, the applicant shall contract with a soils testing engineer. Any proposed grading within the street right-of-way shall be done under the direction of the soils testing engineer. Compaction tests of embankment construction, trench backfill, and all sub-grades shall be performed at no cost to the Town. Prior to placement of any base materials, and/or paving, a written report shall be submitted by the soils testing engineer to the Public Works Director for review and approval.

56. A geotechnical report is required that confirms that the proposed stormwater retention system locations will not be subject to groundwater entering the system or cause leaching through an adjacent slope face. A sediment and oil water separator may be required to be installed in conjunction with the system in conformance with the General Plan.

57. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).

58. A thorough evaluation of the structural street section from a qualified civil and/or geotechnical engineer, shall be submitted to the Engineering Services Division of the Town.

59. All driveways shall be constructed in accordance with the commercial driveway standards of the Town Standards.

60. In addition to the drainage, traffic related, or other requirements stated herein, other "on-site" or "off-site" improvements may be required which cannot be determined from the plans submitted at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Public Works Director.

61. Drainage across the property shall be maintained. The design of the grading and drainage facilities shall not create concentrated discharges to adjacent properties and/or public rights of way in excess of historical flows. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The Engineer shall verify that downstream facilities, and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can accommodate the increased flows; otherwise, the applicant shall provide on-site detention for excess flows.

62. A final hydrology and hydraulics study is required and shall be submitted with the grading and improvement plans for the project. The study shall be prepared in accordance with the grading chapter of the municipal code and the adopted Storm Drain Master Plan of the Town and shall be prepared by a registered civil engineer. The study shall include runoff from the entire site and shall also include runoff that enters the property from all upstream sources, and shall include all storm drains, drywells, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches or greater shall be shown on the approved grading and improvement plans. The drainage study for the project and the final design of the storm drain system shall be approved prior to approval by staff of the grading and improvement plans and the final map. Infiltrators and storm water pollution prevention facilities are to be designed to accept the "first flush" levels of runoff. The capacity of these facilities shall not be assumed to reduce storm water flows of other drainage facilities that may be required for the project.

63. Temporary and permanent erosion control plans shall be included with the grading, improvement, and building plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site.

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

64. A Construction Staging and Management Plan shall be submitted to and approved by the Public Works Director prior to grading or building permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, and specific limitations restricting access into non-developed portions of the site and the storage of materials within these areas. The staging plan and the final access roadway improvements shall all be approved by the Mammoth Lakes Fire Protection District prior to grading permit issuance. An approved copy of the plan shall be maintained on-site at all times and available to all contractors, subcontractors, their employees and the Town. The staging plan shall address hours of work, and special approval for work outside hours allowed. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners.

65. On the cover sheet of the grading plans and in a very conspicuous location place the following note: "The conditions of approval for the approved Design Review DR 20-005 and Use Permit UPA 20-003 contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2021xxxxx, shall be made a part of these plans and the grading permit and all conditions and requirements therein shall be adhered to by the contractor, his sub-contractors and any person performing any work on the project." This note shall also be included within the construction staging and management plan.

66. Prior to combustible materials being placed on-site, an all-weather access road shall be constructed serving all exterior portions of the structure to the satisfaction of MLFPD.

67. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.

68. Driveway slopes shall be reviewed and approved by the Town's Public Works Director prior to approval of the grading plan.

69. All easements shall be shown on the grading and building permit plans.

70. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Public Works Director prior to the import or export of material for the site.

71. The grading plans shall include a tree removal and protection plan, which shall be approved prior to any land disturbance and the issuance of a grading or building permit, to address how construction can occur without disturbing the drip-line of retained trees. The drip-line areas shall be "fenced" off with barriers to prevent disturbance during site grading. Additionally, finish grading shall not disturb existing understory vegetation or retained trees. The applicant shall obtain any necessary Timber Harvest Permit prior to any tree removal.

72. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing and tree protection measures, BMPs, and elements of the Construction Staging and Management Plan.

73. A snow removal/storage management plan for the hauling of snow in accordance with Municipal Code Section 17.36.110.B(3)(a) shall be submitted by the applicant and approved by the Community and Economic Development Department and Public Works Department prior to first building permit issuance. The plan shall be in the form of a recorded document mutually agreed to between the property owner and the Town and shall describe features such as, but not limited to, location of snow storage areas, the method of snow hauling, frequency of pick-ups, pick-up areas, haul routes, hours of hauling operations, and snow deposit areas. The plan shall also include methods to address potential cornice and ice falling onto pedestrian and vehicular areas and methods to address hazardous snow and ice build-up on pedestrian pathways and sidewalks. Approved methods to address hazardous snow and ice build-up include plowing, application of cindering, and potential of heat-traced pavement. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the project CC&Rs.

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

74. All easements as shown on the approved plans and as required as part of any land transfer or conveyance shall be recorded by separate document in a form and in content acceptable to the Town. Easements to be recorded by separate document shall be submitted to the Town for review and approval prior to recording. The fully executed documents shall then be submitted to the Public Works Director. Easements shown on the grading plans to be granted or dedicated shall indicate the beneficiary of the easement(s).

75. The applicant shall submit to the Town electronic files of the as-built grading plans in PDF and AutoCAD formats or other format as may be approved by the Public Works Director.

76. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.

77. All required landscaping and irrigation improvements shall be constructed, or a form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to the satisfaction of the Community and Economic Development Department for any required landscaping and irrigation improvements to be deferred and a schedule shall be submitted to the Town for the construction of the deferred improvements. Deferral of the construction of any landscaping and irrigation improvements shall be at the sole discretion of the director of the Community and Economic Development Department.

78. Address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible from the access roadway or street, consistent with Municipal Code Chapter 16.32.

79. All required grading, public and private street and drainage improvements shall be completed, all "punchlist" items completed to the satisfaction of the Public Works Director, the as-built plans submitted, reviewed and approved and the required warranty security posted prior the issuance of a certificate of occupancy for the project.

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

SPECIAL ENGINEERING CONDITIONS

81. The applicant shall submit a request for unit, building and street addressing to the Town for approval concurrently with application for Building Permit.

82. Site improvements consisting of public streets, on-street parking, sidewalks and multi-use paths, rights of way, stormwater infrastructure, and transit shelters shall be constructed to the benefit of the Town in general conformance to the plans approved with this entitlement and at the direction of the Public Works Director. Improvements shall be designed and constructed to Town Standards and to the satisfaction of the Public Works Director. Requirements include but are not limited to:

    a. In order to accommodate adequate snow storage or to convey stormwater, sidewalks and multi-use paths shall generally be separated from the street by a 9ft landscape strip or bioswale, however the landscape strip may be locally reduced to a minimum of 6ft or the sidewalk may locally be located directly adjacent to street curb with no landscape strip between street and sidewalk.

    b. In locations where the separation between street and sidewalk or MUP is designed as a bioswale to detain or convey stormwater, curb and gutter may be eliminated.

    c. Multi-use Paths shall be constructed of asphalt, and shall generally meander in alignment to provide character and to preserve trees. Path width may be locally reduced from the standard to accommodate such variation.

    d. Pedestrian ramps shall be designed to converge at corners in order to eliminate "snow islands" or other impediments to sight distance.

    e. Transit stops shall include a bus shelter.

    f. On-street parking shall be either parallel or perpendicular.

    g. Trenches for all utilities and other associated utility infrastructure shall be located in the street and shall generally not be located in landscape strips or bioswales.

    h. Underground propane lines connecting to the Amerigas franchise system shall be installed and stubbed out to each building

    i. Underground fiber optic lines connecting to the Inyo Networks/Digital 395 broadband system shall be installed and stubbed out to each building.

    j. Stormwater infrastructure to manage runoff from public rights of way shall be designed and constructed in order to minimize impact to downstream facilities to the satisfaction of the Public Works Director.

    k. In general, a 10ft non-exclusive easement beyond each side of public rights of way shall be dedicated to the benefit of the Town for snow storage

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

l. A 20ft non-exclusive easement on the south and east sides of the Park shall be dedicated to the benefit of the Town for snow storage purposes.

m. Above-ground utility equipment, such as electrical transformers and pedestals, shall not be located in or adjacent to public open space.

n. Trees which have been identified by "The Parcel Tree Survey" map by Triad/Holmes Associates dated 7/31/2020 and the associated "The Parcel Tree Survey Report" by High Mountain Arborist dated 8/1/2020 as "Heritage", "Habitat", "Unique", or part of a "Subpopulation of Mature Jeffrey Pine" trees, as well as other trees greater than 12" DBH, shall be protected and preserved to the greatest extent possible. Such preservation may involve deviation from Town Standards at the discretion of the Public Works Director.

83. Improvements to upstream or downstream stormwater infrastructure facilities may be required at the direction of the Public Works Director.

84. Applicant will be responsible and required to provide multi-modal connectivity from inside the Master Plan area to existing infrastructure outside the Master Plan area. The Public Works Department reserves the right to modify these conditions to meet the intent of providing connectivity while managing the unknown constraints associated with the described improvements. Specifically, for proposed Phase 1, the following improvements at Center Street and Tavern Road connections shall be made:

    a. At minimum a 6' sidewalk with curb and gutter shall be constructed to TOML standards on the southerly side of Center Street from the intersection of Center Place heading easterly towards Main street. The sidewalk will incorporate as necessary provisions for driveway access and head in parking to accommodate existing conditions and businesses. Crosswalks and curb ramps necessary to traverse the Frontage Road will be incorporated. Drainage improvements will be incorporated and will include removal of the existing slotted drain and installation of drop inlets and underground storm drain to connect to existing storm drain infrastructure. Street lighting and Municipal or trail wayfinding will be incorporated as required by existing or amended plans or as directed by the Public Works Director.

    b. A sidewalk or MUP connection to the existing sidewalk on Tavern Road will be constructed. This may require providing ADA compliant and similarly designed curb ramps at the intersection of Tavern and Laurel Mountain in order to safely transfer pedestrian from one side of the road to

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

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

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

INFILL ENVIRONMENTAL CHECKLIST

The Parcel

Lead Agency:

TOWN OF MAMMOTH LAKES
437 Old Mammoth Road, Suite 230
Mammoth Lakes, California 93546
Contact: Ms. Sandra Moberly,
Community and Economic Development Director
760.965.3630 ext. 3633
smoberly@townofmammothlakes.ca.gov

Prepared by:

MICHAEL BAKER INTERNATIONAL
5 Hutton Centre Drive, Suite 500
Santa Ana, California 92707
Contact: Ms. Kristen Bogue
949.472.3505

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This document is designed for double-sided printing to conserve natural resources.

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1.0 INTRODUCTION

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

1.1 STREAMLINING PER CEQA GUIDELINES SECTION 15183.3

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

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

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

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

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

1.2 PROJECT LOCATION

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

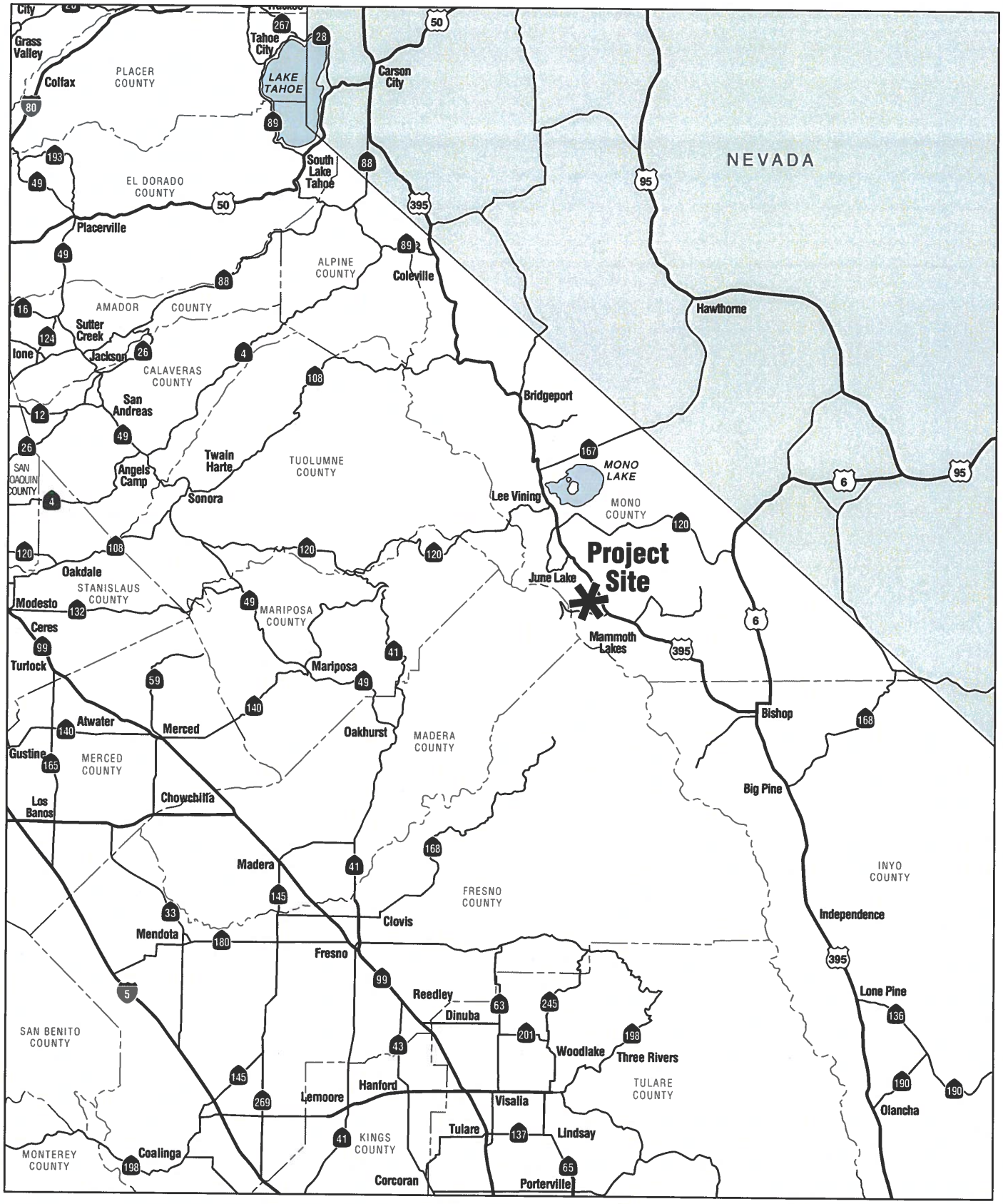
1.2.1 ENVIRONMENTAL SETTING

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

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

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

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



NOT TO SCALE

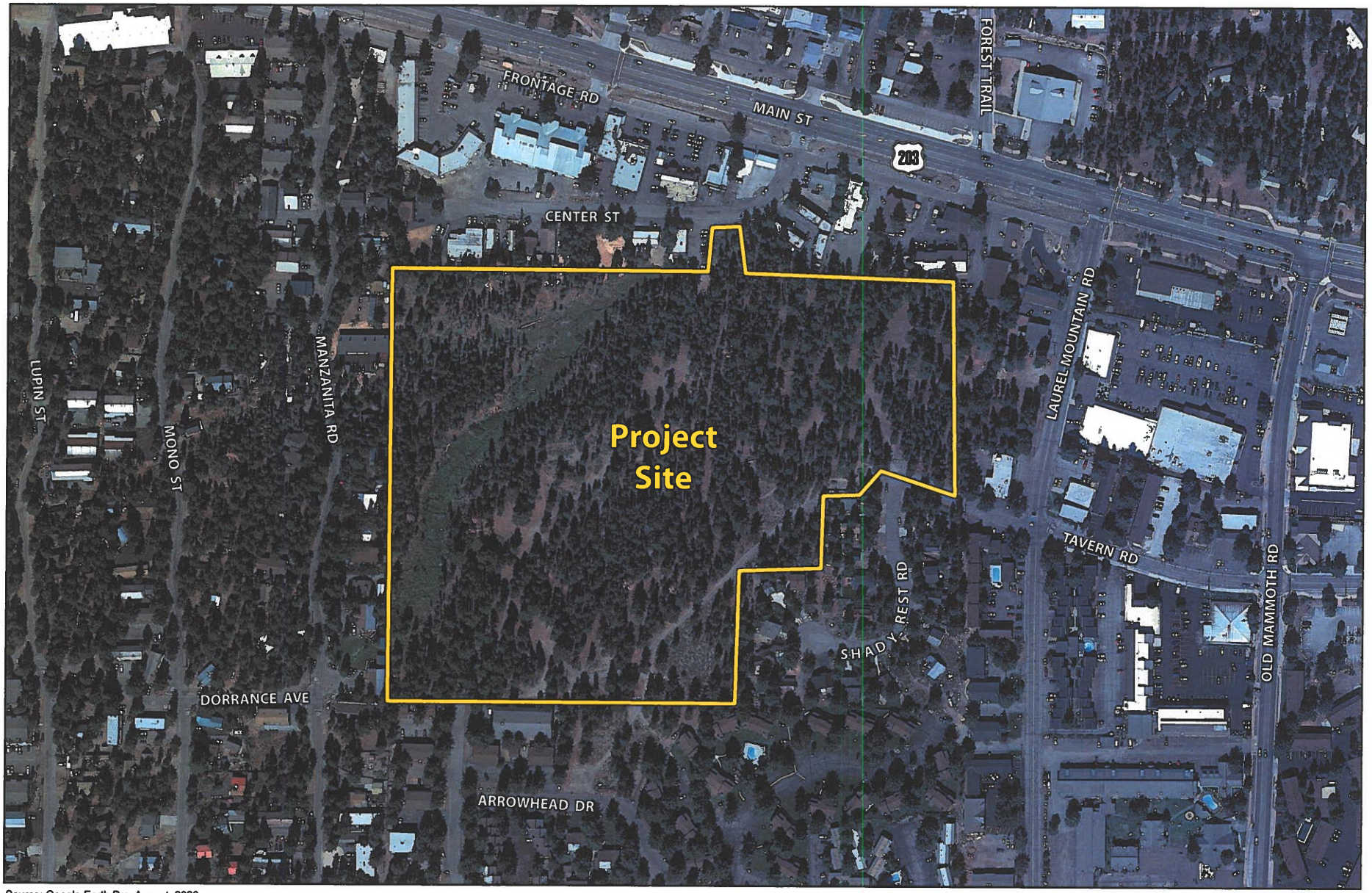
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THE PARCEL PROJECT
INFILL ENVIRONMENTAL CHECKLIST

Regional Vicinity

Exhibit 1



Source: Google Earth Pro, August, 2020.

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PROJECT SITE

11/2020 JN 179835t

THE PARCEL PROJECT
INFILL ENVIRONMENTAL CHECKLIST

Site Vicinity

Exhibit 2

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SURROUNDING LAND USES

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

- *North*: Center Street and commercial/retail/office uses (e.g., Mammoth Lakes Nursery, Cinnamon Bear Inn, Mammoth Real Estate, and a Shell gas station) bound the project site to the north. Frontage Road and Main Street (SR-203) are located further north. These land uses are designated Commercial 2 (C-2) and zoned Downtown.

- *East*: Forest land, single-family residential, commercial/retail uses (e.g., De Resort Hotels & Management, Green Mammoth cannabis store, and Country Liquor and Deli), and Laurel Mountain Road bound the project site to the east. Multi-family residential uses and Shady Rest Road are also located to the east of the project site. These areas are designated C-2 and Low-Density Residential 2 (LDR-2), respectively, and zoned Downtown and Residential Single-Family, respectively.

- *South*: Single-family residential and multi-family residential uses (e.g., Sherwin View Park Apartments, Wildflower Condominiums, and Timberline Condominiums) are located to the south and southeast of the project site. These areas are designated HDR-1 and High Density Residential 2 (HDR-2) and zoned Residential Multi-Family 1 and Residential Multi-Family 2.

- *West*: Single-family residential and multi-family residential uses bound the project site to the west. This area is designated HDR-1 and zoned Residential Multi-Family 1.

1.3 PROJECT BACKGROUND

1.3.1 2007 General Plan EIR

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

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

1. A livable in-town neighborhood for the workforce:

    a. Not fractional, not second homes
    b. Mechanisms to ensure units remain at determined rates in perpetuity
    c. Variety of unit size and scale

2. Preservation and restoration of unique site features, including wetlands

3. A community-oriented design:

    a. Neighborhood context and connections:
        (1) Pedestrian and auto connections to adjoining areas and neighborhoods (e.g., Sierra Valley District, Tavern Road, Main Street, and Center Street)
        (2) Traffic calming and management with adjoining neighborhoods
        (3) Trail and pedestrian emphasis
        (4) Transit accessible

    b. Integrated site planning and architectural design:
        (1) Accessible wetlands and community park(s) connected to the community
        (2) Significant tree preservation
        (3) Unobtrusive, articulated buildings
        (4) Minimum paving, maximum permeable surface
        (5) High quality materials
        (6) Parking
        (7) Energy efficient design
        (8) Innovative snow management

4. A future catalyst to surrounding commercial areas

5. Developed in phases:

a. High quality of living throughout (no disparity, grouping or phasing by income)

b. Reasonable product absorption rate

6. Long-term affordability:

a. Durability of materials and design

b. Designed for low operating and maintenance costs and energy efficiency

c. Transit accessibility

7. Provision of key resident amenities such as:

a. Child care

b. Active and passive recreation

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

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

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

> "The Physical Development Concept organizes and describes the most important ideas that can guide the future evolution of the community. This diagram is focused on the areas that are expected to undergo the most change. The following are the major ideas: …
>
> 2. Workforce housing is essential to the community by providing affordable living for people who live and work in Mammoth Lakes. Existing and future mixed use neighborhoods, such as the large undeveloped Shady Rest site, have great potential to be locals' workforce neighborhoods."

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

Less Than Significant Impact

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

Less Than Significant Impact With Mitigation Incorporated

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

Significant and Unavoidable

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

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

1.3.2 2016 Update EIR

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

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

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

Less Than Significant Impact

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

Less Than Significant Impact With Mitigation Incorporated

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

Significant and Unavoidable

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

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

1.3.3 Master Plan

The Shady Rest Master Plan (1991 Shady Rest Master Plan) was adopted in 1991 to provide affordable housing development through a land exchange with the Federal Government. The Shady Rest Master Plan allows up to 172 units with a mix of 120 low and very low income and 52 moderate income units (i.e., up to 120 percent Area Median Income [AMI] for Mono County[1]). An Affordable Housing Overlay zone was placed on site as part of the U.S. Forest Service for the land exchange.

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

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

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

1.4 DOCUMENTS INCORPORATED BY REFERENCE

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

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

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

- Community Design;
- Neighborhood and District Character;
- Land Use;
- Mobility (updated in 2016);
- Parks, Open Space and Recreation (updated in 2012);
- Resource Management and Conservation;
- Public Health and Safety
- Housing (updated in 2015); and
- Noise (1997).

- *Final Program Environmental Impact Report for the Town of Mammoth Lakes 2005 General Plan Update* (State Clearinghouse No. 2003042155, dated May 2007). The *Final Program Environmental Impact Report for the Town of Mammoth Lakes 2005 General Plan Update* (2007 General Plan EIR) analyzed the environmental impacts associated with the update of the Town's General Plan (2005 General Plan Update), as discussed above.

- *Town of Mammoth Lakes General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Draft Environmental Impact Report* (State Clearinghouse No. 2015052072, dated June 2016). During the Town's Zoning Code Update, a proposal was made to use floor area ratio (FAR) to regulate the intensity of development in the Town's commercial zoning districts. In response, the *Town of Mammoth Lakes General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Draft Environmental Impact Report* (2016 Update EIR) analyzed the impact of implementing a FAR standard with no unit or room density limitations within the Town's commercial areas, as discussed above.

- *Mammoth Lakes Municipal Code* (codified through Ordinance No. 19-02, adopted March 6, 2019). The *Mammoth Lakes Municipal Code* (Municipal Code) consists of all the regulatory and penal ordinances and administrative ordinances of the Town of Mammoth Lakes. It is the method the Town uses to implement control of land uses, in accordance with General Plan goals and policies. The *Mammoth Lakes Zoning Ordinance*, Title 17, of the Municipal Code identifies land uses permitted and prohibited according to the zoning category of particular parcels. Municipal Code Title 15, *Buildings and Construction*, specifies rules and regulations for construction, alteration, and building for uses of human habitation.

- *Town of Mammoth Lakes Parks and Recreation Master Plan* (adopted February 2012). The Town of Mammoth Lakes Council adopted the *Town of Mammoth Lakes Parks and Recreation Master Plan* (Parks and Recreation Master Plan) on February 1, 2012, which assesses the Town's recreation needs for the future and establishes goals and policies that would guide park improvements. The Parks and Recreation Master Plan contains an analysis of the supply, demand, and needs for park and recreation facilities and services within the Town and includes a comprehensive assessment of public and private facilities available in and around Mammoth Lakes. It also recommends implementation strategies to help meet the challenges of providing parks and recreation facilities and a vision for developing parks and recreation within Mammoth Lakes for the next 17 years.

1.5 PROJECT DESCRIPTION

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

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

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

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

Transportation System and Parking

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



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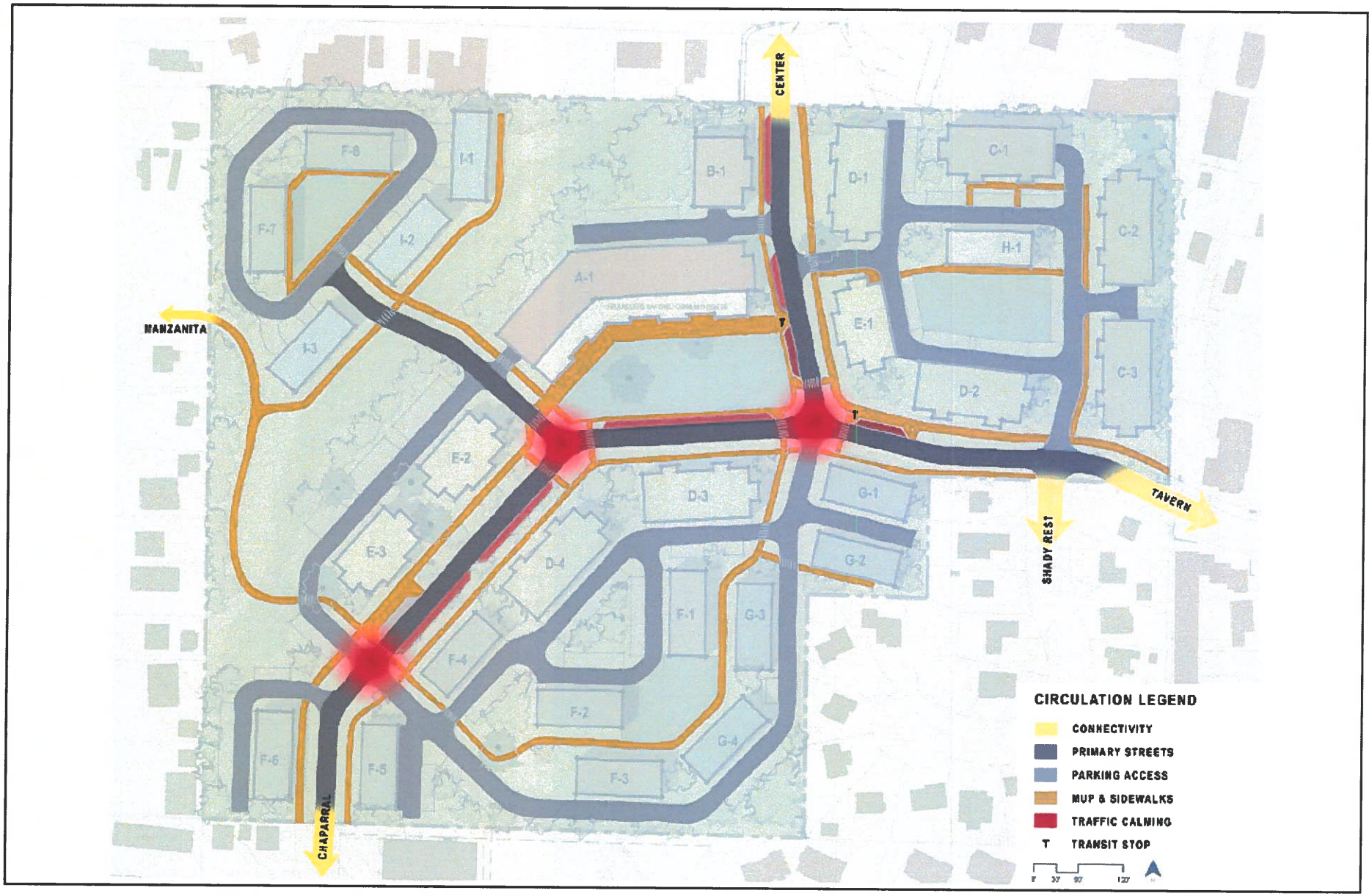
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THE PARCEL PROJECT
INFILL ENVIRONMENTAL CHECKLIST

Development Areas and Perimeter Building Heights

Exhibit 3

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11/2020 JN 179835t

THE PARCEL PROJECT
INFILL ENVIRONMENTAL CHECKLIST

Proposed Circulation Network

Exhibit 4

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

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

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

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

Table 1
Proposed Parking Reduction

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

Trails/Open Space/Parkland

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



THE PARCEL PROJECT
INFILL ENVIRONMENTAL CHECKLIST

Proposed Open Space

Exhibit 5

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

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

Master Plan

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

Phasing and Construction

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

1.6 DISCRETIONARY ACTIONS

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

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

- Issuance of applicable grading and building permits.

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

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

1.7 CHANGES COMPARED TO THE PREVIOUSLY ADOPTED ENVIRONMENTAL DOCUMENTATION

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

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

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

2.0 INFILL ENVIRONMENTAL CHECKLIST

2.1 BACKGROUND

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

	at least one community-serving facility (e.g., a childcare center, community center, or supportive service) to support a high quality of life for residents and strengthen neighborhood stability. As such, this Infill Environmental Checklist analyzes the incremental environmental impacts associated with the proposed project, compared to those analyzed in the 2007 General Plan EIR and 2016 Update EIR.
11.	**Surrounding Land Uses and Setting (Briefly describe the project's surroundings, including any prior uses of the project site, or if vacant, describe the urban uses that exist on at least 75 percent of the project's perimeter):** Surrounding land uses include commercial, retail, and office uses along Center Street and Lauren Mountain Road, as well as multi-family residential and single-family residential uses; refer to Section 1.2.1, *Environmental Setting*.
12.	**Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement).** • Army Corps of Engineers; • Lahontan Regional Water Quality Control Board; • California Department of Fish and Wildlife; and • Great Basin Unified Air Pollution Control District.
13.	**Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** As documented in this Infill Environmental Checklist, the project would not be subjected to CEQA and therefore, would not be subject to the AB 52 process; refer to Section 3.18, *Tribal Cultural Resources*.

2.2 APPENDIX M PERFORMANCE STANDARDS

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

(a) Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved public right-of-way;

(b) Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in a sustainable communities strategy *or* meet the definition of a small walkable community project; and

(c) Satisfy the performance standards provided in Appendix M to the CEQA Guidelines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No other Appendix M criteria are applicable to the project.

2.3 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

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

2.4 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

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

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

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

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

Sandra Moberly

Signature

Town of Mammoth Lakes

Agency

Sandra Moberly, AICP

Printed Name

December 3, 2020

Date

2.5 EVALUATION OF ENVIRONMENTAL IMPACTS OF INFILL PROJECTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) For the purposes of this checklist, "prior EIR" means the environmental impact report certified for a planning level decision, as supplemented by any subsequent or supplemental environmental impact reports, negative declarations, or addenda to those documents. "Planning level decision" means the enactment or amendment of a general plan, community plan, specific plan, or zoning code. (Section 15183.3[e].)

4) Once the lead agency has determined that a particular physical impact may occur as a result of an infill project, then the checklist answers must indicate whether that impact has already been analyzed in a prior EIR. If the effect of the infill project is not more significant than what has already been analyzed, that effect of the infill project is not subject to CEQA. The brief explanation accompanying this determination should include page and section references to the portions of the prior EIR containing the analysis of that effect. The brief explanation shall also indicate whether the prior EIR included any mitigation measures to substantially lessen that effect and whether those measures have been incorporated into the infill project.

5) If the infill project would cause a significant adverse effect that either is specific to the project or project site and was not analyzed in a prior EIR, or is more significant than what was analyzed in a prior EIR, the lead agency must determine whether uniformly applicable development policies or standards that have been adopted by the lead agency, or city or county, would substantially mitigate that effect. If so, the checklist shall explain how the infill project's implementation of the uniformly applicable development policies will substantially mitigate that effect. That effect of the infill project is not subject to CEQA if the lead agency makes a finding, based upon substantial evidence, that the development policies or standards will substantially mitigate that effect.

6) If all effects of an infill project were either analyzed in a prior EIR or are substantially mitigated by uniformly applicable development policies or standards, CEQA does not apply to the project, and the lead agency shall file a Notice of Determination.

7) Effects of an infill project that either have not been analyzed in a prior EIR, or that uniformly applicable development policies or standards do not substantially mitigate, are subject to CEQA. With respect to those effects of the infill project that are subject to CEQA, the checklist shall

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

8) "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures will reduce an effect of an infill project that is subject to CEQA from "Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how those measures reduce the effect to a less than significant level. If the effects of an infill project that are subject to CEQA are less than significant with mitigation incorporated, the lead agency may prepare a Mitigated Negative Declaration. If all of the effects of the infill project that are subject to CEQA are less than significant, the lead agency may prepare a negative Declaration.

9) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to an infill project's environmental effects in whatever format is selected.

10) The explanation of each issue should identify:

    a. The significance criteria or threshold, if any, used to evaluate each question; and
    b. The mitigation measure identified, if any, to reduce the impact to less than significance.

3.0 ENVIRONMENTAL ANALYSIS

3.1 AESTHETICS

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

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

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

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

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

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

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

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

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

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

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

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

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

- Implement the goals, policies and objectives of the General Plan related to community design and character;

- Promote excellence in site planning and design and the harmonious appearance of buildings and sites and ensure the man-made environment is designed to complement, not dominate, the natural environment;

- Regulate the design, coloration, materials, illumination, and landscaping of new construction, and renovations within the town in order to maintain and enhance the image, attractiveness, and environmental qualities of the town as a mountain resort community;

- Ensure that new landscaping provides a visually pleasing setting for structures on the site and within the public right-of way and to prevent indiscriminate destruction of trees and natural vegetation, excessive or unsightly grading, indiscriminate clearing of property, and destruction of natural significant landforms;

- Ensure that the architectural design of structures and their materials and colors are appropriate to the function of the project and the high-elevation climate of Mammoth Lakes and are visually harmonious with surrounding development and natural landforms, trees, and vegetation; and

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

3.3 AIR QUALITY

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

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

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

This impact threshold corresponds to the analysis under *Issue 4.2-1* (page 4-35) of the 2007 General Plan EIR.
The Town is located within the Great Basin Valleys Air Basin (Basin), which is governed by the Great Basin Unified Air Pollution Control District (GBUAPCD). The currently applicable GBUAPCD air quality plans are the *Air Quality Maintenance Plan and PM_{10} Redesignation Request for the Town of Mammoth Lakes* (2014 AQMP) (dated November 6, 2013) and the *Town of Mammoth Lakes Air Quality Management Plan 2014-2016 Triennial Progress Report* (2017 AQMP) (dated December 2017), an update to the 2014 AQMP. The modeling analysis included in the 2017 AQMP is based on growth projections and vehicle miles traveled (VMT) from the buildout of the General Plan.

The 2007 General Plan EIR discussed the potential air quality impacts associated with the Town's 2004 condition as well as for the buildout year (2024) condition, and analyzed the potential conflict with the *Air Quality Management Plan for the Town of Mammoth Lakes* (1990 AQMP), adopted by the Town Council and GBUAPCD in November and December 1990 (2007 General Plan EIR page 4-24). The 2007 General Plan EIR determined that implementation of the 2005 General Plan Update would potentially result in development that would exceed the 1990 AQMP vehicle miles traveled (VMT) cap (2007 General Plan EIR page 4-35), which could subsequently result in an exceedance of coarse particulate matter (PM_{10}).

As discussed in the 2007 General Plan EIR, the 2005 General Plan Update incorporates implementation measures that either directly or indirectly reduce PM_{10} emissions. Specifically, several implementation measures would encourage higher density residential and mixed-use development adjacent to commercial centers, mountain portals and transit corridors, which would inherently reduce the number of vehicle trips, VMT, and encourage alternative modes of transportation (2007 General Plan EIR page 4-38). The 2007 General Plan EIR also included Mitigation Measure 4.2-1, which would limit the total Town VMT to the level specified in Municipal Code Section 8.30.110, *Road Dust Reduction Measures.* Mitigation Measure 4.2-1 also require specific projects that would result in 500 daily vehicle trips to have a VMT analysis incorporated into the AQMP model for the project. As stated on page 4-39 of the 2007 General Plan EIR, the Town would not grant approval to any project which would cause peak VMT to exceed the maximum VMT level as specified in the Town's Municipal Code Section 8.30.110. However, if it could be determined that a higher VMT level as the result of a project may be sustained without exceeding the National Ambient Air Quality Standards (NAAQs), then appropriate amendments to the Town's Municipal Code and 1990 AQMP may be considered. With adaptation of the implementation measures and implementation of Mitigation Measure 4.2-1, the 2007 General Plan EIR concluded that less than significant impacts would occur as a result of the 2005 General Plan.

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.2 AGRICULTURE AND FORESTRY RESOURCES

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

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

As stated on pages 4-39 and 4-44 of the 2007 General Plan EIR, the Mammoth Lakes portion of the Basin is designated as nonattainment for O_3 (State standard only), and that the Town is considered to be in nonattainment of the federal 24-hour PM_{10} standard. The 2007 General Plan EIR noted that the O_3 impact is primarily the result of pollution generated in San Joaquin Valley, and that exceedances of the O_3 standard would likely occur without any contribution of emissions of O_3 precursors (nitrogen oxides and hydrocarbons) from Town activity (page 4-39 of the 2007 General Plan EIR). Nevertheless, as shown on Table 4.2-2 of the 2007 General Plan EIR, exceedances of the federal 24-hour PM_{10} standard on road dust dominated days is anticipated as a result of implementation of the 2005 General Plan. It is also noted on Table 4.2-3 of the 2007 General Plan EIR that the increase in emissions at full buildout of the Town (including the anticipated high density residential development on the project site) represents a one percent increase for both PM_{10}, among increases in other criteria pollutants.

The 2007 General Plan EIR included implementation measures from *Issue 4.2-1* as well as Mitigation Measure 4.2-2 to reduce potential impacts associated with 24-hour PM_{10} and one-hour O_3 standards. Mitigation Measure 4.2-2 would require the Town to evaluate PM_{10} level on an annual basis using the AQMP model established for the 2007 General Plan EIR, and restrict future development as necessary to manage Town-wide VMT at levels that ensure compliance with federal PM_{10} NAAQS. Implementation of implementation measures outlined under *Issues 4.2-2* and *4.2-2* and Mitigation Measure 4.2-2 would be expected to ensure that the future development in accordance with the 2005 General Plan Update would meet the federal PM_{10} standard (page 4-47 of the 2007 General Plan EIR). Nevertheless, the 2007 General Plan EIR concluded that even with implementation of Mitigation Measure 4.2-2, attainment of the State standard for PM_{10} and one-hour standard for O_3 are not expected, and the impact remains significant and unavoidable (page 4-43 of the 2007 General Plan EIR).

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

Short-Term Construction Impacts

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

Table 2
Maximum Daily Construction Emissions

Construction Phase (Year)	Daily Maximum Pollutant Emissions (lbs/day)[1,2]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Summer Emissions						
2021	5.7	48.23	43.68	0.09	5.68	3.32
2022	9.13	62.55	69.18	0.15	8.48	4.41
2023	39.7	57.02	66.56	0.15	8.62	4.29
2024	40.44	70.92	89.64	0.21	10.92	5.17
2025	39.89	64.18	87.29	0.21	10.54	4.81
2026	38.61	47.7	62.02	0.14	8.13	3.83
2027	35.43	34.61	46.07	0.12	5.72	2.28
2028	32.44	17.21	22.6	0.06	2.86	1.14
Maximum Daily Emissions	**40.44**	**70.92**	**89.64**	**0.21**	**10.92**	**5.17**
Significance Threshold[3]	***137***	***137***	***548***	***137***	***82***	***65***
Emissions Exceed Thresholds?	***No***	***No***	***No***	***No***	***No***	***No***
Winter Emissions						
2021	5.17	48.22	43.43	0.09	5.68	3.32
2022	8.16	62.63	68.73	0.15	8.48	4.41
2023	39.15	57.07	66.2	0.15	8.62	4.28
2024	39.51	71.05	89.13	0.2	10.92	5.17
2025	39.01	64.31	86.8	0.21	10.54	4.81
2026	38.15	47.77	61.7	0.15	8.13	3.83
2027	35.02	34.75	45.77	0.12	5.72	2.28
2028	32.38	17.28	22.45	0.06	2.86	1.14
Maximum Daily Emissions	**39.51**	**71.05**	**89.13**	**0.21**	**10.92**	**5.17**
Significance Threshold[3]	***137***	***137***	***548***	***137***	***82***	***65***
Emissions Exceed Thresholds?	***No***	***No***	***No***	***No***	***No***	***No***

ROC = reactive organic compounds; NO_X = nitrogen oxides; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = particulate matter smaller than 10 microns; $PM_{2.5}$ = particulate matter smaller than 2.5 microns

Notes:
1. Emissions were calculated using CalEEMod version 2016.3.2.
2. The reduction/credits for construction emission mitigations are based on mitigation included in CalEEMod. The mitigation includes complying with MM AIR-1 and MM AIR-2, which requires the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stock piles with tarps; water all haul roads three times daily; limit speeds on unpaved roads to 15 miles per hour; and use CARB certified engines. In addition, the project's architectural coatings would comply with the ROG limits listed in the 2019 CALGreen Code Section 4.50.
3. Regional daily construction thresholds are based on the MDAQMD significance thresholds.

Refer to Appendix B, *Air Quality, Energy, and Greenhouse Gas Data*, for assumptions used in this analysis.

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

Long-Term Operational Impacts

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

Table 3
Long-Term Operational Air Emissions

Emissions Source	Pollutant (pounds/day)[1,3]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Summer Emissions[4]						
Area	12.87	10.34	52.04	0.07	1.06	10.6
Energy	0.10	0.87	0.37	<0.01	0.07	0.07
Mobile	8.71	16.51	53.78	0.18	18.59	5.08
Total Summer Emissions[5]	**21.68**	**27.71**	**106.18**	**0.25**	**19.71**	**6.21**
Significance Threshold[2]	*137*	*137*	*548*	*137*	*82*	*65*
Is Threshold Exceeded? (Significant Impact?)	***No***	***No***	***No***	***No***	***No***	***No***
Winter Emissions[4]						
Area	12.87	10.34	52.04	0.07	1.06	1.06
Energy	0.10	0.87	0.37	<0.01	0.07	0.07
Mobile	10.58	17.18	54.28	0.18	18.59	5.08
Total Winter Emissions[5]	***23.55***	***28.38***	***106.68***	***0.25***	***19.71***	***6.21***
Significance Threshold[2]	*137*	*137*	*548*	*137*	*82*	*65*
Is Threshold Exceeded? (Significant Impact?)	***No***	***No***	***No***	***No***	***No***	***No***

ROC = reactive organic compounds; NO_X = nitrogen oxides; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = particulate matter smaller than 10 microns; $PM_{2.5}$ = particulate matter smaller than 2.5 microns

Notes:
1. Based on CalEEMod version 2016.3.2 and EMFAC2017 modeling results, worst-case seasonal emissions for area and mobile emissions have been modeled.
2. Regional daily thresholds are based on the MDAQMD significance thresholds.
3. Refer to Appendix B, *Air Quality, Energy, and Greenhouse Gas Data*, for assumptions used in this analysis.
4. Mitigation includes compliance with MM AIR-3. The project architectural coatings would comply with the ROG limits listed in the 2019 CALGreen Code Section 4.50.

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

c) Expose sensitive receptors to substantial pollutant concentrations?

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

A project could have the potential to expose sensitive receptors to elevated pollutant concentrations if it would cause or contribute substantially to elevated pollutant concentration levels or place the project in an area with elevated pollutant concentrations. As detailed in the 2007 General Plan EIR, construction and operational activities associated with the implementation of the 2005 General Plan Update would not result in an exceedance of the federal PM_{10} standard; however, sensitive receptors would still likely be exposed to exceedances of the State PM_{10} and ozone (O_3) standards (page 4-47 of the 2007 General Plan EIR). As such, the 2007 General Plan EIR concluded that implementation of the implementation measures and Mitigation Measures 4.2-1 and 4.2-2 outlined under *Issues 4.2-1* and *4.2-2* would be expected to ensure that the 2005 General Plan Update would not expose sensitive receptors to PM_{10} concentrations that would exceed the federal standard. However, sensitive receptors could be exposed to substantial pollutant concentration associated with implementation of the 2005 General Plana and increasing the total population within the Town would likely lead to some increase in exposure of sensitive receptors to substantial pollutant concentration (page 4-48 of the 2007 General Plan EIR). Although it is noted that exceedances of the O_3 standard would likely occur without any contribution of emissions of O_3 precursors from Town activities, the 2007 General Plan EIR concluded that the 2005 General Plan Update would result in significant and unavoidable impacts in this regard due to the existing substantial pollutant concentration.

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

Construction Activities

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

Operational Activities

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

Carbon Monoxide Hotspot

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.4 BIOLOGICAL RESOURCES

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

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

Would the project:

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

I.1.B.c.3: All feasible project modifications shall be considered to avoid wetland disturbance. Direct or indirect losses of wetlands and/or riparian vegetation associated with discretionary application approval shall be compensated by replacement, rehabilitation, or creation of wetlands habitat mitigation as approved by appropriate State and Federal agencies.

I.1.B.d.1: The Town of Mammoth Lakes shall coordinate with the State Department of Fish and Game, U.S. Fish and Wildlife Service, and other appropriate agencies and maintain an up-to-date inventory of all Special Status Wildlife Species and Special Status Plants and Plant Communities within the Planning Area.

I.1.B.d.3: The Town shall maximize the protection of primary wildlife habitats through public and/or private management programs, which may include: 1) the construction of active and passive recreation and development areas away from the habitat, and 2) use of fences, or other barriers and buffer zones.

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

3.5 CULTURAL RESOURCES

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

Would the project:

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

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

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

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

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

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

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

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

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

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

4.14-5 All ground-disturbing construction work should be observed by archaeologist and Native American monitors. If cultural materials or archaeological remains are encountered during the course of grading or construction, the developer shall cease any ground disturbing activities near the find. A qualified archeologist will be retained to evaluate significance of the resources and recommend appropriate treatment measures. Treatment measures may include avoidance, preservation, removal, data recovery, protection, or other measures developed in consultation with the Town and the developer. With the assistance of the archaeologist, the Town shall:

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

4.14-6 If during grading and excavation an archaeological resource is found, construction shall be temporarily diverted, redirected or halted as appropriate. Any discovery of such resources shall be treated in accordance with federal, state, and local regulations, including those outlined in the CEQA Guidelines Section 15064.5 (e) and as appropriate, the Native American Historical, Cultural and Sacred Sites Act. For archaeological remains, conservation of a resource for which preservation in

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

New Mitigation Measures: No New Mitigation Measures Are Required.

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

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

3.6 ENERGY

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

Would the project:

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

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

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

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

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

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

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

Electricity Consumption

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

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

Propane Consumption

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

Mobile Fuel Consumption

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

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

Construction Fuel Consumption

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

Table 4
General Plan Energy Conservation Consistency Analysis

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.7 GEOLOGY AND SOILS

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

Would the project:

a) ***Directly or indirectly cause potential substantial adverse effects, including the risk of loss injury, or death involving:***

i) ***Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.***

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

ii) ***Strong seismic ground shaking?***

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

iii) Seismic-related ground failure, including liquefaction?

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

iv) Landslides?

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

Lateral Spreading

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

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

Subsidence

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.8 GREENHOUSE GAS EMISSIONS

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

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

Would the project:

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

According to the 2016 Update EIR, future developments within the Town would result in direct and indirect project-related greenhouse gas (GHG) emissions. Direct project-related GHG emissions would occur as a result of construction activities, area sources, and mobile sources. Indirect project-related GHG emissions would result from energy consumption, solid waste generation, and water demand. As the GBUAPCD has not adopted GHG significance thresholds, the 2016 Update EIR utilizes the Bay Area Air Quality Management District threshold (BAAQMD) threshold of 6.6 metric tons of carbon dioxide equivalent ($MTCO_2e$) per year per service population (SP) for GHG emissions. The 2016 Update EIR determined that the impacts concerning GHG emissions would be less than significant as the programmatic-level project-related emissions would be below the 6.6 $MTCO_2e$/year/SP threshold.

The BAAQMD has updated their GHG thresholds since the adoption of the 2016 Update EIR. The BAAQMD *California Environmental Quality Act Air Quality Guidelines* (BAAQMD CEQA Thresholds), adopted May 2017, includes the updated BAAQMD GHG threshold for service population for individual projects. According to the BAAQMD CEQA thresholds, a significant GHG impact would occur if a project exceeds the 4.6 MT CO_2e/year/SP threshold.

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

As shown in Table 5, the project would generate GHG emissions of 2.16 $MTCO_2e$/year/SP, which would be below the BAAQMD threshold of 4.6 $MTCO_2e$/year/SP. Thus, similar to the 2016 Update EIR, the project would have a less than significant impact.

Table 5
Project Greenhouse Gas Emissions

Source	CO_2	CH_4		N_2O		Total Metric Tons of CO_2e
	Metric Tons/year[1]	Metric Tons/year[1]	Metric Tons of CO_2e[2]	Metric Tons/year[1]	Metric Tons of CO_2e[2]	
Direct Emissions						
• Construction (amortized over 30 years)[4]	258.96	0.04	1.00	0.00	0.00	259.96
• Area Source[6]	471.76	0.02	0.39	<0.01	2.54	474.69
• Mobile Source[4]	2,796.69	0.09	2.24	0.00	0.00	2,798.94
Total Direct Emissions[3,5]	**3,527.41**	**0.15**	**3.63**	**<0.01**	**2.54**	**3,533.59**
Indirect Emissions						
• Energy	709.09	0.03	0.63	<0.01	2.40	712.11
• Solid Waste	13.54	0.80	20.01	0.00	0.00	33.55
• Water Demand	46.88	0.99	24.66	0.02	7.03	78.58
Total Indirect Emissions[3]	**769.51**	**1.82**	**45.30**	**0.02**	**9.43**	**824.24**
Total Project-Related Emissions[3]	***4,357.83 $MTCO_2e$/year***					
Project Service Population (SP)	***2,013***					
Project GHG Emissions per SP	***2.16 $MTCO_2e$/year/SP***					
BAAQMD Project SP Threshold	*4.6 $MTCO_2e$/year/SP*					
Exceed BAAQMD Threshold?	**No**					

Notes:
1. Emissions calculated using California Emissions Estimator Model Version 2016.3.2 (CalEEMod) computer model.
2. CO_2 Equivalent values calculated using the EPA Website, *Greenhouse Gas Equivalencies Calculator*, http://www.epa.gov/cleanenergy/energy-resources/calculator.html, accessed November 2020.
3. Totals may be slightly off due to rounding.
4. Construction GHG emissions are typically amortized over the length of a project's duration (30 years). Consistent with this industry practice, the projects total construction emissions (7,798.89 $MTCO_2e$) have been amortized over 30 years.
4. 100 percent of the project's unit would be affordable housing. Additionally, the project would be located near Main Street and include bike lanes and a bus stop, which would help lower the project's vehicle miles traveled (VMT) and lower mobile GHG emissions.
5. Emission reductions applied in the CalEEMod model include regulatory requirements such as compliance with the 2019 Title 24 Building Standards Code, the 2019 CALGreen Code, AB 341, and SB 100. These mandatory regulatory requirements would include high efficiency lighting, low flow plumbing fixtures, solid waste diversion, and electricity from renewable energy sources.
6. The Town does not use natural gas but would rely on propane gas instead. All units were modeled to include propane heating systems.

Refer to Appendix B, *Air Quality, Energy, and Greenhouse Gas Data*, for detailed model input/output data.

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.9 HAZARDS AND HAZARDOUS MATERIALS

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

Would the project:

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.10 HYDROLOGY AND WATER QUALITY

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

Would the project:

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

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

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

3.11 LAND USE AND PLANNING

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

Would the project:

a) Physically divide an established community?

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

Consistency With General Plan Land Use Designation

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

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

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

Consistency With Zoning

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

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.12 MINERAL RESOURCES

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

Would the project:

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.13 NOISE

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

Would the project result in:

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

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

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

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

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

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

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

Construction Noise

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

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

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

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

Mobile Noise

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

Table 6
Existing and Project Peak Hour Volumes

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

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

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

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

Table 7
Traffic Noise Levels

Roadway	ADT[3]	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT[3]	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			Exceed Municipal Code Threshold of 50 dBA?[2]
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Existing						**Existing With Project**					
Center Street and Site Driveway	500	43.0	-	-	-	1,590	48.0	-	-	-	No
Future						**Future With Project**					
Center Street and Site Driveway	500	43.0	-	-	-	1,590	48.0	-	-	-	No

Notes: ADT = average daily traffic; dBA = A-weighted decibels; CNEL = community noise equivalent level, - = centerline is within the roadway right of way.
1. Traffic noise volume were modeled with the Federal Highway Administration (FHWA) RD-77-108 Noise Prediction Model.
2. The suburban land uses near Center Street and the proposed Site Driveway are commercial and multi-family. According to Chapter 8.16 of the Town's Municipal Code, multi-family dwelling residential land uses have a threshold of 50 dBA for exterior land uses.
3. ADT's were calculated by multiplying the peak hour volumes by 10, consistent with industry practice.

Source: Noise modeling is based on traffic data within LSC Transportation Consultants, Inc., *The Parcel Buildout Transportation Analysis*, December 3, 2020. Refer to Appendix G, *Noise Data*; for modeling inputs and results.

Operational Noise

Stationary Mechanical Noise

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

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

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

Parking Lot Noise

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

Table 8
Maximum Noise Levels Generated by Parking Lots

Noise Source	Maximum Noise Levels at 50 Feet from Source
Car door slamming	61 dBA L_{eq}
Car starting	60 dBA L_{eq}
Car idling	53 dBA L_{eq}
Source:Kariel, H. G., *Noise in Rural Recreational Environments*, Canadian Acoustics 19(5), 3-10, 1991.	

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

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

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

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

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

Crowd Noise

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

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

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

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

TSMM 4.J-1.A Engine idling from construction equipment such as bulldozers and haul trucks shall be limited, to the extent feasible. (2016 Update EIR Mitigation Measure TSMM 4.J-1.A)

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

17 Ibid.

TSMM 4.J-1.B The construction staging areas shall be located as far as feasible from sensitive receptors. (2016 Update EIR Mitigation Measure TSMM 4.J-1.B)

TSMM 4.J-1.C All construction activities shall comply with the Town's Noise Ordinance. (2016 Update EIR Mitigation Measure TSMM 4.J-1.C)

New Mitigation Measures: No New Mitigation Measures Are Required.

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

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

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

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

Vibration Impacts

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

3.14 POPULATION AND HOUSING

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

Would the project:

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

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

The proposed project is not anticipated to induce substantial unplanned population growth in the area, either directly or indirectly. Per the existing General Plan designation and zoning for the project site, buildout included development of approximately 25 acres of land with a density of 12 dwelling units per acre (up to 300 units) with an option to grant double density (up to 600 units). The project proposes 16 to 23 dwelling units per acre (gross) or 400 to 580 residential units and an increase in population of up to 2,013 persons[19], which is consistent with the existing General Plan and Zoning buildout assumptions for the project site. However, it is acknowledged that the existing 1991 Shady Rest Master Plan only considers construction of 172 units at the site. Therefore, the proposed project (with anticipated development of up to 580 units) would result in a net development potential increase of up to 408 units and an increase of up to 1,416 persons at the project site when compared to anticipated buildout conditions of the 1991 Shady Rest Master Plan.

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

3.15 PUBLIC SERVICES

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

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

i) ***Fire Protection?***

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) Police Protection?

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

c) Schools?

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

d) Parks?

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

e) Other public facilities?

Library Services

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

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

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

Hospital Services

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.16 RECREATION

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

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

Refer to Response 3.15(d).

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

Refer to Response 3.15(d).

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.17 TRANSPORTATION

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

Would the project:

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

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

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

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

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

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

Pedestrian/Bicycle Facilities

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

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

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

Transit Facilities

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

The 2007 General Plan included consideration of vehicle miles travelled (VMT) in Appendix F, *Traffic Study*. As stated on page 4-35 of the 2007 General Plan EIR, implementation of the 2005 General Plan Update would result in 128,270 VMT. According to the 2016 Update EIR, the 2016 Update under the existing roadway network would potentially result in development that could exceed the daily VMT cap in the Great Basin Unified Air Pollution Control District's *Air Quality Management Plan* (AQMP) for the Town of Mammoth Lakes and potentially result in emissions of PM_{10} that would cause an exceedance of the National Ambient Air Quality Standards (NAAQS). As such, the 2016 Update EIR adopted GPMM 4.2-1, which requires a VMT analysis for specific projects in those cases where the project would result in 500 daily vehicle trips for incorporation into the AQMP model; and GPMM 4.2-2, which may condition or restrict future development as necessary to manage Town-wide VMT at levels that ensure compliance with federal PM_{10} NAAQS. Further, Municipal Code Chapter 8.30, *Town Particulate Emissions Regulations*, requires the Town to include a limit of 179,708 VMT in its review of proposed development projects. The 2016 Update EIR concluded that compliance with adopted GPMMs 4.2-1 and 4.2-2 as well as Municipal Code Chapter 8.30 would reduce impacts in regard to VMT to less than significant levels.

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

Screening Criteria: Provision of Affordable Housing

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

d) Result in inadequate emergency access?

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.18 TRIBAL CULTURAL RESOURCES

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

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

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

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

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

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

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

a) ***Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:***

i) ***Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or***

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

3.19 UTILITIES AND SERVICE SYSTEMS

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

Would the project:

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

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

Water

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

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

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

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

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

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

I.7.A.a.2: The Town shall use drought tolerant landscaping and water efficient irrigation practices for all town maintained landscaped areas, new parks, and park improvements projects where feasible.

I.7.A.a.3: The Town shall work collaboratively with Lahontan Regional Water Control Board, Mammoth Community Water District and other interested stakeholders to determine the feasibility of utilizing domestic gray water for landscape irrigation purposes. If it is determined that the use of domestic gray water for landscape irrigation does not pose a threat to the community and its environmental resources, the Town shall develop the criteria to allow and encourage its safe and efficient use for golf courses, parks, town maintained landscaped areas and any other appropriate use.

I.7.A.a.4: New development will use native and compatible non-native plant species, especially drought resistant species, to the extent possible when fulfilling landscaping requirements. Use of turf shall be limited to avoid or minimize adverse impacts on native trees.

II.1.C.a.2: As part of the project review process, conditions of approval and implementation of the Development Impact Fee schedule, the Town shall require that new development adequately mitigates its impact on: fire protection, public safety, workforce housing availability, road capacity, and pedestrian connectivity.

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

Wastewater

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

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

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

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

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

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

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

Stormwater

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

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

Electric Power, Natural Gas, and Telecommunications

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

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

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

I.1.D.a.1: The Town shall support programs to recycle paper, cardboard, glass, metal, plastics, motor oil, and to compost or generate energy from tree prunings, brush, and other vegetation.

I.1.D.a.2: The Town shall institute a program to achieve maximum recycling of waste products generated by the community to prolong the useful likfe of the landfill.

I.1.D.a.3: The Town shall develop effective and efficient recycling programs for multi-family developments and businesses.

I.1.D.a.4: The Town shall provide recycling programs and containers at town failityies, projects, and programs to the extent feasible.

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.20 WILDFIRE

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

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

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

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

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

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

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

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

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

Refer to Response 3.20(a). As the project site is not specifically located within or adjacent to a local or State responsibility area zoned as a Very High Fire Hazard Severity Zone[25], no impact would occur in this regard.

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

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

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

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

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

[25] Ibid.

New Mitigation Measures: No New Mitigation Measures Are Required.

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

b) ***Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?***

Given the nature and scope of the proposed project, and in consideration of the mitigation measures included in the 2007 General Plan EIR and the 2016 Update EIR, the project would not involve impacts that are cumulatively considerable.

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

New Mitigation Measures: No New Mitigation Measures Are Required.

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

c) ***Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?***

Construction-related activities are anticipated to have some relatively minor, temporary impacts which can be mitigated with implementation of measures included in the 2007 General Plan EIR or the 2016 Update EIR. Additionally, potential long-term (operational) impacts would similarly be reduced to less than significant levels through implementation of required 2016 Update EIR and the 2007 General Plan EIR mitigation measures. Thus, the proposed project would not involve environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly.

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

New Mitigation Measures: No New Mitigation Measures Are Required.

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

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Appendix A
Infill Environmental Checklist



The following Modified Initial Study Checklist is based on the California Environmental Quality Act (CEQA) Appendix N Infill Environmental Checklist Form. It is modified to evaluate the proposed project changes for which an environmental impact report has previously been completed to assist in the determination of the need for supplemental environmental documents, in this case, a Supplemental Negative Declaration, Mitigated Negative Declaration, or EIR document or if the project is exempt from CEQA. For purposes of this study, references to "the project" in the left-hand column questions refer to the proposed modifications (proposed project) as compared to the General Plan and 2016 Update evaluated in the 2007 General Plan EIR and 2016 Update EIR.

The first four columns to the right of the modified checklist questions identify whether the proposed project modifications would result in new impacts, and if so whether these impacts would be less than significant, less than significant with mitigation from the 2007 General Plan EIR and 2016 Update EIR incorporated, or potentially significant.

The fifth column asks whether the impacts associated with proposed project, if any, were sufficiently disclosed in the previous environmental documents.

Finally, the last column indicates whether or not a Supplemental Document is needed. A Supplemental Document would be needed if there were new significant unmitigated or substantially more severe impacts, which would result from the proposed project and which were not sufficiently disclosed in the previous environmental document or with implementation of regulations or Town policy.

INFILL ENVIRONMENTAL CHECKLIST

	New Impacts of Proposed Project				Certified EIR	
	No Impact	Less Than Significant Impact	Less Than Significant With 2007/2016 Mitigation	Potentially Significant Impact	Impacts Disclosed?	Subsequent or Supplemental Documentation Required?
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:						
a) Have a substantial adverse effect on a scenic vista?		X			YES	NO
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		YES	NO
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?		X			YES	NO
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		X			YES	NO
II. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	X				YES	NO
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	X				YES	NO
c) Conflict with existing zoning for, or cause rezoning, of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?		X			YES	NO
d) Result in the loss of forest land or conversion of forest land to non-forest use?		X			YES	NO
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	X				YES	NO
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?		X				

INFILL ENVIRONMENTAL CHECKLIST						
	New Impacts of Proposed Project				Certified EIR	
	No Impact	Less Than Significant Impact	Less Than Significant With 2007/2016 Mitigation	Potentially Significant Impact	Impacts Disclosed?	Subsequent or Supplemental Documentation Required?
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		X				
c) Expose sensitive receptors to substantial pollutant concentrations?		X				
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?		X				
IV. BIOLOGICAL RESOURCES. Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			YES	NO
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X			YES	NO
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X			YES	NO
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			YES	NO
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			YES	NO
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	X				YES	NO
V. CULTURAL RESOURCES. Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?	X				YES	NO
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			X		YES	NO
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X		YES	NO

INFILL ENVIRONMENTAL CHECKLIST						
	New Impacts of Proposed Project				Certified EIR	
	No Impact	Less Than Significant Impact	Less Than Significant With 2007/2016 Mitigation	Potentially Significant Impact	Impacts Disclosed?	Subsequent or Supplemental Documentation Required?
VI. ENERGY. Would the project:						
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?		X			NO	NO
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?		X			NO	NO
VII. GEOLOGY AND SOILS. Would the project:						
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:						
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	X				YES	NO
ii) Strong seismic ground shaking?		X			YES	NO
iii) Seismic-related ground failure, including liquefaction?		X			YES	NO
iv) Landslides?		X			YES	NO
b) Result in substantial soil erosion or the loss of topsoil?		X			YES	NO
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X			YES	NO
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?		X			YES	NO
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	X				YES	NO
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			YES	NO
VIII. GREENHOUSE GAS EMISSIONS. Would the project:						
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X			YES	NO

INFILL ENVIRONMENTAL CHECKLIST						
	New Impacts of Proposed Project				Certified EIR	
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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X			YES	NO
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X			YES	NO
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			YES	NO
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		X			YES	NO
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	X				NO	NO
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	X				YES	NO
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		X			YES	NO
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?		X			YES	NO
X. HYDROLOGY AND WATER QUALITY. Would the project:						
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?		X			YES	NO
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?		X			NO	NO
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:						
i) Result in substantial erosion or siltation on- or off-site?		X			YES	NO

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ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?		X			YES	NO
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X			YES	NO
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	X				YES	NO
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?		X			NO	NO
XI. LAND USE AND PLANNING. Would the project:						
a) Physically divide an established community?		X			YES	NO
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?		X			YES	NO
XII. MINERAL RESOURCES. Would the project:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?		X			YES	NO
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?		X			YES	NO
XIII. NOISE. Would the project result in:						
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		YES	NO
b) Generation of excessive groundborne vibration or groundborne noise levels?		X			YES	NO
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	X				YES	NO
XIV. POPULATION AND HOUSING. Would the project:						
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for		X			YES	NO

and/or infrastructure development within the UGB to species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or the USFWS would be reduced to a less than significant level (page 4-81 of the 2007 General Plan EIR).

According to the Biological Resources Assessment, no special status plant species were observed on-site during the field survey conducted on May 29, 2020 as part of the Biological Resources Assessment. No special status plant species is expected to occur in the general vicinity of the project site, with the exception of subalpine fireweed (*Epilobium howellii*), which has a low potential to occur.

One special status wildlife species (olive-sided flycatcher [*Contopus cooperi*]) was observed on-site during the field survey and is identified by the California Department of Fish and Wildlife (CDFW) as a Species of Special Concern. Olive-sided flycatcher is a long-distance migratory species and is only expected to occur within the project area from late spring until August. In addition, although not observed during the field survey, yellow warbler (*Setophaga petechia*) was observed on-site in 2007. Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, the Biological Resources Assessment determined that the project site has a high potential to support yellow warbler, which would be a new specific effect. All remaining special status wildlife species identified by the California Natural Diversity Database (CNDDB) are presumed to have a low potential to occur or are not expected to occur within the project site.

The project would be required to comply all uniformly applicable uniformly applicable development policies or standards would be applied to the project, including compliance with the Migratory Bird Treaty Act (MBTA), as well as the following 2005 General Plan Update policies:

> I.1.B.d.4: Future development projects with the potential to significantly impact animal or plant habitats shall assess site-specific resource values and potential impacts where the habitats of special status plant and animals species are known to exist and provide a method of protecting, monitoring, replacing, or otherwise mitigating the impacts of development in and around these sensitive habitats, as required by CDFG and Department of Fish and Game.

With mandatory compliance with the MBTA and the aforementioned uniformly applicable development policies or standards on the project, project's impact to special status wildlife species, including the olive-sided flycatcher and yellow warbler, would be reduced to less than significant levels. Consistent with the 2005 General Plan Policy I.1.B.d.4, a Biological Assessment was conducted consistent with standard policy I.1.B.d.4, which identifies methods of protecting, monitoring, and avoiding potential impacts to these nesting bird species. A Workers Environmental Awareness Program (WEAP) training would be developed and employed to all contractors and a pre-construction nesting bird clearance survey to be conducted if project-related activities are to be initiated during the nesting season. As stated in the 2007 General Plan EIR (page 4-80), compliance with General Plan Policy I.1.B.d.4 would reduce impacts in this regard to less than significant levels.

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

INFILL ENVIRONMENTAL CHECKLIST

	New Impacts of Proposed Project				Certified EIR	
	No Impact	Less Than Significant Impact	Less Than Significant With 2007/2016 Mitigation	Potentially Significant Impact	Impacts Disclosed?	Subsequent or Supplemental Documentation Required?
example, through extension of roads or other infrastructure)?						
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	X				YES	NO
XV. PUBLIC SERVICES.						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
i) Fire protection?		X			YES	NO
ii) Police protection?		X			YES	NO
iii) Schools?		X			YES	NO
iv) Parks?		X			YES	NO
v) Other public facilities?		X			YES	NO
XVI. RECREATION						
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?		X			YES	NO
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?		X			YES	NO
XVII. TRANSPORTATION. Would the project:						
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?		X			YES	NO
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, Subdivision(b)?		X			YES	NO
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X			YES	NO
d) Result in inadequate emergency access?		X			YES	NO
XVIII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:						

INFILL ENVIRONMENTAL CHECKLIST						
	New Impacts of Proposed Project				Certified EIR	
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a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	X				YES	NO
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	X				YES	NO
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:						
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X		YES	NO
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X		YES	NO
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?		X			YES	NO
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?		X			YES	NO
e) Comply with Federal, state, and local management and reduction statutes and regulations related to solid waste?		X			YES	NO
XX. WILDFIRE. If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:						
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	X				NO	NO
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	X				NO	NO
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that	X				NO	NO

INFILL ENVIRONMENTAL CHECKLIST						
	New Impacts of Proposed Project				Certified EIR	
	No Impact	Less Than Significant Impact	Less Than Significant With 2007/2016 Mitigation	Potentially Significant Impact	Impacts Disclosed?	Subsequent or Supplemental Documentation Required?
may result in temporary or ongoing impacts to the environment?						
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	X				NO	NO
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.						
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X		YES	NO
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X		YES	NO
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		YES	NO

Appendix B
Air Quality, Energy, and Greenhouse Gas Data

Appendix C
Biological Resources Assessment and Delineation Report

Appendix D
Cultural Resources Assessments

Appendix E
Geotechnical Investigation

Appendix F
Phase I Environmental Site Assessment

Appendix G
Noise Data

Appendix H
Transportation Analysis

Appendix I
Will Serve Letter

Appendix J
Applicable Adopted Mitigation Measures

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

RESOLUTION NO. 16-68

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN MAMMOTH LAKES, STATE OF CALIFORNIA

1. **CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR GENERAL PLAN AMENDMENT 15-002 AND ZONING CODE AMENDMENT 15-002 (LAND USE ELEMENT/ZONING CODE AMENDMENT AND MOBILITY ELEMENT UPDATE);**
2. **ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT;**
3. **ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS;**
4. **ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM; AND**
5. **APPROVING GENERAL PLAN AMENDMENT 15-002.**

WHEREAS, the Town Council directed staff to prepare an update to the General Plan and Zoning Code (Municipal Code Chapter 17) to change the way density is calculated in the Commercial Zones from a rooms/units limitation to a floor area ratio (FAR) limitation; and

WHEREAS, the Town Council directed staff to include the 2012 Draft Mobility Element in the environmental analysis for the project for the purpose of adoption concurrently with the Floor Area Ratio update; and

WHEREAS, the Town Council has previously adopted Resolution 09-22, adopting policies for the evaluation of projects related to people at one time (PAOT) and impact assessment which recommended a shift from PAOT-based project evaluation to impact-based evaluation and mitigation and to develop Project Impact Evaluation Criteria (PIEC) that allows simple, but precise, summary evaluation of the impacts that are important to the community; and

WHEREAS, the Town Council then adopted Resolution 09-34, adopting the Project Impact Evaluation Criteria Policy Recommendations which included direction to undertake work program items to further implement the Policy Recommendations; and

WHEREAS, the Town Council adopted Resolution 14-61 rescinding the Community Benefits and Incentive Zoning (CBIZ) policy; and

WHEREAS, the Town Council directed staff to update the General Plan and Zoning Code pursuant to Town Council Resolutions 09-22, 09-34, and 14-61; and

WHEREAS, on November 9, 2016, the Planning and Economic Development Commission conducted a duly noticed public hearing and determined General Plan Amendment 15-002, related to Floor Area Ratio (FAR), is consistent with the General Plan and with the applicable provision of the Town of Mammoth Lakes Municipal Code, Chapter 17.72, and, therefore, recommended approval of General Plan Amendment 15-002 to Town Council; and

WHEREAS, the Town Council of the Town of Mammoth Lakes has evaluated potential environmental effects of the proposed Land Use Element/Zoning Code Amendment and Mobility Element Update through the preparation and circulation of a Draft Environmental Impact Report and has considered all comments and responses included in the Final Environmental Impact Report and the associated Mitigation Monitoring and Reporting Program; and

WHEREAS, the Town provided a 45-day public review period for the Draft Environmental Impact Report (DEIR) as required under CEQA Guidelines section 15087(e) and 15105 from June 24, 2016 to August 8, 2016; and

WHEREAS, the Town Council has reviewed the Environmental Impact Report prepared for the project pursuant to the California Environmental Quality Act (CEQA) Guidelines and has found that the Final Environmental Impact Report reflects the Town's independent judgement and analysis, and

WHEREAS, the DEIR was prepared, processed and noticed in accordance with CEQA, the State CEQA Guidelines; and

WHEREAS, the DEIR identified that the Project has potentially significant effects with regards to air quality, public services (recreation), and traffic/transportation that will remain significant despite the implementation of all feasible mitigation measures and a Statement of Overriding Considerations is included for consideration by the Town Council; and

WHEREAS, the Town Council conducted a noticed public hearing on the proposed General Plan and Zoning Code amendments and the associated California Environmental Quality Act documents and actions on December 7, 2016, at which time all those desiring to be heard were heard; and

WHEREAS, the Town Council considered, without limitation:

1. The staff report to the Town Council with exhibits;
2. The General Plan, Municipal Code, and associated Land Use Maps;
3. The Draft and Final Environmental Impact Report;
4. Oral evidence submitted at the hearing; and
5. Written evidence submitted at the hearing.

NOW THEREFORE, BE IT RESOLVED that the Town Council, in its independent judgement, makes the findings set forth below in Section 2 and takes the actions set forth below in Section 3:

Section 1. Recitals. The above recitals are all true and correct.

Section 2. Findings. The Town Council HEREBY FINDS AND DETERMINES based on the information presented herewith:

a. The change is consistent with the goals, objectives and policies of the General Plan, any applicable specific plan or adopted master plan of development because the Land Use Element and Mobility Element Update ("Project") will allow flexibility in density/intensity of development in the Commercial Land Use Designations while ensuring that impacts to the public are mitigated through the use of PIEC during project evaluations. Additionally, the Project will strengthen the Town's commitment to the "triple bottom line" which is the community's social, economic, and natural capital, and "feet-first" transportation strategies, which emphasizes and prioritizes non-motorized travel first, public transportation second, and vehicle last.

b. The change is in the interest of or will further the public health, safety, comfort, convenience and welfare because the Project will maintain the existing Urban Growth Boundary (UGB), will provide more flexibility in regards to density calculations in the Commercial Land Use Designations, and will emphasize feet first and greater use of alternate transportation in the town which will reduce vehicle miles traveled (VMT).

c. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because the Town has prepared an Environmental Impact Report that analyzes impacts of the Project and includes mitigation measures to reduce a majority of the environmental impacts to a less than significant level. Environmental impacts that cannot be reduced to a less than significant level are described and findings are made in Exhibit 2 (CEQA Findings of Fact) and Exhibit 3 (Statement of Overriding Considerations).

d. The proposed amendment does not result in a mandatory element of the General Plan being amended more than four times during any calendar year because this will be the first amendment of the General Plan for 2016 (Government Code Section 65358, Municipal Code Section 17.112.080).

Section 3. Actions. The Town Council hereby takes the following actions:

a. Adopts the California Environmental Quality Act (CEQA) Findings of Fact in substantially the form attached hereto as Exhibit 1 and certifies the Environmental Impact Report (State Clearinghouse No. 2015052072) (as described in Exhibits 3 and 4 attached hereto); and

b. Adopts the Statement of Overriding Considerations in substantially the form attached hereto as Exhibit 2.

c. Adopts the Mitigation Monitoring and Reporting Plan in substantially the form attached hereto as Exhibit 3, and

d. Adopt the required Municipal Code findings and approves General Plan Amendment 15-001 (Land Use Element and Mobility Element Update) attached hereto as Exhibits 5, 6, and 7.

Section 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at Town of Mammoth Lakes, Town Hall, 437 Old Mammoth Rd., Suite R, Mammoth Lakes, CA 93546. The custodian for these records is Town Clerk. This information is provided pursuant to Public Resources Code section 21081.6.

APPROVED AND ADOPTED THIS 7th day of December, 2016.

SHIELDS RICHARDSON, Mayor

ATTEST:

JAMIE GRAY, Town Clerk

EXHIBIT 1

FINDINGS OF FACT PURSUANT TO CEQA GUIDELINES SECTION 15091

SECTION 1: INTRODUCTION.

Findings for the Final Program Environmental Impact Report (EIR), State Clearinghouse Number 2015052072, are being made pursuant to State CEQA Guidelines §15091.

1.1 Statutory Requirements for Findings

The Final EIR consisting of the Draft and Final EIR is consistent with State CEQA Guidelines Section 15132 relative to the contents of the FEIR, including but not limited to a table of contents, summary, the project description, environmental setting, a discussion of the affected environment and environmental consequences, mitigation measures, unavoidable adverse impacts, impacts found not to be significant, cumulative impacts, project alternatives, Draft Mitigation and Monitoring plan, comments and recommendations received on the Draft EIR, and responses to the comments received on the Draft EIR.

Consistent with the requirements of CEQA and the Guidelines, the FEIR for the Town of Mammoth Lakes Land Use Element/Zoning Code Amendment and Mobility Element Update identifies environmental effects in proportion to their severity and probability of occurrence. The FEIR identifies certain potentially significant adverse environmental effects of the project. The FEIR also identifies mitigation measures, which will reduce or eliminate these potentially significant effects. The analysis contained in the FEIR also concludes that after the incorporation of mitigation measures the project would result in a significant and unavoidable impacts in the following areas:

- Air Quality
- Public Services (Recreation)
- Transportation and Traffic

CEQA Guidelines Section 15091 requires specific findings in conjunction with approval of a project that will create one or more significant environmental effects. Specifically:

15091. Findings

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

For the significant direct and cumulative effects identified in the FEIR, the findings are:

Air Quality: The Project includes mitigation measures that will reduce pollutants to comply with state and federal regulations. With the incorporation of the mitigation measures as well as the scope of the Project, development associated with the plan would not be expected to result in air pollution levels that exceed federal standards. However, despite the implementation of the Updated Mobility Element and multiple measures that will reduce town generated emissions, emissions from activities within the community would continue to result in exceedances of the state standard for PM-10. Transport of ozone from the central valley would continue to cause exceedances of the state one-hour standard for ozone. While mitigation is incorporated into the project that substantially lessens the impact and meets federal requirements, no feasible mitigation measures to reduce existing and future PM-10 levels to meet the state standard have been identified.

Public Services (Recreation): The proposed project would result in an increase in population for the town which would increase the demand for parks and recreational services. Existing and proposed park facilities including recent improvements to Whitmore Park, new planned park and recreational facilities, access to other parks and recreational amenities, and funding associated with the DIF program, and Measure R and U, implementation of the Project would satisfy some of the demand for parks and recreational services but would not meet the Level of Service (LOS) goal of 5 acres of parks per 1,000 residents. As the Town is currently below the Level of Service goal of 5 acres of parks per 1,000 residents for developed parkland, and as the Project would further increase demand for parks and recreational facilities and would exacerbate impacts to parks and recreational facilities, impacts to parks and recreation facilities are considered significant and unavoidable.

Transportation and Traffic: Implementation of the recommended mitigation measures would reduce potentially significant LOS impacts at all affected intersections under all Project scenarios. However, if traffic demands do not meet signal warrants such improvements would not be implemented. Because implementation of the mitigation measures are under the jurisdiction of another agency, the approval of which are uncertain, the potentially significant impacts at Main Street intersections would be considered significant and unavoidable.

In making these findings, not all of the rationale and data contained in the FEIR have been repeated. The FEIR and other source documents referenced therein are incorporated herein by reference as if set forth in full in this document. Except to the extent they conflict with the findings and determination set forth in this document, the analysis and conclusions of the FEIR, including responses to comments and any supplemental responses provided by Town of Mammoth Lakes staff and consultants in connection with the proposed project, are hereby adopted as findings by the Town Council of the Town of Mammoth Lakes.

EXHIBIT 2

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified and discussed significant environmental effects, which will occur as a result of the proposed General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update (Project). With implementation of the Mitigation Measures discussed in the EIR, these effects can be mitigated to levels considered less than significant except for significant, unavoidable impacts in the areas of air quality, recreation, and traffic.

CEQA Section 21081 provides that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one of more significant effects on the environment that would occur if the project were carried out unless the agency makes specific findings with respect to those significant environmental effects. Where a public agency finds that economic, legal, social, technological, or other considerations makes infeasible the mitigation measures or alternatives identified in the EIR, and thereby leave significant unavoidable effects, the public agency must also find that "specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment."

In making this determination, the Lead Agency is guided by CEQA Guidelines Section 15093, which provides as follows:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having considered the unavoidable adverse impacts of the Project, the Town Council hereby determines that all feasible mitigation measures have been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, the Town Council finds that economic,

social and other considerations of the Project outweigh the unavoidable adverse impacts described previously. In making this finding, the Town Council has balanced the benefits of the proposed Project against its unavoidable environmental impacts and has indicated its willingness to accept those risks.

The following statements are in support of the Town's action based on the EIR and/or other information in the record. The following benefits of the proposed Project outweigh its significant environmental impacts

1. The Land Use Element/Zoning Code Amendments maintain an Urban Growth Boundary (UGB) which ensures that development will be contained within a small urban footprint and development does not encroach into the National Forest lands outside of the UGB. The National Forest lands outside of the UGB are available for recreation by residents and visitors. These areas include amenities such as Mammoth Lakes Basin, Devils Postpile National Monument, Red's Meadow, Inyo National Forest, and the John Muir and Ansel Adams Wilderness Areas. In addition, the MMSA includes ski, snowmobile, hiking, sightseeing and biking opportunities at Mammoth Mountain, Tamarack Cross-Country Ski Center at Twin Lakes, Scenic Gondola Rides, and Snowmobile Adventures. New residents and visitors would be able to utilize the range of recreational areas and parkland that surround the Town.

2. The Land Use Element/Zoning Code Amendments ensure that the carrying capacity of the town is not exceeded by using Project Impact Evaluation Criteria (PIEC) which includes but is not limited to evaluations of air quality, including vehicle miles travelled (VMT); biological resources; cultural resources; geology and soils; hazards; hydrology; land use; noise; public services and utilities, including water demand; and transportation. Use of PIEC is intended to help ensure that growth in the Town would not exceed the carrying capacity of infrastructure or other constraints, such as VMT and water supply, and that the potential for significant environmental impacts will be identified and mitigated to the extent feasible.

3. The Land Use Element/Zoning Code Amendments will allow flexibility in density/intensity in the Commercial Land Use Designations while ensuring that impacts to the public are mitigated through the use of PIEC during project evaluations. The Mobility Element Update would result in a greater use of alternate transportation through the provision of trails, bicycle lanes, and an increase in transit. The increase in intensity coupled with implementation of the Mobility Element Update would emphasize feet first and greater use of alternate transportation in the Town thereby reducing vehicle miles travelled (VMT). Additionally, focusing density within the commercial areas of town will help to create a thriving destination resort community with residential neighborhoods oriented around a series of distinct, connected and vibrant mixed use districts which proved a range of shopping, dining, services, and employment opportunities.

4. The Project will strengthen the Town's commitment to the "triple bottom line", which is the community's social, economic, and natural capital, and "feet-first" transportation strategies,

which emphasizes and prioritizes non-motorized travel first, public transportation second, and vehicle last.

5. The Project creates policies that will significantly improve accessibility throughout the community while reducing dependence on the automobile. The Project would assist in meeting the Town's objective to create a Downtown area in which people park their vehicles once and walk throughout the area thereby reducing congestion and vehicle miles travelled. Reducing vehicle miles travelled reduces emissions of certain criteria pollutants, including CO and NOx, which would help to reduce the proposed Project's air quality impact.

6. The implementation of the Mobility Element Update would meet the objectives of the 2007 General Plan to achieve a progressive and integrated multi-modal transportation system, one that emphasizes "feet first, public transportation second, and car last." In addition, the Mobility Element Update would be consistent with the California Complete Streets Act (AB 1358). AB 1358 requires that municipalities craft a specific network of travel options through an adopted General Plan circulation element. Under AB 1358, the Circulation Element must reflect land use patterns that further support the effectiveness of a multimodal transportation network. The Mobility Element Update would expand upon the Town's adopted Mobility Element, focus on multi-modal transportation, and provide specificity as required under AB 1358. Thus, the adoption of the Mobility Plan Update would engender regional and state confidence with respect to funding. A more secure funding source would further ensure future roadway, pedestrian, and transit improvements. Finally, the Mobility Element Update would result in a complete street network including alternate modes of transportation such as pedestrian, bicycle, trails, and multi-use paths.

7. The combined Land Use Element/Zoning Code Amendments and the Mobility Element Update would implement California Senate Bill 375 (SB 375), which requires that land use and transportation planning be integrated to reduce VMT. Under SB 375, this is achieved through land use patterns that allow alternatives to the automobile, such as proximity of residential uses to jobs, services, and other destinations that accommodate walking and cycling. The Land Use Element/Zoning Code Amendments and the Mobility Element Update would also implement SB 743, which is intended to support residential/mixed-use densification for the purpose of inducing greater pedestrian and other multi-modal activity and, thus, reduce vehicle miles traveled. Given the benefits of the Land Use Element/Zoning Code Amendments and Mobility Element Update in supporting the "feet first" objectives of the General Plan and addressing State legislation to reduce VMT.

For the foregoing reasons, the Town Council approves the Project despite these potentially significant environmental effects, which can be considered "acceptable". (State CEQA Guidelines § 15093.)

EXHIBIT 3

FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR LAND USE ELEMENT/ZONING CODE AMENDMENT AND MOBILITY ELEMENT UPDATE, INCLUDING THE MITIGATION MONITORING AND REPORTING PROGRAM (SECTION 4.0 OF THE FINAL EIR)

(SCH No. 2015052072)

DOCUMENT IS AVAILABLE ON THE TOWN WEBSITE HERE:

http://www.townofmammothlakes.ca.gov/DocumentCenter/View/6338

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EXHIBIT 4

DRAFT ENVIRONMENTAL IMPACT REPORT FOR LAND USE ELEMENT/ZONING CODE AMENDMENT AND MOBILITY ELEMENT UPDATE

(SCH No. 2015052072)

DOCUMENT IS AVAILABLE ON THE TOWN WEBSITE HERE:

VOLUME I: DRAFT EIR AND APPENDIX A:
http://www.townofmammothlakes.ca.gov/DocumentCenter/View/6088

VOLUME II: APPENDIX B THROUGH APPENDIX F:
http://www.townofmammothlakes.ca.gov/DocumentCenter/View/6089

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EXHIBIT 5
PROPOSED REVISIONS TO THE GENERAL PLAN[1]

Page 30

L.1.A. Policy: ~~Limit total peak population of permanent and seasonal residents and visitors to 52,000 people.~~ Utilize Project Impact Evaluation Criteria (PIEC) to evaluate the relationship between growth, density, and population to ensure the balance of economic, social, and environmental factors so as to ensure that development does not exceed the carrying capacity of the Town.

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~~L.3.F. Policy: Ensure appropriate community benefits are provided through district planning and development projects.~~

~~L.3.F.1. Action: Study the experiences of other communities in finding fair and equitable standards and formulas for gaining community benefits.~~

~~L.3.F.2. Action: Develop formula-based methods and standards for community benefits applicable to projects of a certain size.~~

~~L.3.F.3. Action: Develop and maintain a list of uses, facilities, infrastructure, programs and services for use as community benefits.~~

~~L.3.F.4. Action: Develop size, space and program characteristics and criteria for uses and facilities deemed as community benefits.~~

L.3.H. Policy: Density may be clustered or transferred within clearly articulated ~~district,~~ master and~~,~~ specific plans to enhance General Plan goals and policies. ~~Development rights may also be transferred between districts when that transfer furthers protection of identified environmentally sensitive areas.~~

~~L.3.H.1. Action: Prepare a transfer of development rights ordinance describing the methods and findings for approving such density transfers.~~

L.5.G. Policy: ~~In the C-1 and C-2 Designations, density may be increased to no more than twice the density for hotel, motel, and similar transient lodging projects that specifically enhance the tourism, community, and environmental objectives of the Town. This enhancement must be through the provision of amenities, services, and/or environmental benefits above and beyond those required to meet the incremental demands of the project. These amenities, services, and environmental benefits include, but are not limited to those listed under "Community Character" on page 24 of this General Plan. Any such increase shall further the Community Vision, shall be consistent with the discussion of "Build-out" on page 37 of this General Plan, shall be consistent with approved District Plans, and shall be subject to such rules, processes, and findings~~

[1] Strikethrough/underline is used to show the deleted and new text. The text shown in ~~strikethrough~~ is text to be deleted and the text shown in underline is new text.

~~as may be adopted by the Town Council in its sole discretion.~~ The Town shall review and adjust, as needed, the General Plan's buildout calculations every five years. If construction of significant commercial/lodging/residential products has not occurred within the five year period, a summary of construction shall be prepared and included in the General Plan files but a detailed buildout analysis shall not be required.

Page 36

Commercial 1 (C-1) The C-1 designation allows medium-scale, commercial mixed uses. ~~The base density for residential is six (6) to a maximum of twelve (12) residential dwelling units per acre and a maximum of forty (40) hotel rooms per acre.~~ The maximum floor area ratio is 2.0. This designation is located along Main Street between the North Village district and Mono Street, and is intended to create a transition zone to the more intensive Commercial 2 and North Village designation. ~~A minimum floor area ratios and amount of commercial uses will be established in the Zoning Code.~~

Commercial 2 (C-2) This designation allows for the community's medium- and large-scale commercial uses. ~~The base density for residential is six (6) to a maximum of twelve (12) residential dwelling units per acre and a maximum of forty (40) hotel rooms per acre.~~ The maximum floor area ratio is 2.0. Intended uses include retail and office space for services as well as visitor lodging and residential uses. ~~A minimum floor area ratio and amount of commercial uses will be established in the Zoning Code.~~

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~~Determining a reasonable build-out forecast for the 20-year planning period of the General Plan is challenging. Although many different approaches can be used to make projections, any forecast must acknowledge that because of changing demographics, market and economic conditions, numbers will be constantly changing.~~

~~The build-out population for the General Plan was established by preparing a recreational trend forecast, a demographic and economic trend forecast and a land use capacity analysis. The recreation trend forecast looked at recreational visitor trends that support factors for growth using a ratio of visitation to project a future population. The demographic and economic trend forecast, based on the University of California at Santa Barbara (UCSB) Economic Forecast Project, did the same relative to economic and population trends. The land use capacity analysis assessed the number of units and population that could be developed through certain land use designations and development assumptions.~~

~~The assumptions of the three models support the projection that the total number of residents, visitors and workers on a winter weekend will grow to between 45,000 to 52,000 by the year 2025. Based on these analyses, the General Plan establishes a policy of a total peak population of residents, visitors and employees at 52,000 people. Ultimately, these land use designations could result in a build-out population over 52,000 but less than 60,000 if all land were built to capacity.~~

~~The following paragraphs describe how build-out will be limited to 52,000 people.~~

~~Maintaining build-out population will be achieved through implementation of the General Plan goals and policies. First: district planning will be conducted to establish project context, program and characteristics. Second: project-related impacts will be evaluated and mitigated to maintain acceptable Levels of Service and population policies through the California Environmental Quality Act (CEQA) or other analysis. Third: project-related market, economic and fiscal impacts will be evaluated as needed. Next, the functional and aesthetic qualities of site and architectural design will be evaluated through the discretionary review process. Because of superseding development regulations, site conditions, design review and market conditions, not all sites will be able to meet these standards at maximum density and overall density will be reduced.~~

~~Designation of a site for a certain use does not necessarily mean that the site will be developed with the designated use and density within the horizon of the General Plan. Similarly, sites that are not anticipated to be developed may actually be used. For the purposes of calculating land use capacity, the following assumptions are used:~~

- ~~Population is described as People at One Time (PAOT) and includes residents and visitors. PAOT is used as a measurement because of the large visitor population in the town of Mammoth Lakes at any given time~~
- ~~Peak population is described for approximately the seventh busiest winter day, which is the Town's typical winter Saturday~~
- ~~Development on individual parcels will be controlled by lot coverage limits, building height restrictions, floor area ratio limits, and implementation of community benefit and performance standards and policies in the various master and specific plans~~
- ~~The capacity of the ski area will remain constant over the next twenty years~~

- ~~The number of people engaged in activities other than skiing will increase as the town matures from 25% to between 35% and 45%~~
- ~~Permanent population will grow at a rate of between 1.4% and 2.4% per year~~
- ~~Permanent resident units accommodate 2.4 people per unit on average and all other units accommodate 4 people per unit on an average winter Saturday (These household size and occupancy assumptions are based on past utilization and are simply used to calculate potential build-out. They do not constitute policy.)~~
- ~~Most commercial development will take place in the Resort, North Village, and Commercial 1 and 2 designations. The total amount of commercial development at build-out is anticipated to be 1,265,000 square feet~~

~~Industrial development will be limited primarily to the "Industrial" designation; although, there will be a small amount in other designations. The total amount of industrial development at build-out is anticipated to be approximately 500,000 square feet~~

Build Out

The Land Use Element of the General Plan establishes the location and intensity of planned land uses. Buildout, as described in this General Plan, refers to the maximum number of potential residential units and maximum amount of commercial, industrial, and non-residential square footage within the Town's municipal boundary. The General Plan buildout provides a framework for the future growth of the Town of Mammoth Lakes. While the buildout projection identifies areas for potential growth and development, it is not expected that the full buildout will be reached in the 20-year horizon of the General Plan.

The buildout shapes how the town will look and feel and guides municipal infrastructure and facility needs. The buildout also informs the Town's Capital Improvement Plan (CIP) that delineates the location and improvements associated with each public facility. CIPs are prepared based on the buildout information and are updated over time to reflect changing community conditions. The Development Impact Fee program is based on the Capital Improvement Plan and the anticipated future infrastructure and facility needs. Development Impact Fees fund only physical improvements and the General Fund finances operations and maintenance. Additionally, buildout projections are used by other partner agencies like the Mammoth Community Water District to inform their future planning of infrastructure and facilities.

The General Plan buildout captures significant population fluctuations caused by the seasonality of the Town's economy. Planning for facilities and infrastructure requires an understanding of these population fluctuations, as demand for some services are created by the permanent population and other demands are created by peak populations, which include permanent and visitor populations. For example, planning for facilities such as libraries, schools, and parks is based on the buildout of the permanent population. Utility planning (for water, sewer, etc.) is based on service usage during peak periods. Air quality limitations (measured in part by Vehicle Miles Traveled (VMT)) are also based on usage on the Town's Design Day which is the 7th busiest winter Saturday.

In the past, the Town used People at One Time (PAOT) as the metric for calculating buildout. After the General Plan was approved in 2007 using PAOT to calculate buildout, the Town Council reviewed PAOT and in 2009 adopted Resolution No. 09-22 which approved *a shift away from PAOT-based project evaluation to impact based evaluation and mitigation, reflecting and*

including the following: The impacts in the 2007 General Plan FEIR Alternative 3: Reduced Development Alternative corresponding to 52,000 PAOT should be used as benchmarks and standards in evaluating projects and planning documents to acceptable impact levels. Additionally, in June of 2009 the Town Council adopted Resolution No. 09-34 which further emphasized the shift away from PAOT and recommended that the General Plan policy setting the peak population at 52,000 be amended to reflect the shift from PAOT to PIEC. The current buildout calculation reflects this shift away from counting people. The buildout presented here is based on residential and lodging units and commercial square footage which is a common practice in California to calculate General Plan buildout.

Although many different approaches can be used to make buildout projections, any forecast must acknowledge that because of changing demographics, market and economic conditions, numbers will be constantly changing. As a part of the update process in 2016, Town staff worked to make the buildout calculation as clear as possible using objective assumptions, with the goal that the buildout will be easily replicated in the future. Information from the Department of Finance, the Town's Development Impact Fee Population Analysis (July 2015), and the Town's GIS system, has been used to prepare the buildout projection.

Land Use Designation/Proposed Maximum DU/AC and FAR	Total Land Area (acres) [1]	Vacant Land Area (acres) [1]	Existing Units [2]	Existing Commercial and Industrial (sq ft) [3]	Assumed Density and Intensity for Future Development [4]	New Future Units [2,5]	New Commercial and Industrial (sq ft) [3]	Total Units at Buildout [2]	Total Population at Buildout [6]	Total Commercial and Industrial (sq ft) at Buildout [3]
	Existing				Assumptions			Buildout Projections		
RESIDENTIAL										
Low-Density Residential 1 (LDR-1) - 2 DU/AC	208	61	287	-	2 DU/AC	122	N/A	409	1,419	N/A
Low-Density Residential 2 (LDR-2) - 4 DU/AC	384	69	1,569	-	4 DU/AC	276	N/A	1,845	6,402	N/A
High-Density Residential 1 (HDR-1) - 6-12 DU/AC	112	36	692	-	12 DU/AC	604	N/A	1,296	4,497	N/A
High-Density Residential 2 (HDR-2) - 6-12 DU/AC, 36 rooms/AC	263	12	3,886	-	12 DU/AC	144	N/A	4,030	13,984	N/A
Resort (R) - 6-8 DU/AC, 12-16 rooms/AC [12]	554	292	1,719	65,175	N/A	1,943	305,675	3,662	12,707	370,850
COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL/PUBLIC										
Commercial 1 (C-1) - 0.75 - 2.0 FAR [14]	32	2	226	24,984	2.0 FAR	180	1,857	406	1,409	26,841
Commercial 2 (C-2) - 0.75 - 2.0 FAR [14]	90	8	559	1,021,994	2.0 FAR	659	339,520	1,218	4,226	1,361,514
Industrial (I) [9,10]	68	68	2	296,941	N/A	-	196,606	2	2	493,547
Institutional Public (IP) [11]	218	30	36	-	4 DU/AC	193	N/A	229	795	N/A
SPECIFIC PLAN										
Clearwater Specific Plan (CSP) - 80 rooms/AC [7]	6	N/A	74	11,948	80 rooms/AC	170	41,500	244	845	41,500
North Village Specific Plan (NVSP) [7,13]	57	29	599	131,033	1,359	1,359	3,967	1,958	6,794	135,000
OTHER										
Airport (A)	192	N/A	N/A	7,250	N/A	N/A	40,000	N/A	N/A	40,000
Open Space (OS)	317	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
National Forest (NF)	12,837	N/A	259	350,234	N/A	N/A	N/A	259	899	N/A
TOTAL	15,337	607	9,908	1,909,559	N/A	5,650	889,125	15,558	53,980	2,469,252

Footnotes:

1. Acres are given as adjusted gross acreages rounded to the nearest acre, which do not include right-of-ways.
2. Consistent with Zoning Code Section 17.32.110.C.7 a hotel room is considered one-half of a unit.
3. Includes all non-residential uses including post office, office uses, day care, retail, industrial, etc.
4. Residential density is expressed as dwelling units per acre and commercial intensity is expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
5. Includes 172 units within the HDR-1 land use designation achieved through a Town or State density bonus.
6. The total population number includes all residents/visitors in town with 100 percent occupancy. The vacancy rate fluctuates in town between a year-round vacancy rate of 72% to a seasonal vacancy rate of 10% (Tishler Bise DIF Report 2015). Assuming the seasonal vacancy rate the maximum population in town at buildout would be 48,582.
7. The total number of units and square footage of retail and nonretail uses for Specific Plans were taken directly from the approved land use plans associated with each Specific Plan document.
8. Estimates of population by residential designation are based on an average of 3.47 people per unit which is consistent with the 2007 General Plan.
9. The Industrial Zone includes two caretakers units that are limited to only one person per unit as the caretaker of the property.
10. Assumptions for buildout of the Industrial Land Use Designation are consistent with the 2007 General Plan.
11. The General Plan permits housing accessory to the college within the IP land use designation at a density of 4 units per acre. The Kern Community College District/Mammoth Lakes Foundation owns a total of 229 acres of land and has constructed 36 units of student housing.
12. Density is based on approved Master Plans.

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13. Commercial density in the North Village Specific Plan is limited to 135,000 square feet. The NVSP also includes an allowance for up to 3,317 rooms of density which can be converted to commercial square footage at a rate of 1 room per 450 square feet of commercial area. It is likely that the commercial square footage in the Village will exceed 135,000 but the increase in commercial square footage would result in a decrease in rooms.
14. Vacant land within the C1 and C2 land use designations includes frontage road area of 2.6 acres total (0.9 acres within the C1 and 1.7 acres within the C2).

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Appendix A: Action Table

~~L.3.F.1. Action: Study the experiences of other communities in finding fair and equitable standards and formulas for gaining community benefits.~~

~~L.3.F.2. Action: Develop formula-based methods and standards for community benefits applicable to projects of a certain size.~~

~~L.3.F.3. Action: Develop and maintain a list of uses, facilities, infrastructure, programs and services for use as community benefits.~~

~~L.3.F.4. Action: Develop size, space and program characteristics and criteria for uses and facilities deemed as community benefits.~~

~~L.3.H.1. Action: Prepare a transfer of development rights ordinance describing the methods and findings for approving such density transfers.~~

Appendix E: Useful Terms for Understanding the General Plan

- ~~Community Benefit~~

  ~~A community benefit as used in this plan is a project component(s) that enhances the tourism, community, or environmental objectives of the Town through the provision of amenities, services, or environmental benefits above and beyond those required to meet the incremental demand of the project itself. These amenities, services, and environmental benefits include, but are not limited to those listed under Community Character on page 24 of this General Plan.~~

- Floor Area. The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or other enclosed structure unless otherwise stipulated.

  The following is included in Floor Area: Floor area includes, but is not limited to, all habitable space (as defined in the California Building Standards Code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.

  The following is excluded from Floor Area: Floor area does not include mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as usable open space; and areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finish grade of the property.

  For Non-Residential Uses: For non-residential uses, gross floor area includes interior walkways or corridors, interior courtyards, and walkways, paseos, or corridors covered by a roof or skylight. Non-residential gross floor area does not include arcades, porticoes, and similar open areas that are located at or near street level and are

accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

- Floor Area Ratio (FAR). The ratio of floor area of a building or buildings on a lot divided by the total lot area. Floor area located below finished grade, the ceiling of which does not extend more than five feet above finished grade, is excluded when calculating FAR.

- ~~People at One Time (PAOT)~~

  ~~Used in this General Plan as an estimate of the number of people – permanent residents, second homeowners, and visitors – residing (lodging) in the town on an average winter Saturday night.~~

EXHIBIT 6

PROPOSED REVISIONS TO THE GENERAL PLAN LAND USE DIAGRAM (FIGURE 5 OF THE GENERAL PLAN)

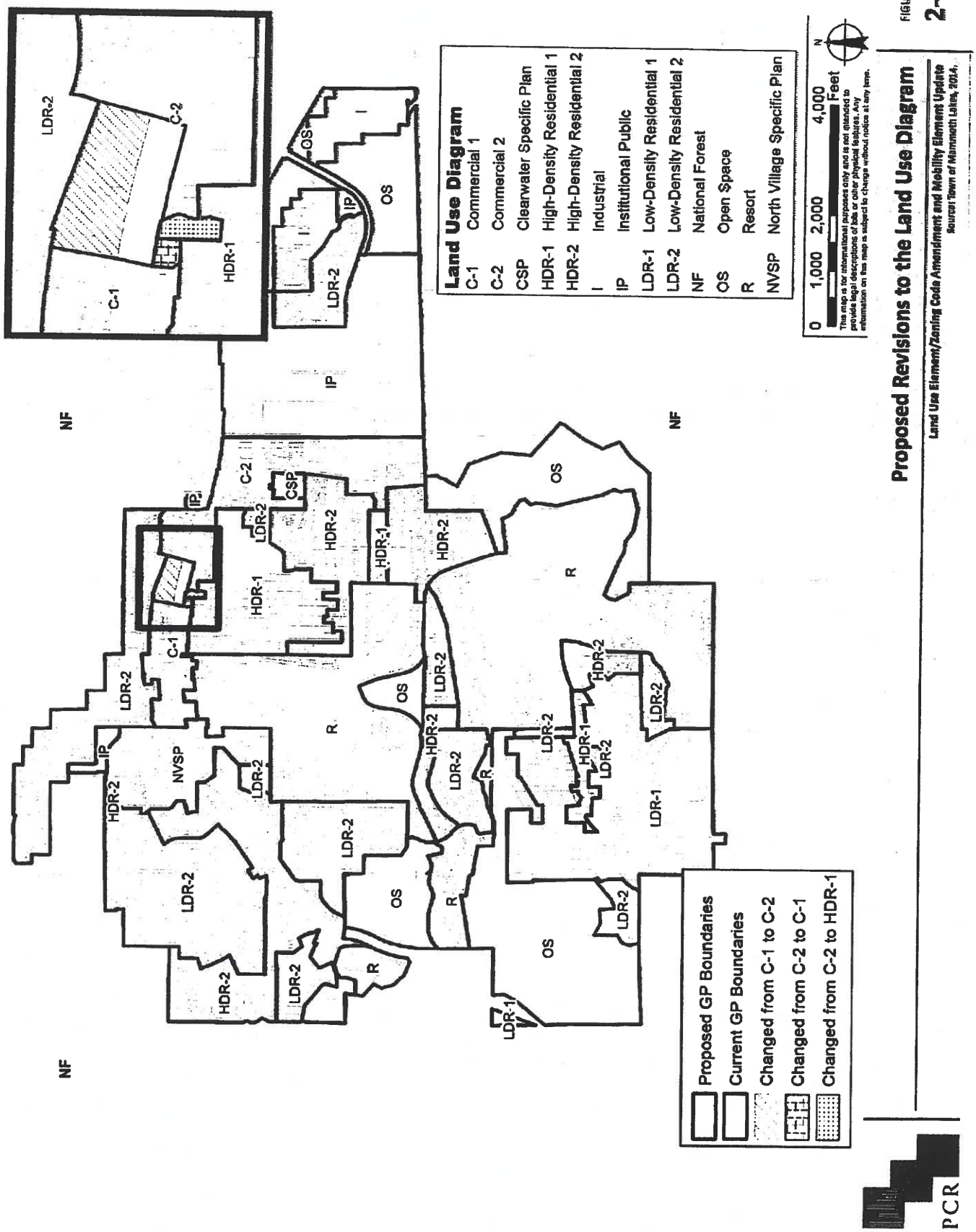

Land Use Diagram
C-1 Commercial 1
C-2 Commercial 2
CSP Clearwater Specific Plan
HDR-1 High-Density Residential 1
HDR-2 High-Density Residential 2
I Industrial
IP Institutional Public
LDR-1 Low-Density Residential 1
LDR-2 Low-Density Residential 2
NF National Forest
OS Open Space
R Resort
NVSP North Village Specific Plan
0 1,000 2,000 4,000 Feet
N
This map is for informational purposes only and is not intended to provide legal descriptions of lots or other physical features. Any information on this map is subject to change without notice at any time.
Proposed GP Boundaries
Current GP Boundaries
Changed from C-1 to C-2
Changed from C-2 to C-1
Changed from C-2 to HDR-1
NF
LDR-2
C-2
C-1
HDR-1
OS
I
IP
LDR-2
IP
C-2
CSP
LDR-2
HDR-2
HDR-1
HDR-2
HDR-1
C-1
LDR-2
IP
NVSP
LDR-2
HDR-2
LDR-2
R
OS
LDR-2
HDR-2
LDR-2
R
HDR-2
LDR-2
HDR-1
LDR-2
LDR-2
LDR-1
OS
R
LDR-2
HDR-2
LDR-2
R
LDR-1
NF
NF
OS
R
OS
LDR-2
Proposed Revisions to the Land Use Diagram
Land Use Element/Zoning Code Amendment and Mobility Element Update
Source: Town of Mammoth Lakes, 2014.
FIGURE
2-4
PCR

EXHIBIT 7

DRAFT GENERAL PLAN MOBILITY ELEMENT

DOCUMENT IS AVAILABLE ON THE TOWN WEBSITE HERE:

http://www.townofmammothlakes.ca.gov/DocumentCenter/View/5928

STATE OF CALIFORNIA)
COUNTY OF MONO) ss.
TOWN OF MAMMOTH LAKES)

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 16-68 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 7th day of December, 2016, by the following vote:

AYES:	Councilmember Fernie, Hoff, and Mayor Pro Tem Wentworth
NOES:	None
ABSENT:	Councilmember Sauser and Mayor Richardson
ABSTAIN:	None
DISQUALIFICATION:	None

Jamie Gray
JAMIE GRAY, Town Clerk

STATE OF CALIFORNIA)
COUNTY OF MONO) ss.
TOWN OF MAMMOTH LAKES)

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 21-10 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 3rd day of February 2021, by the following vote:

AYES:	Councilmembers Stapp and Wentworth and Mayor Pro Tem Salcido
NOES:	None
ABSENT:	None
ABSTAIN:	None
DISQUALIFICATION:	Councilmember Rea and Mayor Sauser

Jamie Gray
JAMIE GRAY, Town Clerk

FEHR PEERS

Memorandum

Date: December 17, 2021 *(revised 1/27/2022)*

To: Shellan Rodriguez, The Pacific Companies

From: Katy Cole and Angelica Rocha; Fehr & Peers

Subject: The Parcel Parking Management Plan: Phase 1 Parking Management Strategies and Monitoring Plan

SD21-0421

The purpose of this Phase 1 Parking Management Strategies and Monitoring Plan ("the Plan") is to summarize strategies that will help reduced parking demand at The Parcel Phase 1 ("the Project") and to identify a process for monitoring the parking demand to determine if the supply is adequate to serve the needs of the development.

The plan satisfies the Condition of Approval #85 within Exhibit B of Resolution NO. 21-10 for Phase I development which states:

> *Prior to the issuance of the first Certificate of Occupancy for a housing unit, the developer shall provide a parking management plan for final approval by the Town Council that demonstrates how alternative modes of transportation will reduce the parking needs for the project with consideration for the entire master planned area. Identified solutions shall be primarily derived from the Town's mobility planning efforts, including both accepted and adopted documents and should be in place prior to the issuance of the first Certificate of Occupancy. The parking management plan, that will be developed in coordination with the Town, should include clear metrics and triggers that allow additional parking to be provided for the project, with consideration for the master planned area, if the management plan does not achieve its goal.* [1]

Strategies outlined in The Plan were created in collaboration with The Pacific Companies and The Town of Mammoth Lakes ("the Project Team") and are consistent with the parking requirements approved for *The 2021 Parcel Master Plan*. We provide additional strategies for the Project Team to consider, however, these strategies are not required as a condition of approval.

[1] Town of Mammoth Lakes, Resolution 21-10, Exhibit B (2021)

Lastly, the Plan outlines the process for monitoring parking from the pre-construction phase through varying levels of occupancy. After the project is fully occupied, monitoring should occur every two years for six years after the project is fully occupied. This monitoring effort includes a parking occupancy study and resident surveys. This combined approach is encouraged to enhance resident experience and manage conflict with adjacent landowners but is not required as part of the project's condition of approval.

Parking Requirements and Proposed Management Strategies

The following section outlines parking requirements identified in *The 2021 Parcel Master Plan* and our recommendations for additional parking management strategies. Our team provided nine additional strategies for consideration by the project team in **Table 1**. The condition of approval does not require the project team to implement any of the recommendations listed beside the six requirements included in the approved master plan.

Each strategy was assigned to one of three "phase of implementation" categories: design & construction phase, project opening phase, and when parking demand is found to exceed parking supply. Design & Construction are strategies that require coordination prior to project construction. Strategies for project opening should be implemented as soon as the project is built, and residents begin to occupy units. Strategies identified for when parking demand is found to exceed parking supply should be considered after parking occupancy study flags a supply issue.

Table 1: Project Parking Requirements and Proposed Management Strategies

#	Strategy	Category	Included in Master Plan	Proposed by Consultant	Description	Implementing Party	Responsible Party	Phase of Implementation
1	Long-term bicycle parking (90% of ratio)	Building Design Elements	X		Covered and protected bicycle parking for storage at all times of day.	Developer	Property Owner	Design & Construction (complete per approved drawings)
2	Short-term bicycle parking (10% of ratio)	Building Design Elements	X		Bicycle racks located near building facility entrances.	Developer	Property Manager	Design & Construction (complete per approved drawings)
3	On-street parking	Building Design Elements	X		Additional on-street parking for guests or overflow parking.	Developer	Developer	Design & Construction (complete as per approved drawings)
4	On-site transit stops	Building Design Elements	X		Design and placement of on-site transit stops to increase access and ridership. Transit stop design should include bus shelter for use in all weather.	Developer & Eastern Sierra Transit Authority (ESTA)	Eastern Sierra Transit Authority (ESTA)	Design & Construction (complete as per approved drawings)
5	Dedicated car and ride share program space	Building Design Elements	X		Provide preferential and dedicated parking space for a community shared car (car not provided by management).	Developer	Property Owner	Design & Construction & Operating
6	Outlet for electric bicycle charging in bike storage room and common areas	Building Design Elements		X	Accessible outlets for residents to charge their electric bicycle in bike storage room and within common areas.	Developer	Property Manager	Design & Construction
7	Active Parking Management	Program		X	Staff responsible for parking management (e.g., tenant not parking on unpaved areas, not parking in front of dumpsters, not parking on neighboring properties).	Property Manager	Property Manager	Project Opening & Operating

8	Free educational materials	Program		X	A guide with alternative mode information such as bicycle facilities/routes, transit routes, and walking paths to key destinations.	Property Manager	Property Owner	Project Opening & Operating
9	Gamification/Incentive program	Program		X	Create competitions around any mode (biking competition, pedometer/walking challenges), develop recognition programs (Commuter of the Month, etc.) and provide prizes.	Property Manager	Property Owner	Project Opening & Operating
10	Assigned parking spot and parking permit	Program		X	Assign parking space (if needed) and provide parking permit at time of move-in.	Property Manager	Property Owner	When parking demand is found to exceed parking supply
11	Explore the possibility of unbundling parking spaces within financing regulations	Parking Programs		X	Leasing of parking spaces separate from the unit rent.	Property Manager	Property Owner	When parking demand is found to exceed parking supply
12	Commuter information/trip planning services	Program		X	An on-site, one-stop shop for transit and alternative commute information providing education and support for easy use of alternative modes.	Property Manager	Property Owner	When parking demand is found to exceed parking supply
13	Carpool programs	Program		X	Carpool programs help carpools to form by matching drivers and passengers.	Property Manager	Property Manager	When parking demand is found to exceed parking supply
14	Bike share program	Program		X	A bike share program provides residents with bicycles and locks and can help eliminate trips made by car.	Property Manager	Property Manager	When parking demand is found to exceed parking supply

Notes: Data compiled by Fehr & Peers, 2021.
Sources: The 2021 Parcel Master Plan (2021)

Monitoring

The following section outlines a plan for monitoring parking supply and effectiveness of the parking reduction strategies listed in the previous section. To monitor parking, we suggest that a parking occupancy study be performed. Details on study methods, frequency, and reporting are listed below. In addition, we recommend the Project Team and/or future property manager conduct a resident survey to evaluate if the reduction strategies implemented are working.

Parking Occupancy Study

Parking monitoring should perform parking occupancy counts on streets adjacent to the project. The project's adjacent streets have limited on street parking, so illegal off-street parking should be monitored by the local jurisdiction with the help of the property management and adjacent property owners. If a parking issue occurs, it is anticipated it will be due to illegal parking in the summer months.

We recommend performing parking occupancy counts at the following times: pre-construction and post-occupancy study every two years.

To best capture typical conditions, counts should be conducted three-days in a row on a Tuesday, Wednesday, or Thursday. Counts should be conducted in the summer and winter to account for the seasonality of the Town. It is critical that the counts be collected on a 'typical day' in the study area and collection should not overlap with a public holiday.

The following streets should be considered for the parking occupancy study:

- Center St
- Shady Rest Rd
- Manzanita Rd
- Chaparral Rd
- Tavern Rd east of Laurel Mountain Rd

For each street segment within the monitoring area, the following parking occupancy data should be collected on three consecutive days during the two seasons identified above:

- Data should be collected on at least 3 consecutive days at three or four different time periods: 5AM, 12PM, 6PM, and 9PM. Note that parking demand at residential projects is highest at night (when everyone is home asleep); therefore, the nighttime and early morning counts are critical to the data collection.
- Number and location of legal on-street parking spaces (parking inventory) on each block.
- Any restrictions or requirements that apply to the on-street parking spaces, such as no parking signs, meters, or specific time restrictions.
- Number and location of parked vehicles on each block.

- Once occupied, the parking occupancy study will include an on-site component. Total on-site parking capacity (including covered parking stalls and guest parking) and total number of used and empty stalls should be collected.

Future changes in data collection methodologies and technologies may allow for more accurate, time efficient, and/or cost-efficient monitoring procedures than those outlined in this Plan. Alternative methods may be used with written approval of TOML Staff.

Conducting the Study

The project team should define a strategy for how the parking occupancy study is conducted. We have identified three options for implementing the proposed parking occupancy study.

- The developer can hire un-biased third-party consultant team to perform the study.
- The developer can administer funds for the Town to procure an unbiased third-party consultant team to perform the study.
- Developer and/or property manager can conduct the study.

The Town should have the discretion to request a parking occupancy study if residential conflicts arise prior to the post-occupancy counts as stated below.

Study Timeline

Pre-construction (baseline) counts: Conduct a parking demand survey on identified streets after the project's development application is approved and prior to start of project construction. This data will be crucial for understanding the existing parking demand of the area.

Post-occupancy counts: Conduct a parking demand survey on identified adjacent streets and an on-site survey. This study should be conducted 6-12 months after project is fully occupied or when the project is 85% to 95% occupied, whichever comes first.

Every Two-Years: Conduct a parking demand survey on identified adjacent streets and on-site every two years after reaching full-occupancy for a total of three occupancy studies. If the data does not reveal that parking demand exceeds parking supply within six years of full occupancy, the surveying can be discontinued.

If parking demand is found to exceed parking supply, the proposed parking management strategies should be applied. See **Table 1** for implementable strategies when parking supply exceeds demand. A second count should be conducted 8 weeks after the implementation of any new strategy.

The Town of Mammoth Lakes has no official threshold for parking spillover from a new development project to date. The following situations should be used as a framework for assessing the parking supply issue after a parking occupancy study is performed:

- Parking demand of new residents exceeds available spaces by more than 15% as collected during the parking occupancy surveys
- On-site parking occupancy is 85 percent or higher and on-street parking occupancy on nearby streets is 80 percent higher than baseline as collected during the parking demand surveys.

An additional occupancy study should be performed one year after issue is identified to test implemented management strategies.

Report findings: Study results should be submitted to TOML. Findings from study can be shared with Council through Staff, Developer, Property Manager, or hired consultant team.

Resident Survey

A resident survey should also be implemented to evaluate residential mode preferences, parking utilization, and effectiveness of the parking reduction strategies. Resident surveys should be performed in tandem with the bi-annual post-occupancy studies. Topics for questions should include vehicle ownership, travel pattern behavior, and overall resident parking satisfaction. First the survey can be administered virtually using an online survey platform. If participation is low, we encourage door-to-door solicitation of residents. The project team is encouraged to provide participants with an incentive (such as prizes, cash, etc.) to increase survey sample size. The Pacific Companies has an existing resident rewards program that will be implemented at the project and can be used for rewarding residents who participate in the survey.

FEHR PEERS

Memorandum

Date: December 17, 2021 (*revised 01-31-2022*)

To: Shellan Rodriguez, The Pacific Companies

From: Katy Cole and Angelica Rocha; Fehr & Peers

Subject: The Parcel Parking Management Plan: Background Data and Document Review

SD21-0421

The purpose of this memorandum is to determine if the proposed parking ratio for The Parcel (herein referred to as "the Project") is appropriate given research of other similar projects and compared to regulations allowed in other cities. This memorandum provides a summary of background data, parking research, and additional data to support the project team (The Pacific Companies and Town of Mammoth Lakes) in determining optimum parking supply for the project. We have provided a summary of industry trends related to parking for multi-family and affordable housing. In addition, we summarize findings from available parking survey research conducted on existing affordable housing units that suggest reduced parking ratios are warranted. Lastly, we provide a list of municipal codes parking requirements of similar jurisdictions to the Town of Mammoth Lakes ("TOML" or "the Town"). The findings presented will inform the development of parking demand reduction strategies and a parking monitoring program required as per the project's condition of approval.

Mobility Summary for the Proposed Project

The Parcel is a 25-acre undeveloped site on the west-end of Tavern Road between Manzanita Road, Center Street, and Laurel Mountain Road. The site has long been zoned for affordable housing and the proposed project is considered an urban-infill site according to Town standards.

The 2021 Parcel Master Plan was adopted by Town Council on December 9, 2020. The master plan includes the development of 580 permanently affordable housing units with a range of studio, 1-bedroom, 2-3 bedrooms, and 4+ bedrooms when complete. Phase I will include 81 units, with a unit mix of:

- 21 studios
- 18 1-bedrooms
- 21 2-bedrooms
- 21 3-bedroomroom.
- With eight to thirteen of Phase I's units reserved for formally homeless/people experiencing mental health issues.

The Town Council issued a condition of approval within Resolution NO. 21-10 for Phase I development which states:

> *Prior to the issuance of the first Certificate of Occupancy for a housing unit, the developer shall provide a parking management plan for final approval by the Town Council that demonstrates how alternative modes of transportation will reduce the parking needs for the project with consideration for the entire master planned area. Identified solutions shall be primarily derived from the Town's mobility planning efforts, including both accepted and adopted documents and should be in place prior to the issuance of the first Certificate of Occupancy. The parking management plan, that will be developed in coordination with the Town, should include clear metrics and triggers that allow additional parking to be provided for the project, with consideration for the master planned area, if the management plan does not achieve its goal.* [1]

The proposed parking supply included in the master plan is less than the existing municipal code requirements. This is because the master plan permitting process enables projects to be approved with specific project criteria and variance from zoning code standards, including reduced parking requirements. According to the Municipal Code Section 17.44.030, affordable housing projects may comply with residential housing type requirements or consistent with the State Density Bonus Law, if requested by applicant. The project provides 100% affordable housing, further being able to utilize the California Density Bonus status. Parking requirements for the master plan, TOML Municipal Code, and the California Density Bonus Law are summarized in **Table 1** below. Parking calculations in **Table 1** that resulted in a decimal number, (e.g., 10.5 spaces) were rounded up. This is widely accepted as a parking industry norm.

[1] Town of Mammoth Lakes, Resolution 21-10, Exhibit B (2021)

Table 1: The Parcel Phase 1 Parking Requirements

Type	Project Unit Mix	Master Plan Ratio[1]	Master Plan Requirement	TOML Code Ratio[2]	TOML Requirement	CA Density Bonus Maximum Ratio[3]	CA Density Bonus Minimum Ratio[3]
Studio	21	0.5 spaces	10.5 spaces	1 space	21 spaces	1 space	0 spaces
1-bedroom	18	1 space	18 spaces	1 space	18 spaces	1 space	0 spaces
2-bedroom	21	1.5 spaces	31.5 spaces	2 spaces	42 spaces	1.5 spaces	0 spaces
3-bedroom	21	1.5 spaces	31.5 spaces	2 spaces	42 spaces	1.5 spaces	0 spaces
Sub-total	**81 units**	**92 spaces**	**92 spaces**	**123 spaces**	**123 spaces**	**102 spaces**	**0 spaces**
Guest Parking	-	-	20 spaces*	2 spaces for each 4 units up to 12 units; 1 space for each 4 units for the 13th to the 48th units; 1 space for each additional 6 units above the 48th unit	18 spaces	Stated ratio is inclusive of disability and guest parking	Stated ratio is inclusive of disability and guest parking
Total Spaces Required	-	-	**112 spaces**	-	**141 spaces**	**102 spaces**	**0 spaces**

Notes: Data compiled by Fehr & Peers, 2021.
Sources:
[1] The 2021 Parcel Master Plan (2021)
[2] TOML Municipal Code Section 17.44.030 (2021)
[3] Goetz, Jon and Sakai, Tom (2021) Guide to the California Density Bonus Law
*The 2021 Parcel Master Plan does not require guest parking, however, a minimum of twenty (20) on-street parking spaces are required for Development Area 1.

The Phase 1 Project is planning to construct 94 parking spaces on site with an additional 26 spaces on street for a total of 120. This includes two more on-site parking spaces and six more on street parking spaces than required as per the master plan. Sixty-nine parking spaces will be covered parking on site. Covered parking has an additional benefit because during the winter spaces are still accessible as opposed to becoming snow storage.

The proposed parking supply is aligned with the Town's multi-modal goals and is supported by robust access to key destinations (such as shopping and recreation) through multi-modal

transportation opportunities. The Town's *Walk, Bike, Ride Action Plan* (2017) outlines a plan to promote multi-modal connections from the Town Center and calls for a shift in single occupancy vehicle use. The project site is in the Town Center's Parking Zone 1, the area with highest concentration of multi-modal amenities and mixed-use development (Municipal Code Section 17.44.030). See **Figure 1** for information on accessible amenities within a half-mile and one-mile distance from the site. The master plan requires construction of additional sheltered transit stops. The first will be constructed as part of Phase 1 development.

The Eastern Sierra Transit Authority operates free shuttles year-round that service the site. During the summer months, the site is served by both the Purple Line and Town Trolley. The site is served by the Red Line, Night Trolley, and Purple Line in the winter.

Purple Line Bus *is a year-round service that provides robust service throughout the Town.* The Purple Line operates seven days a week from 7:00 am to 6:00 pm with 30-minute frequencies. This route runs from Vons to The Village with stops by Mammoth Lakes Library, Cerro Coso Community College, the Hospital, the RV Park, and Mammoth Lakes Welcome Center.

Town Trolley operates a daily service from 9:00 am to 6:00 pm. The trolley operates on a 20-minute frequency from June to September and a 30-minute frequency operates from May to June and September to November. This Route goes from Canyon Blvd, across the Village to Lake Mary Road and Twin Lakes Loop.

Red Line Bus operates seven days a week from 7:00 am to 5:30 pm during the winter months of November to April. The bus travels via Old Mammoth Road and Main Street providing service between Snowcreek Athletic Club, The Village, and Mammoth Mountain Main Lodge. There are several transit stops accessible from the project site.

Evening and Late-Night Town Trolley operates seven nights a week from 5:40 pm to 2:00 am providing service from Canyon Lodge to The Village and through town along Main Street and Old Mammoth Road. The route operates on a 30-minute frequency. Return-only service available upon request after 10:00 pm to stops on Canyon Blvd, Lakeview Blvd, Meridian Blvd, and Juniper Springs Resort.

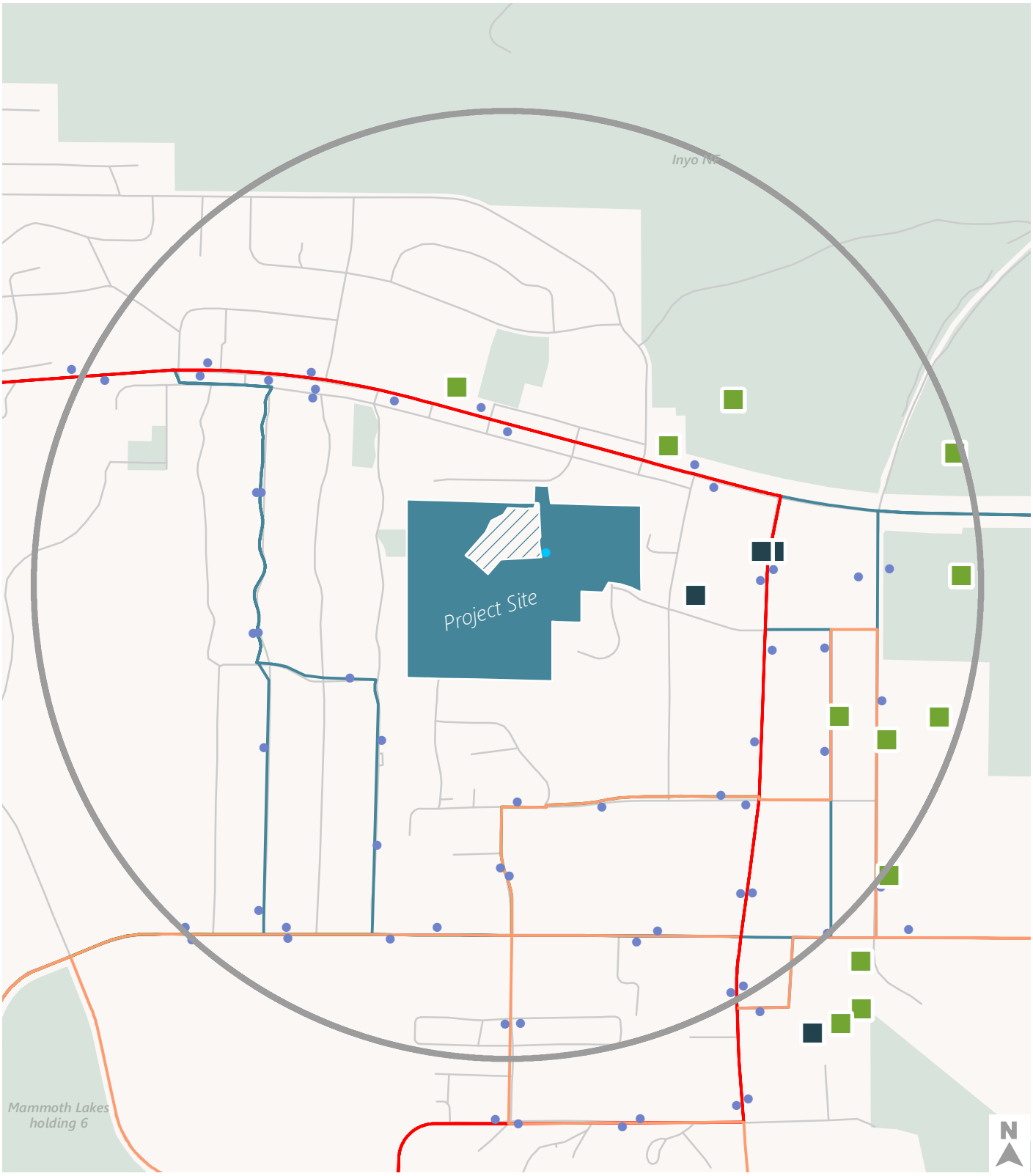


Figure 1

Amenities within Half-Mile Radius of Project Site

Housing Development Parking Trends

Multi-Family Housing

Parking trends in multi-family housing development projects are emerging across the country to support local housing and climate goals. Many municipal code parking requirements are not updated regularly and do not reflect current parking and transportation needs. Often, uniform parking requirements across a jurisdiction do not allow projects to take considerations for parking design and supply requirements if the project is located near ample services/destinations and there are alternative modes to access those services/destinations. Building excess parking can greatly increase cost of construction and result in a cost burden to the resident. Significant national discussion has led to growing trends in policy. These policies include:

- ***Reduced parking requirements –*** When a City or Town revises parking requirements included in zoning code for a particular project or certain geographic area. It is widely accepted that reducing parking minimums promotes affordable housing development.[2] In fact, there are over 200 cities across the nation who recently issued parking reforms to reduce minimum requirements to promote development.
- ***Unbundling parking from rent/unit cost*** – Recent California State Senate Bill No. 7 (SB-7) moved the state to require unbundled parking in some of the largest multifamily housing projects. [3] Unbundling the cost of parking from monthly rent is believed to reduce the per unit construction costs, reduce cost burden of non-vehicle owning households, and encourage residents to reduce car ownership. A study used to estimate the effect of unbundled residential parking found the odds of households with bundled parking living vehicle-free are 50–75 percent lower than the odds of households without bundled parking.[4]
- ***Parking in-lieu fees*** provide developers the option to pay a designated fee rather than provide some or all the required on-site parking spaces in the proposed projects zoning code. For example, the City of Chapel Hill requires no parking minimum on projects within the Town Center if the developer pays into the Town parking fund or presents an approved TDM plan.[5] The fund is often used for transportation related enhancements or beautification efforts.
- ***Active parking management*** focuses on performance and utilization of existing facilities to ensure parking supply meets the demand. South Lake Tahoe allows for a 20% reduction of required parking spaces for multi-family housing projects if the property has

[2] Remy, Moose, and Manley LLP, *More California Cities Eliminate Parking Minimums to Promote Low Carbon Transportation and Affordable Housing (2021)* https://www.rmmenvirolaw.com/more-california-cities-eliminate-parking-minimums-to-promote-low-carbon-transportation-and-affordable-housing/
[3] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB7
[4] Manville, Michael, (2017) Bundled parking and vehicle ownership: Evidence from the American Housing Survey.
[5]Chapel Hill, NC Code of Ordinances, Section 5.9.2
https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA_ART5DEDEST_5.9PALO

a deed restriction making the property owner responsible for parking management (e.g., tenant not parking on unpaved areas, not parking in front of dumpsters, not parking on neighboring properties).[6]

Affordable Housing

Lower parking minimums on affordable dwelling units is used as a mechanism to promote more affordable housing stock. The California State Density Bonus Law requires affordable housing to have lower ratios than traditional multi-family housing parking requirements. This program provides developers with the tools to increase density and provide less parking in exchange for providing affordable housing. Without such provisions, it is widely understood that developers are disincentivized to build affordable housing because it is not profitable. A building with structured parking is estimated to cost $50,000 per parking space.[7] Costs are expected to be 15-25% higher in Mammoth, due to labor, weather, and proximity to materials. A result that leads to developers charging more per unit or building less affordable housing.[8] In addition, low-income households have the lowest rate of single occupancy vehicle use and lower rates of vehicle ownership.[9] Reducing the minimum parking requirements for affordable housing can increase availability of affordable housing stock on the market.

Parking Supply Outcomes

It is important to note that providing insufficient or excessive parking both result in undesired outcomes. The project team aimed at achieving a ratio that provides a balance between excessive and reduced parking supply to ensure the project meets the needs of the future residents. Below is a summary of outcomes related to excessive or reduced parking supply.

Outcomes of Excessive Parking Supply

- Increased Vehicle Miles Traveled (VMT)
- Increased air pollution and associated noise
- Encourage car ownership
- More land area and costs tied up in parking, which is not the highest and best use of land
- Higher development costs and rents as parking costs typically passed on to tenants
- Discourages active transportation
- Counter to Town's "feet first" moto

[6] South Lake Tahoe, Title 6 Public Review Draft (August 2020) https://www.cityofslt.us/DocumentCenter/View/14529/SLTODDS_Chapter-675-Public-Review-Draft_20200903?bidId=
[7] Hoyt, Hannah and Schuetz, Jenny, (2020) *Parking requirements and foundations are driving up cost of multifamily housing*
[8] Lehe, Lewis (2018) Minimum parking requirements and housing affordability, Journal of Transport and Lang Use, Vol. 11 No. 1 pp. 1309-1321
[9] FHWA NHTS Brief (2014) *Mobility Challenges for Households in Poverty* https://nhts.ornl.gov/briefs/PovertyBrief.pdf

- Driver frustration across all roadway user types (residents, visitors, and workers)
- Exacerbated traffic congestion

Outcomes of Reduced Parking Supply

- Conflict with surrounding property owners
- Difficult to lease
- High vacancy or turnover, thus devaluing the asset
- Unnecessary vehicular circulation to look for parking
- Additional staff hours for enforcing parking standards
- Resident dissatisfaction

Available Reports and Studies

While our project team is not aware of any affordable housing parking studies conducted in context sensitive locations to the TOML, the following section summarizes useful data on the available parking study research. These studies are largely completed in dense, urbanized communities; however, they are useful demonstrations for understanding trends in parking for affordable housing projects.

Los Angeles

In 2015, Fehr & Peers conducted a parking study of forty-two 100% affordable units inside and outside Transit Priority Areas (TPAs) in the City of Los Angeles. The findings demonstrated that the parking demand ratio of each site were lower than the required minimum in the City of Los Angeles' Municipal Code. In addition, the parking demand for family affordable housing ranged from 0.82 to 0.85 spaces per unit. To provide context, a TPA is typically defined as an area serviced by a transit route with a frequency of 15-minutes or less. Since the TOML does not have a typical TPA, a useful comparison is with the data on affordable family housing outside of TPA's. In Los Angeles, affordable housing units outside a TPA have an average supply of 1.17 spaces per unit and a peak demand of 0.82 spaces.

Palo Alto

Fehr & Peers performed a study to provide the City of Palo Alto with parking demand data on varying types of multi-family housing developments, (e.g., market rate, affordable, and senior housing) at varying distances to transit. The parking demand rate of surveyed affordable housing units was approximately 0.55 spaces per bedroom and proximity to transit in some cases reduced the parking demand by approximately 25 percent.

San Diego

The City of San Diego conducted a parking study on twenty-one affordable housing sites in the City of San Diego in 2011. The study concluded that parking demand for affordable housing projects is about one half of typical rental units in San Diego and almost half of all units surveyed had no vehicle. Transit access ranged across the sample; however, parking demand was associated with larger unit size and higher income levels of affordability.

Context Sensitive Comparisons

The following section outlines municipal parking supply requirements for several jurisdictions of similar size and context to the TOML. This information is intended to support the approved deviation from Town's the existing municipal code. **Table 2** provides an overview of parking policy of multi-family housing and affordable housing (if provided). The list is comprised of nationwide mountain communities and small towns and cities. **Table 3** compares The Project to another affordable housing project in the TOML.

Table 2: Comparable Cities Municipal Parking Supply Requirements

Jurisdiction	Population	Minimum Parking Supply Requirement
Parcel Master Plan (Mammoth Lakes, CA)	n/a	0.5 spaces per studio, 1 space for 1 bedroom, 2 spaces for 2 and 3-bedroom (Requirements in The Parcel Master Plan, 2021).
South Lake Tahoe, CA	21,939	1 space per Studio or one-bedroom units and 2 spaces per two or more-bedroom units.[1]
Truckee, CA	16,474	1.5 spaces per 1 bedroom unit with 1 space per unit in a fully enclosed garage and 2 spaces per 2 or more bedrooms. [2]
Aspen, CO	7,431	1 space per Dwelling unit.[3]
Telluride, CO	1,965	1 space per dwelling unit. [4]
Ketchum. ID	2,855	0 spaces required for units <750 sq/ft, 1 space for units 751-2,000 sq/ft, and 2 spaces for units 2,001 sq/ft and above in the Community Core and Tourist Zone Districts. [5]
Sandpoint, ID	8,931	0 spaces required in Downtown Core, and 20% reduction to multi-family housing ratios for affordable housing development. Standard housing ratio includes 1 space for multi-family dwelling <1,200 sq/ft and 1.4 units for dwellings >1,200 sq/ft.10. [6]
Chapel Hill, NC	64,051	0 spaces required within Town Center Zone Districts. Maximums include 1 per Studio or 1-bedroom, 1 unit per 2-bedroom, 1.5 units per 3-bedroom.
Vinton, VA	8,104	0 spaces required in central business district. [7]

Notes: Data compiled by Fehr & Peers, 2021.
Sources:
[1] South Lake Tahoe, Title 6 Public Review Draft (August 2020)
[2] Truckee Municipal Code – Title 18, Development Code, Section18.48.040
[3] City of Aspen, Ordinance No. 13 (2019)
[4] Telluride, Municipal Code, Section 3-108
[5] Ketchum, Idaho Municipal Code, Section 17.125.040
[6] Sandpoint, Idaho Municipal Code, Title 9, Section 9-5-3
[7] Vinton, Virginia Municipal Code, Article 5, Division 6, Section 5-30

Another consideration further warranting The Project's lower number of parking spaces is the smaller unit mix. **Table 3** compares The Project to Aspen Village, another The Pacific Companies project. Smaller sized units lend themselves to less people per household and less parking spaces needed per unit.

Table 3: Affordable Housing Project Comparison

	Aspen Village[1]	The Parcel – Phase I[2]
Studio	0 units	21 units
1-bedroom	0 units	18 units
2-bedroom	24 units	21 units
3-bedroom	24 units	21 units
Total # of Units	48 units	82 units
Total # of Parking Spaces	74 spaces	112 spaces
Size of Site (aces)	4.87 acres	2.18 acres
Parking Ratio	1.5	1.4
Covered Parking	No	Yes

Notes: Data compiled by Fehr & Peers, 2021.
Sources:
[1] The Pacific Companies
[2] The 2021 Parcel Master Plan (2021)

Conclusion

After a careful review of the context, location, and project type, our research indicates that the proposed parking supply is consistent with parking experiences of similar uses in other communities in similar context. Research demonstrates a growing trend in providing developers a toolbox of strategies to reduce car dependency and the number of required parking spaces needed on a project. Over 200 jurisdictions have implemented some form of policy reform for providing a parking ratio like the proposed project. Therefore, we believe the project team has ample evidence to demonstrate the proposed parking supply will fit the needs of the community. The project team is encouraged to implement additional strategies for managing parking demand and encouraging alternative modes.

THE PACIFIC COMPANIES

April 18,2022

Community and Economic Development Departments
C/O Sandra Moberly
437 Old Mammoth Road, Suite Z
Mammoth Lakes, CA 93546

Re: The Parcel Parking Management Plan: Phase I Parking Management Strategies and Monitoring Plan ("The Plan")

Dear Sandra,

I am pleased to present the following memoranda prepared by Fehr and Peers Transportation Consultants in accordance with Condition of Approval #85 of Resolution NO. 21-10 for Phase I of The Parcel development, aka The Sawyer. This memorandum has been reviewed by staff at the Town of Mammoth Lakes as well.

This document was generated to satisfy the above-mentioned Condition of Approval but also in the spirit of partnership knowing the approved zoning allows less parking than is typically allowed in the Town. To this end, Pacific West Communities with assistance from third parties and our property manager is committed to implementing the monitoring and management activities described in the memorandum dated December 17, 2021, and revised January 27, 2022, as needed. In Table 1 of the attached items 1 - 5 are required by current zoning and are thus currently incorporated in the project plans. Items 6 - 9 will be incorporated in the operations of the development. In the event parking demand is found to exceed supply based on the metrics outlined within the Plan, items 10 - 14 will be considered and implemented as the project's operations and financing allows.

We look forward to continuing our collaborative relationship with the Town of Mammoth Lakes to provide quality affordable housing at The Parcel.

Sincerely,

Caleb Roope,
President & CEO

Ph: 208.461.0022 // Fax: 208.461.0033 // 430 E. State Street, Ste. 100 // Eagle, ID 83616 // www.tpchousing.com

TOWN COUNCIL STAFF REPORT

Title: Update on Community Recreation Center (CRC) Construction and Agreements with the Los Angeles Kings Hockey Club, L.P., and JV Ice PV, LLC.

Meeting Date: October 5, 2022

Prepared by: Stuart Brown, Parks and Recreation Director
Haislip Hayes, Public Works Director and Town Engineer

RECOMMENDATION:

1. Receive an update from staff on the construction of the Community Recreation Center (CRC) and planned completion date.
2. Receive an update on the Facility Branding and Use Agreement with the Los Angeles Kings Hockey Club, L.P., and a Consulting Agreement with JV Ice PV, LLC, for the ice rink planned to operate within the Community Recreation Center.

BACKGROUND:

On February 17, 2021, Town Council awarded the contract to build the new Community Recreation Center (CRC) at Mammoth Creek Park West to the lowest responsive bidder, Hamel Contracting Inc. The goal of the CRC is to create a recreation destination that encompasses a wide variety of complementary, high-quality, and affordable recreation activities all in one location, in the vibrant downtown area. The CRC is the major recreation amenity at Mammoth Creek Park that includes four complementary components: the CRC structure (described below), the natural play area, a National Demonstration Site 7,700 square foot inclusive playground, and the new mobility hub. The mobility hub incorporates a new parking lot that includes 118 vehicle spaces (42 existing spaces) with provisions for a bus shelter and expanded bike racks. ADA and clean air vehicle spaces will be provided and provisions for electric vehicle charging stations are also planned.

The Community Recreation Center (CRC) will be a Sprung Performance Arena enclosing an Olympic size ice rink that will operate in the winter, and in the summer months, the Olympic size rink will be transformed into a fully programmable and multi-use 20,000 square foot RecZone, serving as the base camp for the expanding Parks and Recreation Department summer camps and programs, delivering all recreation, all the time!

Combined with community-driven and professionally branded programming, the new Community Recreation Center operated by the Parks and Recreation Department will be a game-changer for recreation in Mammoth Lakes

ANALYSIS:

1. Community Recreation Center (CRC) Construction Update

Construction activity has increased in recent weeks with multiple trades working concurrently on the site. The Mobility Hub is tracking to be substantially complete in October. Staff will work with the Contractor to prioritize completion of the new parking lot to minimize impacts to the inclusive playground and other areas around the construction site. Staff will reopen the playground as soon as it is safe to do so.

The contract for construction ends on January 9, 2022 and the current contractor schedule will exceed this deadline. The project is scheduled to be completed and the final Certificate of Occupancy is scheduled by the contractor for February. Staff is up to date on the progress and acknowledges the schedule is very dynamic and subject to external influences and conditions. Staff and the Contractor meet weekly to review a three-week outlook and schedule and we are onsite daily to answer questions and facilitate communication where appropriate; however, the Contractor has complete control over the schedule and providing direction to all parties working on the job site.

The schedule may be affected by the Town's request to add additional scope to the project. The Town has dedicated additional financial resources to the project to construct bleachers, office, retail, and concession space. Staff and the Contractor are currently discussing scope, budget, and schedule for these elements. Staff provides weekly updates to the public on the project including narratives, photos, and schedule updates via email and Facebook (#crcupdates). If these additional elements result in an opening date beyond February 2023, staff will notify the public and our ice-skating community as soon as we have a firm date.

Because the CRC is scheduled to open well into the winter season, the Town will be re-opening the outdoor ice rink the day after Thanksgiving on Friday, November 25. As soon as the CRC is operational, the Town will transition recreation services to the CRC and scale down ice operations at the outdoor rink in preparation for a new 6-court pickleball facility, planned to open on Memorial Weekend, 2023. This will ensure that our community of ice skaters, figure skaters and curlers, and our many winter visitors looking to skate outdoors under lights, along with our expanding local youth/adult hockey programs can play hockey, and host regional tournaments/development camps this winter. The 2022/23 season schedule is posted on www.Mammothicerink.com.

2. Agreements with the Los Angeles Kings Hockey Club, L.P., and JV Ice PV, LLC.

The Town of Mammoth Lakes, Mammoth Lakes Tourism, and Mammoth Lakes Recreation have been engaged in conversations with the Los Angeles Kings since 2017, with the goal of establishing a valued, long-term, mutually beneficial partnership. After the culmination of several meetings and numerous facility tours, these efforts have resulted in a proposed multi-year partnership agreement that will leverage the LA Kings brand in Mammoth Lakes, provide specialized ice rink services to enhance the operational efficiency of the Facility, and bring professionally branded year-round programs, events, tournaments, and activities to the region.

The proposed partnership agreements align with the intent of the Parks and Recreation Department Sponsorship Policy and because the contract for professional services with JV Ice PV, LLC is under $50,000, it may be executed by the Town Manager. The intent of staff is to provide Council with a detailed overview of the content, context, and desired outcomes of the partnership Agreements.

The essence of the partnership includes: (i) Mammoth Lakes Tourism contracting with the Los Angeles Kings Hockey Club, L.P. (LAK), for certain sponsorship benefits at LA Kings home games at the Crypto.com arena, (ii) the Town contracting with JV Ice LV, LLC for consultant services at the Facility (ice rink), and (iii) the LA Kings making a donation to Mammoth Lakes Recreation (MLR) for the duration of the sponsorship term for certain branding recognition and usage rights at the Facility. It should be noted that the branding/naming recognition outlined in the Facility Branding and Use Agreement is specifically for the ice rink (Facility), not the entire Community Recreation Center (CRC).

This all-inclusive cooperative project to partner with a two-time Stanley Cup winning NHL Hockey Franchise in our core market of Los Angeles represents a significant and game-changing milestone for the community of Mammoth Lakes. The breadth of this collaborative partnership demonstrates that the community can do great things by working together for a common purpose to realize significant community benefit. The intent of this partnership is to leverage the power and influence of the LA Kings to energize and infuse a lifelong love of hockey in youth, adults, and the young at heart, and to expand the love of skating and ice sports in our community.

The partnership also brings the largest independent owner/operator of ice rink facilities in the United States to Mammoth Lakes (American Sports Entertainment Company). The professional consultant will provide specialized expertise, offer technical capabilities, and bring valued experience programming year-round multi-sport centers and ice rinks.

The Town of Mammoth Lakes, Mammoth Lakes Tourism, and Mammoth Lakes Recreation multi-year partnership proposal with the Los Angeles Kings includes three components:

A. Mammoth Lakes Tourism Corporate Sponsorship Agreement with the LA Kings
B. Town of Mammoth Lakes Consultant Agreement with JV Ice PV, LLC for Facility operations
C. LA Kings Facility Branding and Use Agreement with the Town of Mammoth Lakes - includes LA Kings donation to Mammoth Lakes Recreation for the Facility

A. Mammoth Lakes Tourism Corporate Sponsorship Agreement with the LA Kings

The 3-year Corporate Sponsorship Agreement with the LA Kings has been executed by Mammoth Lakes Tourism. For the term of the agreement, Mammoth Lakes Tourism receives certain sponsorship benefits at LA Kings home games at the Crypto.com arena. The value of this Sponsorship Agreement is $100,000 per year.

B. Facility Branding and Use Agreement

The 3-year Facility Branding and Use Agreement with the LA Kings provides certain branding recognition and usage rights at the Facility. The term of the Agreement is planned to commence on January 1, 2023 and continue through December 31, 2025. In consideration for the rights and benefits specified in the Agreement, the LA Kings will donate $75,000 each year to Mammoth Lakes Recreation (MLR), payable in a lump sum at specified and agreed upon times. The Town would then invoice MLR for the donated funds that will be transferred to the Community Recreation Center (CRC) annual operating budget.

The proposed 3-year Agreement includes the naming of the Facility (ice rink) operating within the Community Recreation Center (CRC) as the *"LA Kings Mammoth Lakes Ice Center."* Signage featuring the name of the Facility will be placed at locations at and around the CRC. Below is an example of the new name of the Facility (ice rink) and the placement of the sign on the outside of the CRC.



In addition to the interior/exterior signage of the "*LA Kings Mammoth Lakes Ice Center,*" the LA Kings logo will be placed at the center of the ice surface located in the Facility (ice rink). The design of the Center Ice Signage shall be similar to the example below.



Included in the Agreement is the right of the LA Kings to use the Facility (ice rink), subject to certain terms (Town and third-party entities have priority) for a discounted fee of twenty percent (20%) off the standard Facility (ice rink) use rates currently charged by the Town. And finally, the LA Kings will support efforts to use the Facility (ice rink) for LA Kings branded programming (e.g., Lil' Kings, LAK-branded youth and adult tournaments, development camps, high school hockey, and other similar events).

C. Consulting Agreement

The 3-year, Consultant Agreement with JV Ice PV, LLC (ASEC) provides year-round technical and operational consulting services for the Facility. The term begins when the Agreement is executed and ends on December 31, 2025, unless terminated earlier in accordance with the terms and conditions set forth in the Agreement. JV Ice PV, LLC is an LA Kings Partner experienced in the design, development, construction, management, operation, programming and supervision of ice skating and sports properties similar to the Facility.

The Agreement includes three phases of services provided by the Consultant. They are as follows:

Phase 1: Construction and Program Development
Phase 2: First Partial Year of Operations
Phase 3: Second and Third Full Year of Operations

Services are specified in detail in the Agreement, however, some of the deliverables include:

- Development of annual operating plans, guest service standards, and financial projections for the Facility
- Recruitment and training of Facility staff, utilizing JV Ice experience for ice and summer operations
- Identification and development of year-round Facility programming, in particular LA Kings and LA Galaxy branded programs
- Provide the Town with expertise to assist in negotiations of customer and service contracts, including but not limited to, special events, youth, junior and adult hockey programs, figure skating and curling clubs, concessions, equipment vendors (winter/summer), and LA Kings sponsors and supporters.
- During the first year the Facility is open to the public, perform one pre-opening and one semi-annual on-site inspection of the Facility and provide recommendations to enhance the operational efficiency of the Facility (staffing, planning, budgeting, general operations, ice maintenance, etc.).

The Town will pay the Consultant $50,000 each year for the term of the agreement. The addition and growth of specific LA Kings and other affiliated programs is anticipated to generate greater usage of the Facility (ice rink) and net the Town $25,000 of annual operational funds. The Town, working with Mammoth Lakes Tourism and Mammoth Lakes Recreation, believe the opportunity to leverage funding, professionally branded programming, and consultant expertise by partnering with the LA Kings will add substantial value to the community, our many visitors and the new CRC.

FINANCIAL CONSIDERATIONS:

The majority of funding for the 3-year Mammoth Lakes Tourism Corporate Sponsorship Agreement with the LA Kings was derived from Town Council Resolution No. 18-13. On March 7, 2018, Town Council authorized funding of $675,000 to Mammoth Lakes Tourism to be used exclusively for supporting a sponsorship program with the LA Kings. These funds were derived from Transient Occupancy Tax (TOT) revenues that exceeded the Town's FY 2018/19 budget. Funding for the 3-year, Consultant Agreement with JV Ice PV, LLC for the Facility (ice rink) is currently budgeted in the FY 2022/23 Community Recreation Center (CRC) expenditures (858-436). In addition, these contractual services are planned to be allocated in the FY 2023/24 and FY 2024/25 CRC budget. Additionally, this suite of agreements will net the Town $25,000 per year which will be used as operating funds for the CRC.

STAFFING CONSIDERATION:

Staff requirements to manage the LA Kings Facility Branding and Use Agreement and the relationship with the consultant JV Ice PV LLC., are incorporated in the annual Parks and Recreation Department financial budget, work program, and planned staff recruitments.

ENVIRONMENTAL CONSIDERATION:

On May 17, 2017, the Town Council certified the Final Environmental Impact Report (SCH#2016062009) for the Multi-Use Facility. All work proposed will be consistent with the mitigation and monitoring requirements of this document and no further environmental analysis is required.

LEGAL CONSIDERATION:

The Agreements have been reviewed by the Town Attorney; however, the Agreements have not been finalized by the respective entities and as such, were not included in this staff report. In lieu of the actual agreements, it was the intention of staff to provide Council with a detailed overview of the content, context, and desired outcomes of the partnership Agreements.

LA KINGS
MAMMOTH LAKES ICE CENTER
PARTNERSHIP AGREEMENTS



Community Recreation Center

The Community Recreation Center (CRC) will be a Sprung Performance Arena enclosing an Olympic size ice rink that will operate in the winter, and in the summer months, the rink will be transformed into a fully programmable and multi-use 20,000 square foot RecZone, serving as the new hub for the expanding Parks and Recreation Department summer camps and programs, **delivering all recreation, all the time!**

Combined with community-driven and professionally-branded programming, the new Community Recreation Center operated by the Parks and Recreation Department will be a **game-changer for recreation in Mammoth Lakes.**

Parks and Recreation Commission Goals for the CRC

- *To enhance the **quality of life** for residents of Mammoth Lakes.*
- *To provide complementary **multi-purpose**, **year-round**, **indoor** and outdoor recreation opportunities accessible to **all residents and visitors**.*
- *To create a venue that encourages and facilitates **community social interaction.***
- *To provide a **'recreation destination'** that the entire community of Mammoth Lakes will actively enjoy, value and ultimately be proud to call 'Our Park.'*
- *To provide **enhanced and innovative program offerings** that promote 'healthy and active' lifestyles for all ages.*
- *To continue to allow for the **passive enjoyment** of the park that includes walking paths, open space and access to Mammoth Creek Park.*

Partnership Goals

- Ensure the long-term success of the CRC by partnering with the **"best of the best"** and a partner that shares our passion for recreation, a love for ice sports and an unrelenting commitment for success.
- Deliver on the expectations of the community, council, commission, staff and the hundreds of people who advocated for the new recreation amenity by partnering with an NHL winning franchise - the LA Kings who can bring **enormous influence and brand familiarity to Mammoth Lakes**.
- Partner with a specialized ice rink and multi-sport facility consultant (ASEC) to provide professional expertise, technical knowledge and seasoned capabilities to **maximize operational and programming efficiencies**.
- **Leverage the power and influence of the LA Kings** to energize and infuse a lifelong love of hockey in youth, adults, and the young at heart, and to expand the love of skating and ice sports in our community.

LA KINGS®



- Founded: June 5, 1967
- Owner: **Anschutz Entertainment Group** (Philip Anschutz and Ed Roski)
- LA Kings are the 8th most valuable team in the NHL (Current value $1,025B)
- Home Rink: Crypto.com Arena (18,230)
- NHL Championships: 2 Stanley Cups (2011/12 & 2013/14)
- All-time Goals Leader: **Luc Robitaille**, 557 (current President & Hall of Fame)
- Most Points, Season: **Wayne Gretzky** (1988-89), 168 (Hall of Fame)
- Mascot: **Bailey**, 6-foot lion who wears No. 72 because it's the average temperature in Los Angeles.
- Facebook followers: **883,351**
- Major Sponsors:

PEPPERDINE UNIVERSITY · Spectrum · STAPLES · TOYOTA · YAAMAVA'

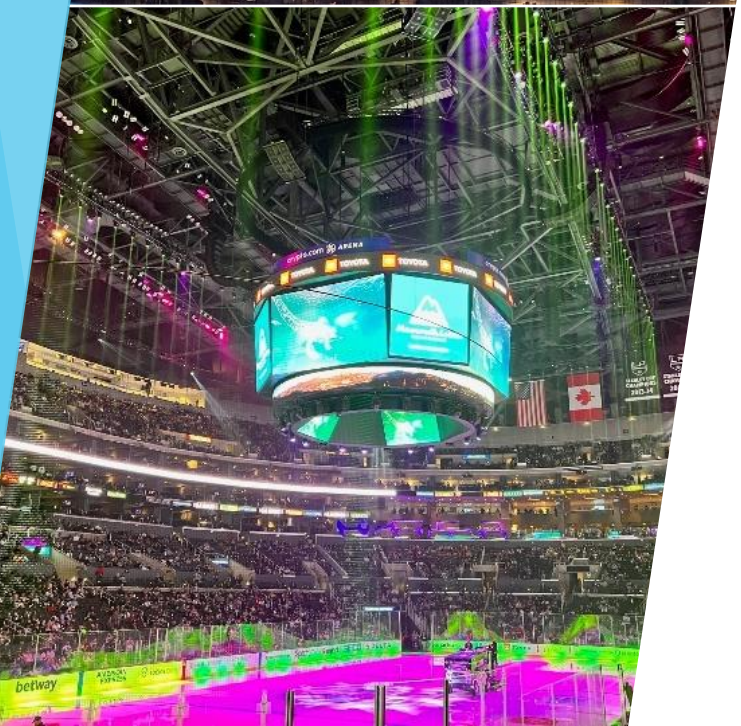
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Partnership Components

The Town of Mammoth Lakes, Mammoth Lakes Tourism, and Mammoth Lakes Recreation multi-year partnership proposal with the Los Angeles Kings includes three components:

1. Mammoth Lakes Tourism **Corporate Sponsorship Agreement** with the Los Angeles Kings
2. Los Angeles Kings **Facility Branding and Use Agreement** with the Town of Mammoth Lakes - includes donation to Mammoth Lakes Recreation for the Facility (paid to TOML)
3. Town of Mammoth Lakes **Consultant Agreement** with JV Ice PV, LLC (ASEC) for Facility operations and programming





Mammoth Lakes Tourism Sponsorship Agreement

- The 3-year Corporate Sponsorship Agreement with the LA Kings has been executed by Mammoth Lakes Tourism.
- Mammoth Lakes Tourism receives certain **sponsorship benefits** at LA Kings home games at the Crypto.com arena.
- **Includes:** Scoreboard Lower-Halo, LED ArenaMation, PA Announcements/Logo, FanFest Sponsor and Enter-to-win Sweepstakes.
- **"Official Partner of the Los Angeles Kings"**
- The value of this Sponsorship Agreement is **$100,000** per year

LA Kings Facility Branding and Use Agreement

- The 3-year Facility Branding and Use Agreement with the LA Kings provides certain **branding recognition and usage rights at the Facility.**
- The Agreement includes the naming of the Facility (ice rink) operating within the Community Recreation Center (CRC) as the ***LA Kings Mammoth Lakes Ice Center.***
- The term of the Agreement commences on **January 1, 2023 and continues through December 31, 2025.**
- LA Kings will donate **$75,000** each year to Mammoth Lakes Recreation (MLR).
- The Town would then invoice MLR for the donated funds that will be transferred to the Community Recreation Center (CRC) annual operating budget.

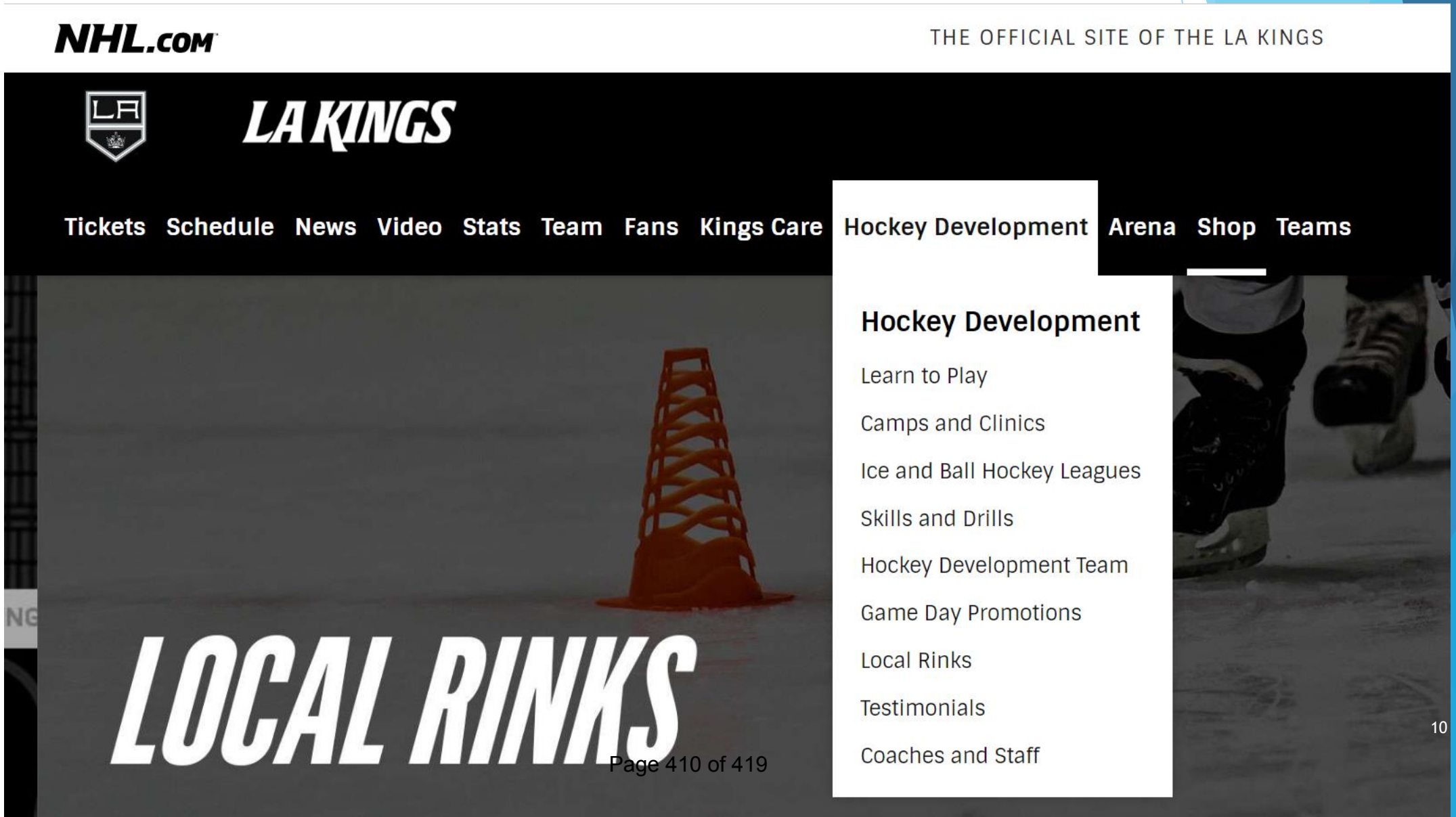


LA Kings Facility Branding and Use Agreement

- In addition to the exterior signage of the "***LA Kings Mammoth Lakes Ice Center,***" the LA Kings logo will be featured at the center of the ice rink.
- The branding recognition is specifically for the ice rink **not the entire Mammoth Lakes Community Recreation Center (CRC).**
- Included in the Agreement is the right of the LA Kings to use the Facility (Town and third-party entities have priority) for a **discounted fee of twenty percent (20%)** off the standard Facility use rates currently charged by the Town.
- The LA Kings will support efforts to use the Facility for **LA Kings branded programming.**

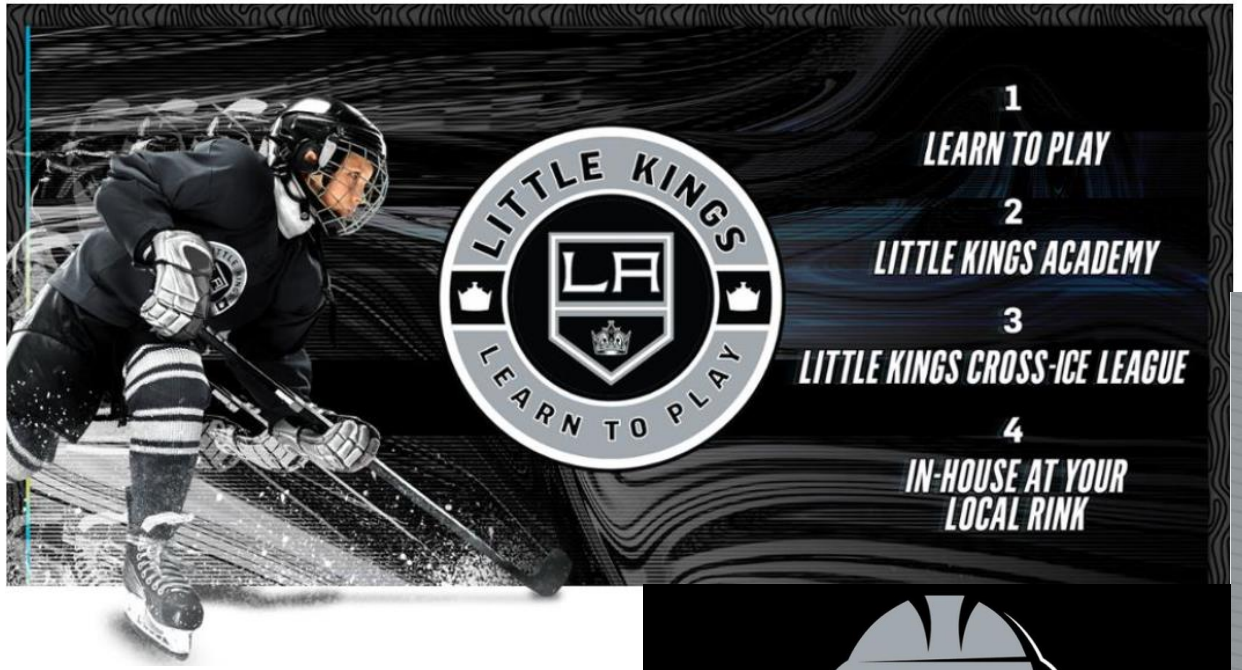


The Power of Partnerships



LOCAL RINK ALLIANCE

MAMMOTH LAKES ICE CENTER



LA KINGS | HIGH SCHOOL HOCKEY LEAGUE



LA LIONS
Presented by blue california

ADULT WORKSHOP WITH DARYL EVANS

Consulting Agreement

- The 3-year, Consultant Agreement with JV Ice PV, LLC (ASEC) provides year-round **technical and operational** consulting services for the Facility.
- The term begins when the Agreement is executed and ends on December 31, 2025.
- JV Ice PV, LLC (ASEC) is an LA Kings Partner experienced in the design, development, construction, management, operation, programming and supervision of **ice skating and sports properties** similar to the Facility.
- The Agreement includes **three phases of services** provided by the Consultant: (1) Construction and Program Development, (2) First Partial Year of Operations, and (3) Second and Third Full Year of Operations.
- The Town will pay the Consultant **$50,000** each year for the term of the agreement.
- The addition and growth of specific LA Kings and affiliated programming is anticipated to generate **greater usage of the Facility** and net the Town **$25,000** of annual operating funds.

Agreement Deliverables

- Provide consulting services and recommendations to the Town during the construction phase of the project to **maximize planned operational and programming efficiencies**;
- Assist Town in the development of annual detailed **operating plans**, **guest service standards** and **financial projections** for the Facility;
- Assist Town with the **continual recruitment and training of Facility staff** for ice and summer operations;
- Assist Town in the **development and scheduling of year-round Facility programming**, in particular LA Kings and LA Galaxy branded programs;
- Assist Town in the **negotiation of customer and service contracts**, including but not limited to, special events, youth, junior and adult hockey programs, figure skating and curling clubs, concessions, equipment vendors (winter/summer), and LA Kings sponsors and supporters; and
- During the first year the Facility is open to the public, perform one pre-opening and one semi-annual on-site inspection of the Facility and **provide recommendations to enhance the operational efficiency of the Facility** (staffing, planning, budgeting, general operations, ice maintenance, etc.).

American Sports Entertainment Company



LA Kings Ice at Pickwick Gardens
Burbank, CA



Toyota Sports Performance Center
El Segundo, CA



The Cube Ice and Entertainment Center
Valencia, CA



UCLA Health Training Center
El Segundo, CA



LA Kings Ice at Promenade on the Peninsula
Palos Verdes, CA

- American Sports Entertainment Company, LLC (ASEC) is the **largest independent owner/operator** of ice rink facilities in the United States.
- ASEC currently owns and operates 23 extraordinary facilities across the nation with top local brands including the **LA King's and Los Angeles Laker's storied training center.**
- Additionally, ASEC also owns and operates unique multi-sport centers, which include North Carolina's acclaimed **MVP Sports at the Factory** as well as the **LA Galaxy Soccer Center.**

Partnership Value

The Town, working with Mammoth Lakes Tourism and Mammoth Lakes Recreation believe the opportunity to **leverage funding** by partnering with the LA Kings - a **winning NHL Hockey Franchise** that brings community-driven and **professionally branded programming** to Mammoth Lakes, along with consultant services from the **largest independent owner/operator** of ice rink facilities in the United States will add **substantial value** to the community, our many visitors, and the **future success** of the Community Recreation Center.



Questions?


TOWN OF MAMMOTH LAKES COMMUNITY RECREATION CENTER
MAMMOTH LAKES ICE CENTER
Opening this winter…

Agenda Item _____

File No. _____

AGENDA BILL

Subject: Councilmember Reports
Initiated by: Jamie Gray

BACKGROUND:
Each member of the Town Council is appointed to serve as a Town representative to a number of committees, commissions, and organizations. These groups meet infrequently and from time to time the representatives will report to the rest of the Council at a regularly scheduled meeting.

In addition, Councilmembers on occasion participate in meetings, conferences and seminars, and their reports on these educational opportunities are of benefit to the rest of the Council.

ANALYSIS/DISCUSSION:
California Government Code requirements pertaining to the open meeting act stipulate that all items for discussion must be listed on the agenda before the matter can be discussed and/or acted upon. To meet this requirement, and the intent of the Brown Act, Councilmember Reports are listed on each agenda to allow representatives to report to the rest of the Council at these meetings.

The following is a list of the commission/committees on which members of the Council serve:

Land Use:
Local Agency Formation Commission (LAFCO) – Rea, Stapp, and Salcido as alternate
Airport Land Use Commission – Stapp and Rea
Mono County Collaborative Planning Team (CPT) – Salcido and Rea as alternate

Intergovernmental Relations:
Town and County Liaison Committee – Stapp, Salcido, and Town Manager and Rea as alternate
Desert Mountain Division of the League of California Cities – Sauser and Town Manager as alternate
Eastern Sierra Council of Governments (ESCOG) – Salcido, Wentworth, and Sauser as alternate
Great Basin Unified Air Pollution Control District – Wentworth and Stapp as alternate

League of California Cities City Voting Delegate – Sauser and the Town Manager as the alternate
California Joint Powers Insurance Authority Board – Rea and Assistant to the Town Manager as alternate

Transportation:
Local Transportation Commission (LTC) – Wentworth, Sauser, and Jennifer Burrows; Town Manager as alternate
Eastern Sierra Transit Authority (ESTA) Board – Stapp and Sauser

Local Issues:
Mammoth Lakes Tourism (MLT) Board – Sauser
Mammoth Lakes Recreation (MLR) Board – Rea
Mammoth Lakes Housing (MLH) Board – Stapp
Treasury Oversight Committee – Stapp; Town Manager and Finance Director as alternates

LEGAL CONSIDERATIONS:
According to the California Open Meeting Act, commonly referred to as the Brown Act, the agenda must reflect every matter to be discussed by a governing body.

RECOMMENDATION(S):
This agenda bill is submitted for information only.