

Attachment 1

Resolution 16-__

Resolution Adopting the
Addendum to the Clearwater Specific Plan

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RESOLUTION NO. 2016-__

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, MAKING
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS, AND
ADOPTING THE ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT**

WHEREAS, the property owner, Metric Mammoth, LLC, has requested approval of the Old Mammoth Place Amendment project (“Project”) and adoption of the Addendum to the Clearwater Specific Plan Environmental Impact Report (EIR), which was prepared to analyze the changes to the approved project; and

WHEREAS, the Addendum to the Clearwater Specific Plan EIR (State Clearinghouse No. 2006062154) was prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq, and State Guidelines for the Implementation of CEQA, California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq. (the “State CEQA Guidelines”); and

WHEREAS, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on June 15, 2016, at which times 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 June 15, 2016 and adopted Resolution No. PEDC 2016-11 recommending adoption of the Addendum to the Clearwater Specific Plan Environmental Impact Report (EIR) and approval of the Old Mammoth Place Amendment Project to the Town Council, with conditions; and

WHEREAS, the Planning and Economic Development Commission considered, without limitation, the staff report to the Planning and Economic Development Commission with all attachments and exhibits, the 2007 General Plan, the Clearwater Specific Plan, the North Old Mammoth Road District Special Study, oral and written evidence submitted at the hearing, the Addendum to the Clearwater Specific Plan EIR along with the Clearwater Specific Plan EIR, and all other items listed in Planning and Economic Development Commission Resolution 2016-11; and

WHEREAS, the Town Council conducted a noticed public hearing on the application request on July 20, 2016, at which time all those desiring to be heard were heard; and

WHEREAS, following the receipt of all oral and written testimony, the Town Council closed the public hearing on the application on July 20, 2016; and

WHEREAS, the Town Council considered, without limitation, the staff report dated July 20, 2016 with all attachments and exhibits to the Town Council, including the Addendum to the Clearwater Specific Plan EIR attached hereto as Exhibit “A”, and all oral and written testimony; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mammoth Lakes, California, as follows:

1. That the Town Council finds the above recitations are 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), the Town Council has reviewed and hereby adopts the findings contained in Exhibit "B" attached hereto.
4. 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 R, Mammoth Lakes, California 93546 and Jamie Gray, Town Clerk, is hereby designated as the custodian of these records.

APPROVED AND ADOPTED THIS 20th day of July, 2016

SHIELDS RICHARDSON, Mayor

ATTEST:

JAMIE GRAY, Town Clerk

EXHIBIT "A"
Resolution No. TC-16-__

**ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT**

(STATES CLEARINGHOUSE NO. 2006062154)

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**ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT**

Old Mammoth Place

June 1, 2016



Lead Agency:

Town of Mammoth Lakes
437 Old Mammoth Road
Mammoth Lakes, CA 93546
Contact: Ms. Sandra Moberly, AICP
Community & Economic Development Manager
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This document is designed for double-sided printing to conserve natural resources.



TABLE OF CONTENTS

1.0	Introduction	1
1.1	Project Location and Existing Conditions	1
1.2	Previous Environmental Document	4
2.0	Description of Project Modifications.....	9
2.1	Addendum's Purpose and Need	9
2.2	Location of Project Modifications.....	10
2.3	Components of Project Modifications.....	10
3.0	Environmental Assessment.....	17
3.1	Land Use	17
3.2	Aesthetics/Light and Glare	19
3.3	Traffic and Circulation	29
3.4	Air Quality	31
3.5	Noise	33
3.6	Utilities and Service Systems	34
4.0	Determination/Addendum Conclusion.....	37
5.0	Addendum Preparation Sources/References	39



LIST OF EXHIBITS

Exhibit 1-1	Regional Vicinity	2
Exhibit 1-2	Site Vicinity	3
Exhibit 1-3	Final EIR Site Plan.....	5
Exhibit 1-4	Approved CUP Conceptual Plan	7
Exhibit 2-1	Proposed Conceptual Plan (Revised Project)	11
Exhibit 2-2	Building Zones	14
Exhibit 3.2-1	Existing Condition Photographs	20
Exhibit 3.2-2	Viewpoint 1 (Looking North Along Old Mammoth Road)	21
Exhibit 3.2-3	Viewpoint 2 (Looking South Along Old Mammoth Road).....	22
Exhibit 3.2-4	Viewpoint 3 (Looking South Along Laurel Mountain Road).....	23
Exhibit 3.2-5	Shade and Shadow Diagrams.....	25

LIST OF TABLES

Table 2-1	Development Scenario Comparison.....	12
Table 2-2	Specific Plan Building Height Amendments.....	15



1.0 INTRODUCTION

The proposed project is located within an area covered by The Clearwater Specific Plan (Specific Plan). The Specific Plan was adopted by the Town on January 21, 2009, for the development of a new, pedestrian oriented, mixed-use, resort destination development (herein referenced as the "Specific Plan Development Scenario") located in the North Old Mammoth Road District of the Town. The Town, as the Lead Agency under the California Environmental Quality Act (CEQA), determined that an Environmental Impact Report (EIR) was required for the Specific Plan prior to adoption.

Following approval of the Specific Plan and Specific Plan Final EIR, a Conditional Use Permit (CUP) was approved by the Town for the project site on March 10, 2010. As part of this process, the Town of Mammoth Lakes, Community Development Department, prepared a CEQA Conformance Analysis to confirm the proposed CUP was consistent with what was analyzed as part of the Final EIR. The approved CUP (Old Mammoth Place) included Use Permit Application (UPA) 09-003 and Vesting Tentative Tract Map (VTTM) 09-003 (herein referenced as the "Approved CUP Project").

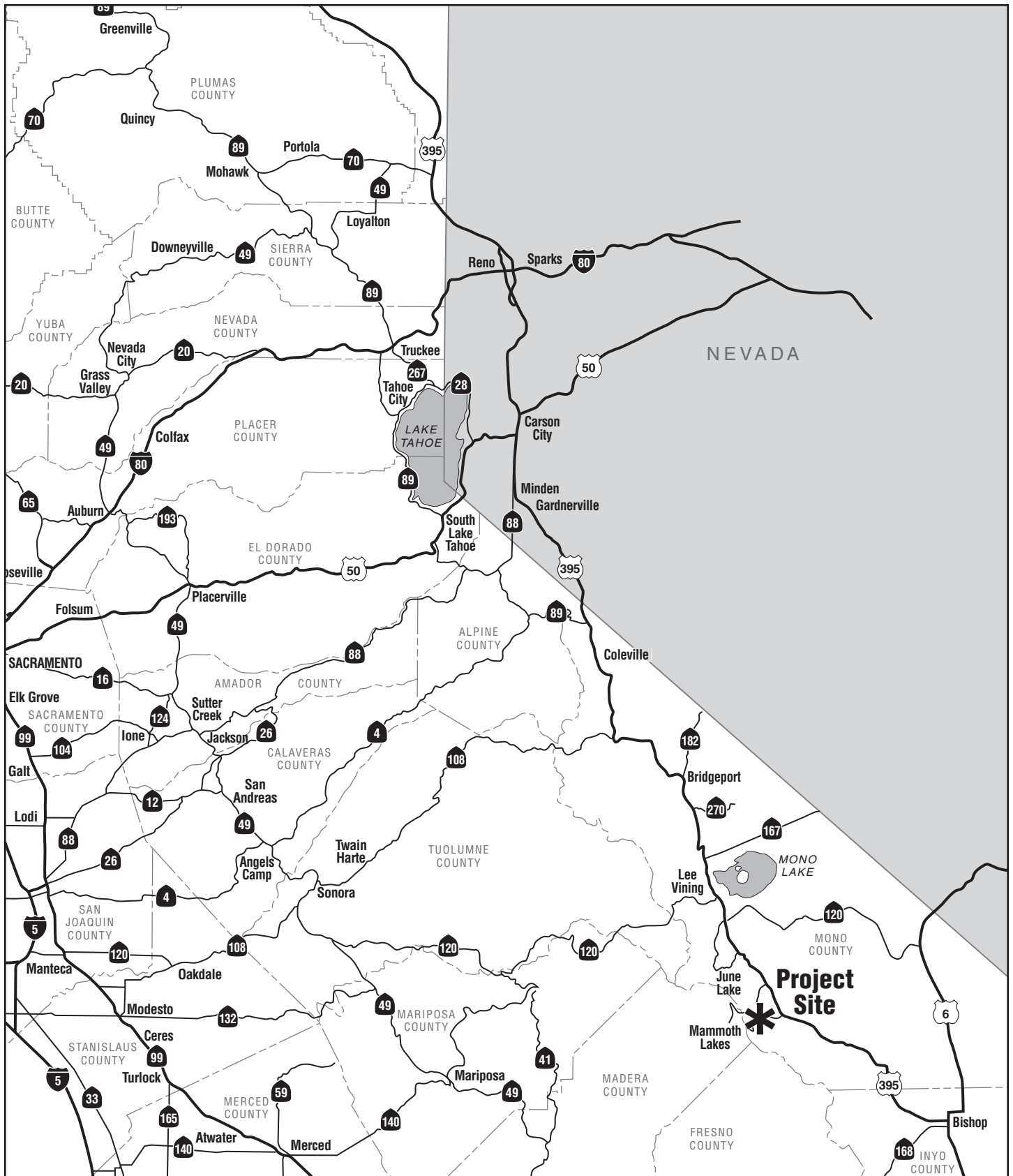
The Approved CUP Project was not constructed, and the Applicant has requested approval of modifications to the Approved CUP Project (proposed project modifications). These changes are the subject of this Addendum to The Clearwater Specific Plan EIR.

1.1 PROJECT LOCATION AND EXISTING CONDITIONS

The Town of Mammoth Lakes (Town) is located in the eastern portion of the Sierra Nevada Range, within southwestern Mono County, California; refer to Exhibit 1-1, Regional Vicinity. Regional access to the Town is provided via U.S. Highway 395, which is approximately three miles east of the Town. The Town is served primarily by State Route 203, which acts as a connector to U.S. 395.

The approximate 6.1-acre site is located to the west of Old Mammoth Road and is surrounded on the remaining three sides by Sierra Nevada Road to the south, Laurel Mountain Road to the west, and the Mammoth Mall and Krystal Villa East condominiums to the north; refer to Exhibit 1-2, Site Vicinity.

The site is currently developed with commercial uses, which include the Sierra Nevada Resort and Spa, Frosty's Mini Golf, Rafters Restaurant and Lounge, and a second restaurant building occupied by Red Lantern (downstairs) and Jimmy's Taverna (upstairs). The Sierra Nevada Resort and Spa is an L-shaped building situated at the northwest corner of the project site.



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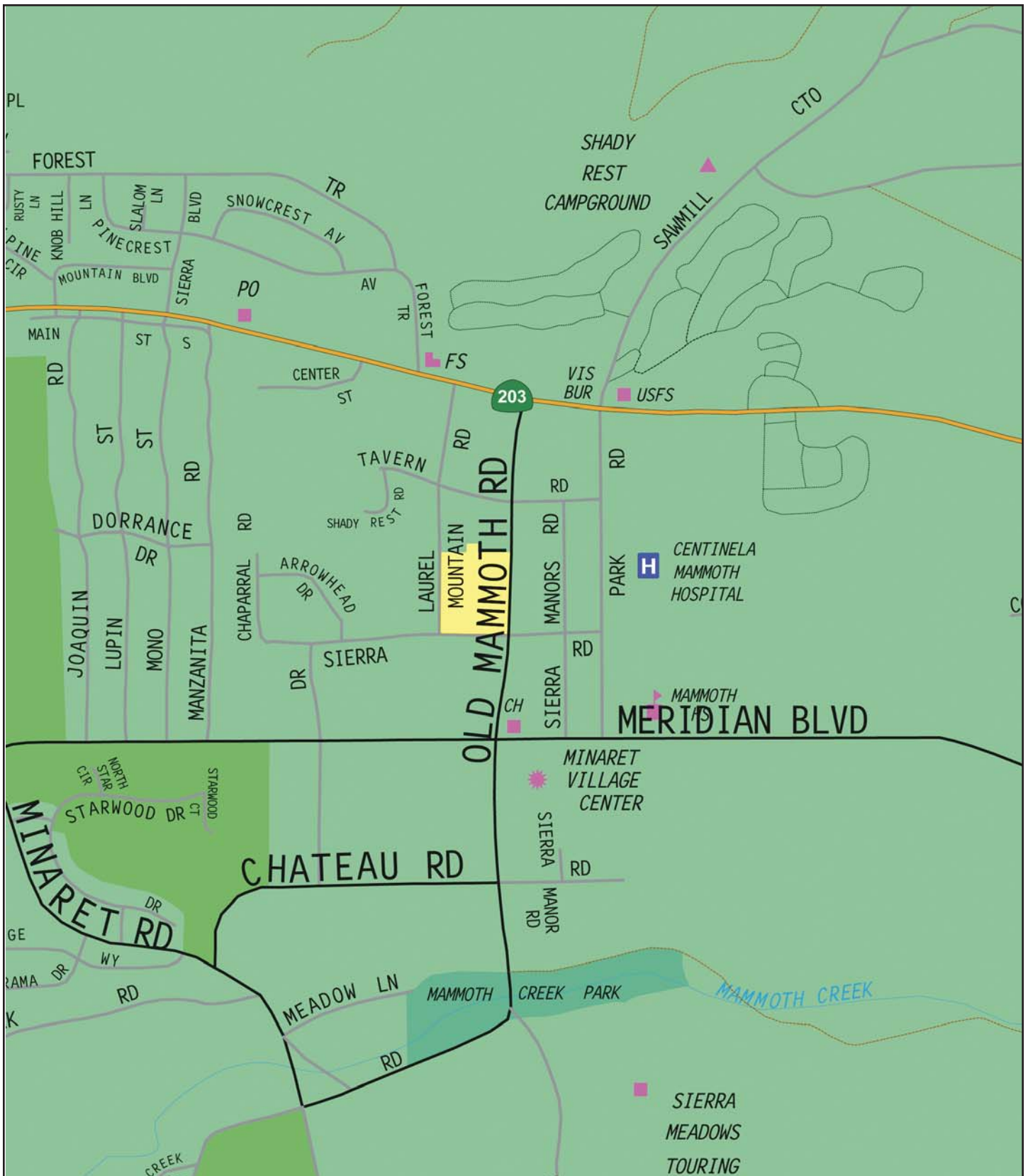
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OLD MAMMOTH PLACE AMENDMENT
ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT
Regional Vicinity

Exhibit 1-1



Source: Thomas Brothers Maps, 2007.

- Project Site

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ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT

Site Vicinity

Exhibit 1-2



Additionally, four detached buildings that are owned and used by the hotel are located along the eastern side of the hotel's main building and along the northern property line. Rafters Restaurant and Lounge, which reopened in December 2009 after being vacant for several years, is located at the central east side of the site. Red Lantern (opened November 2011) and Jimmy's Taverna (opened December 2012), are located within a two-story wood building at the southeastern corner of the site. With recent renovations of the project site, existing vegetation has been reduced from 48 trees to 33 trees on-site. The remainder of the site consists of a private playground and surface parking lots.

To the east of the project site, across Old Mammoth Road, is the Sierra Manor condominium project (zoning designation of Old Mammoth Road [OMR]). To the south, across Sierra Nevada Road, is the Sierra Park Villas condominiums (zoning designation of Residential Multi-Family [RMF-2]). Across Laurel Mountain Road to the west is the Laurel Mountain Professional Center, an unnamed apartment building, and the Sierra Park Apartments (zoning designation of OMR). To the north of the site, are the Krystal Villa East condominiums (zoning designation of OMR) and the Mammoth Mall (zoning designation of Downtown [D]), which houses business offices and retail establishments.

1.2 PREVIOUS ENVIRONMENTAL DOCUMENT

The Clearwater Specific Plan was adopted by the Town on January 21, 2009, for the development of a new, pedestrian oriented, mixed-use resort destination development located in the North Old Mammoth Road District of the Town. The Town, as the Lead Agency under the CEQA, determined that an EIR was required for the Specific Plan prior to adoption. The EIR was prepared in conformance with CEQA (California Public Resources Code [PRC] Section 21000 et seq.); CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.); and the rules, regulations, and procedures for implementation of CEQA, as adopted by the Town. The purpose of the EIR was to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to reduce potentially significant effects of the Specific Plan.

The Draft Environmental Impact Report (Draft EIR) for the proposed Specific Plan was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft EIR (SCH# 2006062154) was made available for public review and comment for a period of 45 days. The public review period for the Draft EIR established by the CEQA Guidelines commenced on December 15, 2006, and ended January 29, 2007. A public scoping meeting for the Draft EIR was held on January 24, 2007, at the Town Council Chambers, in order to gather information on concerns and issues that the general public may have regarding the Specific Plan and Draft EIR.

The Draft EIR focused primarily on changes in the environment that would result from the Specific Plan. The Draft EIR identified potential impacts that would result from the construction and operation of the Specific Plan and provided measures to mitigate potential significant impacts. Those impacts that cannot be mitigated to less than significant levels were also identified.

After publication of the Draft EIR, the project Applicant submitted modifications to the project, which were reflected in the Final EIR. The project proposed as part of the Final EIR considered a 308-unit (480 room) condominium hotel with 18,000 square feet of retail and restaurant commercial uses and 11,900 square feet of recreation uses and ranged in height from 35-65 feet. The condominium hotel also included 32 dwelling units for workforce housing and 8,000 square feet for conference space; refer to Exhibit 1-3, Final EIR Site Plan.



Source: The Landau Partnership; June 20, 2008.

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OLD MAMMOTH PLACE AMENDMENT
ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT

Final EIR Site Plan

Exhibit 1-3



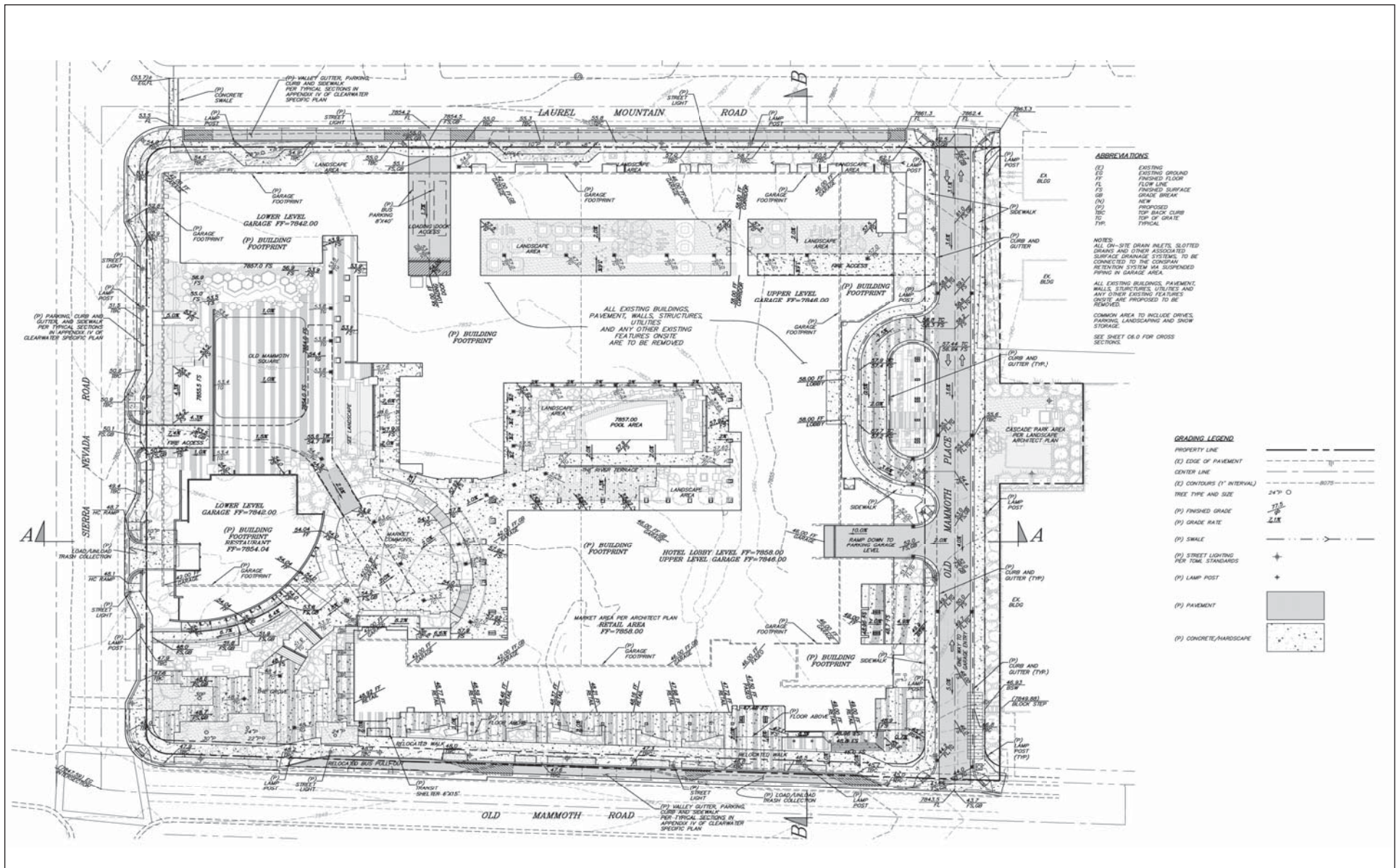
Final EIR Section 2.0, *Revisions to Information Presented in the Draft EIR*, documented these project changes prior to certification of the Final EIR. Per this analysis, these revisions did not change the conclusions presented in the December 2006 Draft EIR. The revised Final EIR development scenario was determined to not create any new significant impacts or create the need for additional mitigation. On January 7, 2009, the Town Council adopted the Final Clearwater Specific Plan and certified the Final EIR.

Following approval of the Final EIR, a Conditional Use Permit (CUP) was approved by the Town on March 10, 2010. The Approved CUP included a 332-unit (488 room) condominium hotel with 36,964 square feet of retail and restaurant commercial uses and 75,425 square feet of recreation uses. The condominium hotel also included 8 dwelling units for workforce housing and 9,582 square feet for conference space; refer to Exhibit 1-4, *Approved CUP Conceptual Plan*, which illustrates the Approved CUP (Old Mammoth Place) site plan. Prior to approval of the CUP, the Town underwent a CEQA Conformance Review in February 2010 in order to verify if the proposed CUP was consistent with the analysis presented in the Final EIR, or if additional CEQA Clearance Documentation was necessary.

Based on the findings presented in the CEQA Conformance Review, the CUP project would not result in substantial changes compared to the development scenario analyzed in the Clearwater Specific Plan Final EIR. Therefore, no new environmental impacts would result, and no new mitigation measures were necessary. The CUP project proposed only minor differences compared to the Final EIR. Further, the proposed amendment to the Specific Plan only included minor administrative changes in order to clarify definitions presented in the Specific Plan. The CEQA Conformance Review determined that project would result in similar impacts to land use and relevant planning, aesthetics/light and glare, traffic and circulation, air quality, noise, utilities service systems, as well as long-term implications. Mitigation measures recommended within the CEQA Conformance Review are the same as those presented in the Final EIR.

Since this time, the Applicant has proposed an amendment to the Approved CUP (the subject of this Addendum), which requires discretionary action by the Town of Mammoth Lakes. Based on the proposed changes, amendments to the Specific Plan, including increased allowed building height and removal of on-site workforce housing, are proposed as part of these project modifications. As such, the Town of Mammoth Lakes has determined that an Addendum to the Final EIR is required.

For the purposes of the analysis in this Addendum, the proposed project modifications (the proposed amendment to the CUP) are compared to the certified Final EIR development scenario.



Source: Triad/Holmes Associates, February 2, 2010.

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OLD MAMMOTH PLACE AMENDMENT
ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT

Approved CUP Conceptual Plan

Exhibit 1-4



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2.0 DESCRIPTION OF PROJECT MODIFICATIONS

2.1 ADDENDUM'S PURPOSE AND NEED

When an EIR has been certified or a negative declaration adopted for a project, no subsequent or supplemental environmental review documentation shall be required unless one or more of the following events occurs:

- 1) Substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

When none of the above events has occurred, yet minor technical changes or additions to the previously adopted EIR or negative declaration are necessary, an addendum may be prepared (State CEQA Guidelines Section 15164[b]).

As discussed below, none of the conditions described in State CEQA Guidelines Section 15162 calling for preparation of subsequent environmental review have occurred. This Addendum supports the conclusion that the proposed project modifications are minor technical changes that do not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In addition, as discussed below, the proposed project modifications would not result in any new or substantially increased significant environmental impacts, no new mitigation measures, or no new alternatives that would substantially reduce



significant impacts. As a result, an addendum is an appropriate CEQA document for analysis and consideration of the proposed project modifications.

Circulation of an addendum for public review is not necessary (State CEQA Guidelines Section 15164, subdivision (c)); however, the addendum must be considered in conjunction with the adopted Final EIR by the decision-making body (State CEQA Guidelines Section 15164, subdivision (d)).

2.2 LOCATION OF PROJECT MODIFICATIONS

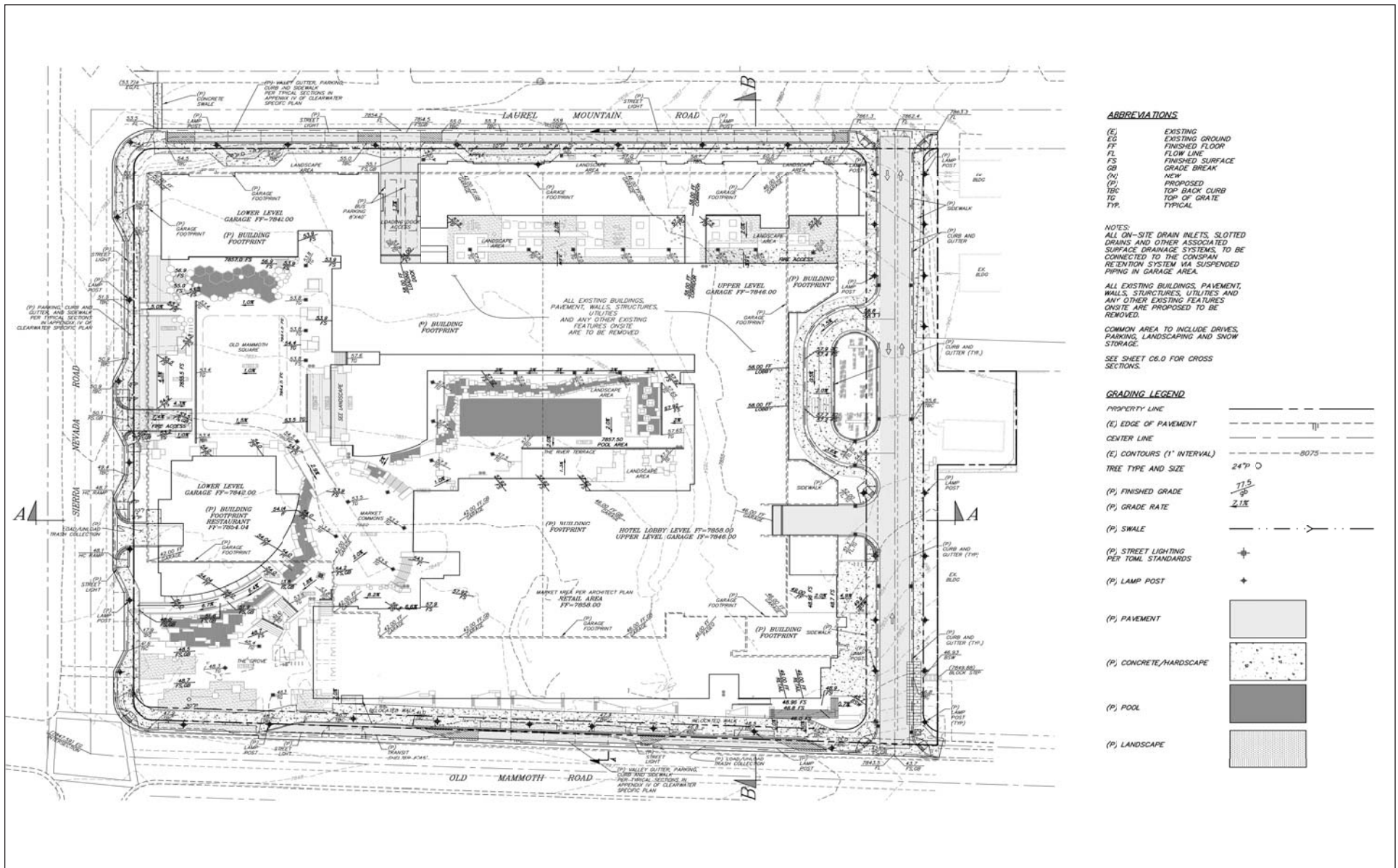
The proposed project modifications would apply to the same 6.1-acre project site identified and described in the Final EIR and Approved CUP Project. The project site is comprised of three parcels located at 164, 202, and 248 Old Mammoth Road, at the northwest corner of Old Mammoth Road and Sierra Nevada Road, in Mammoth Lakes, California.

2.3 COMPONENTS OF PROJECT MODIFICATIONS

The Old Mammoth Place CUP was approved by the Town on March 10, 2010. Recently the Applicant has submitted an application to amend the CUP (the subject of this Addendum). The proposed site plan modifications to the Approved CUP Project are depicted on Exhibit 2-1, Proposed Conceptual Plan (Revised Project).

The proposed project modifications are identical to the Final EIR development scenario in the following respects:

- Acreage for the development would remain unchanged (6.1 acres).
- The proposed modifications would result in similar building setbacks.
- The proposed modifications would not alter the approved site access and circulation. This includes the new interior east-west access road (Old Mammoth Place); loading/unloading driveway along Laurel Mountain Road; and multiple public pedestrian connections that would access the site from the north (along Old Mammoth Place), east (from Old Mammoth Road), and south (from Sierra Nevada Road).
- Landscaping design would be similar to what was proposed in the Final EIR development scenario. Coniferous trees would include Red Fir (*Abies magnifica*), Jeffrey Pine (*Pinus jeffrey*), Lodgepole Pine (*Pinus contorta*), and Mountain Hemlock (*Tsuga mertensiana*). Deciduous trees would include Mountain Maple (*Acer glabrum*), Box Elder (*Acer negundo*), and Mountain Alder (*Alnus tenuifolia*). Accent trees would include Western Water Birch (*Betula occidentalis*), Quaking Aspen (*Populus tremuloides*), and Western Chokecherry (*Prunus virginiana demissa*). Decomposed granite and turf would also be planted on-site.



Source: Triad/Holmes Associates, April 8, 2016.

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OLD MAMMOTH PLACE AMENDMENT
ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT

Proposed Conceptual Plan (Revised Project)

Exhibit 2-1



- Construction phasing would be similar to what was proposed in the Final EIR development scenario.
- With the exception of minor design changes, the street frontage along Old Mammoth Road would remain largely unchanged.

The proposed project modifications materially differ to the Final EIR development scenario in the following respects:

- The modifications would increase the total rooms by 8 rooms, remove the on-site workforce housing units, increase the total square footage of restaurant and retail uses on-site by 19,208 square feet, conference space on-site by 6,351 square feet, and recreational uses on-site by 51,297 square feet. Refer to Table 2-1, Development Scenario Comparison, for a comparison of the development scenarios discussed in the Final EIR and the proposed project modifications.

Table 2-1
Development Scenario Comparison

Proposed Land Use	Development Scenario	
	Specific Plan Final EIR	Proposed Project Modifications
Residential Medium Density (MF) – Seasonal Condominiums	308 units (480 rooms)	343 units (488 rooms)
Residential Medium Density (MF) – Year Round (Employee Housing)	32 units	0 units
Restaurant	5,000 s.f.	16,328 s.f.
Retail	13,000 s.f.	20,880 s.f.
Recreation	11,900 s.f.	63,197 s.f.
Conference	8,000 s.f.	14,351 s.f.
Notes: 1. s.f. = square feet 2. Per Specific Plan Appendix 1 (Glossary of Terms), each bedroom is counted as a room.		

- The proposed modifications would result in the following changes to the square footages of the uses:
 - Increase the restaurant area from 5,000 square feet to 16,328 square feet; an increase of 11,328 square feet.
 - Increase the retail area from 13,000 square feet to 20,880 square feet; an increase of 7,880 square feet.
 - Add a spa and wellness center (5,473 square feet) as part of the proposed hotel uses.
 - Increase the conference and banquet facility space from 8,000 square feet to 14,351 square feet; an increase of 6,351 square feet.



- Increase the recreational uses at the project site from 11,900 square feet to 63,197 square feet, an increase of 51,297 square feet.
- The Final EIR development scenario included 32 workforce housing units that would be located along Old Mammoth Road. The proposed modifications would eliminate the on-site workforce housing and instead, allow the developer to mitigate housing by applying the Town's current Housing Ordinance (Town Ordinance 15-02), which allows payment of Housing Impact Mitigation Fees.
- The Final EIR development scenario considered on-site building heights ranging from 35 to 65 feet, with non-habitable architectural features extending as high as 97 feet.¹ Although it is acknowledged that the approved Specific Plan, as amended, did not include the 97-foot high architectural feature and permits on-site buildings to be constructed within three building height zones, ranging in height from 35 to 55 feet as measured from the podium. The proposed project modifications would increase the maximum building heights, ranging from 35 to 65 feet as measured from the podium; a difference of approximately 10 feet per height zone; refer to Exhibit 2-2, Building Zones.
- The proposed project modifications would decrease the site coverage² from 55 percent at surface level to 48 percent at surface level. This site coverage would remain below the maximum allowed site coverage of 70 percent per the Specific Plan.
- The proposed modifications would decrease the required number of parking spaces from 675 parking spaces to 597 parking spaces, a decrease in 78 spaces.

PROPOSED SPECIFIC PLAN AMENDMENTS

As outlined above, the Applicant has proposed an amendment to the Approved CUP Project. These proposed project modifications would also require an amendment to the approved Specific Plan, which are further described below.

Building Height

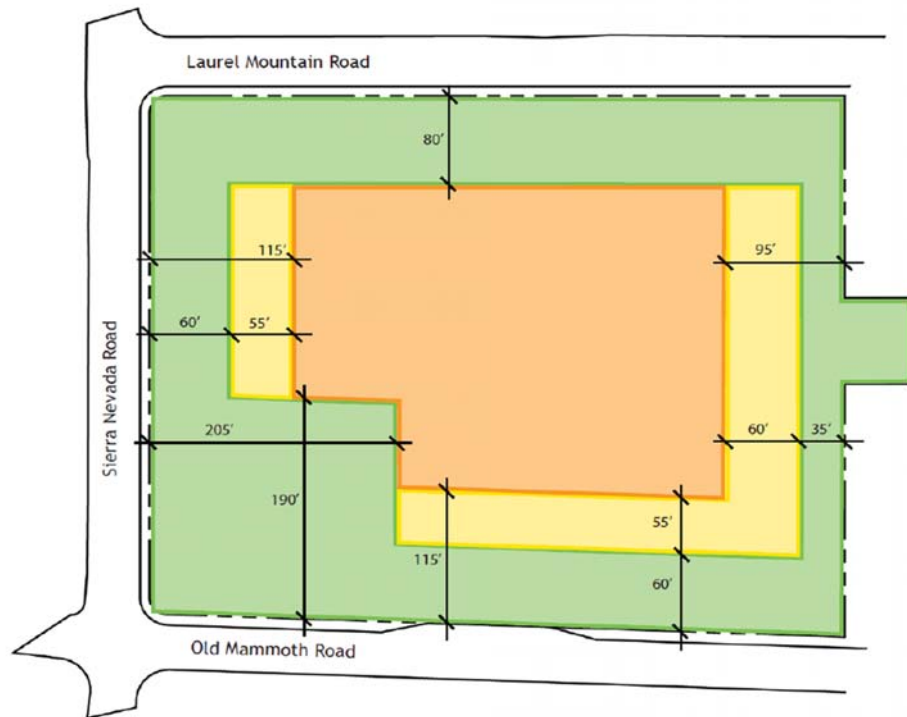
The project proposes an increase in building height of 10 feet per building zone. Table 2-2, Specific Plan Building Height Amendments, and Exhibit 2-2, outline the specific building height amendments proposed.

Housing

The Approved CUP Project included eight workforce housing units that would be located along Old Mammoth Road. The proposed modifications would eliminate the on-site workforce housing and instead, allow the developer to mitigate housing by applying the Town's current Housing Ordinance (Town Ordinance 15-02), which allows payment of Housing Impact Mitigation Fees. Minor modifications to the Specific Plan text are required in order to provide consistency throughout the document.

¹ A 97-foot tall icon was considered in the Final EIR; the Final EIR assumed that this icon feature would be permitted over no more than 400 square feet.

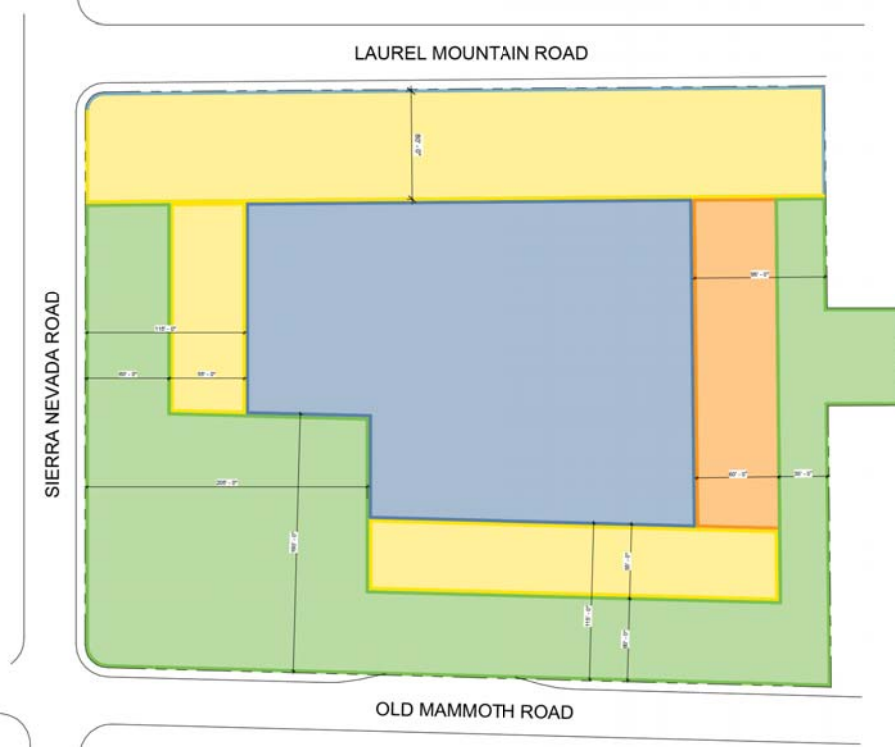
² Pursuant to the Clearwater Specific Plan, site coverage is defined as the percent of lot area that may be covered by buildings or structures. Subterranean or podium structures topped by landscaped open areas (of at least a minimum dimension of 10 feet by 10 feet by 4 feet deep) shall not be considered structures for purposes of calculating lot coverage.



APPROVED ZONE DIAGRAM FROM CLEARWATER SPECIFIC PLAN

LEGEND

- ZONE 1: 55' MAXIMUM BUILDING HEIGHT
- ZONE 2: 45' MAXIMUM BUILDING HEIGHT
- ZONE 3: 35' MAXIMUM BUILDING HEIGHT



PROPOSED ZONE DIAGRAM

LEGEND

- ZONE 1: 65' MAXIMUM BUILDING HEIGHT
- ZONE 2: 55' MAXIMUM BUILDING HEIGHT
- ZONE 3: 45' MAXIMUM BUILDING HEIGHT
- ZONE 4: 35' MAXIMUM BUILDING HEIGHT

The maximum building height at the setback line along Laurel Mountain Road shall be 45 feet for a maximum of 20% of the building face length. The remainder of the building face length at the setback line shall have a maximum height of 35 feet. Along the Laurel Mountain Road frontage at a minimum distance of 10 feet back from the setback line (1.e., 20 feet from the property line), the maximum building heights shall be as specified in Table 2-3.

Source: The Clearwater Specific Plan, April 8, 2016.

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OLD MAMMOTH PLACE AMENDMENT
ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT
Building Zones

Exhibit 2-2



**Table 2-2
Specific Plan Building Height Amendments**

Approved Specific Plan		Proposed Specific Plan Amendments	
Zone	Requirements	Zone	Requirements
Zone 1	Maximum 55 feet	Zone 1	Maximum 65 feet
Zone 2	Maximum 45 feet	Zone 2	Maximum 55 feet
		Zone 3	Maximum 45 feet ¹
Zone 3	Maximum 35 feet	Zone 4	Maximum 35 feet
Notes: ¹ The maximum building height at the setback line along Laurel Mountain Road shall be 45 feet for a maximum of 20 percent of the building face length. The remainder of the building face length at the setback line shall have a maximum height of 35 feet. Along the Laurel Mountain Road frontage at a minimum distance of 10 feet back from the setback line (i.e., 20 feet from the property line), the maximum building heights shall be as specified in <u>Table 2-2</u> .			



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3.0 ENVIRONMENTAL ASSESSMENT

As discussed in Section 1.2, *Previous Environmental Document*, for the purposes of this analysis, the proposed project modifications are compared to the certified Final EIR development scenario. Potential environmental impacts resulting from the proposed project, as compared to the development scenario presented in the Final EIR for the Specific Plan, are presented below for each environmental topic area considered in the Final EIR. Implementation of the proposed project would not require any new mitigation measures compared to those recommended in the Final EIR. Mitigation measures recommended within this analysis are the same as those presented in the Final EIR.

3.1 LAND USE

The proposed project would not produce any new significant land use impacts, as compared to those analyzed in the Final EIR. The Final EIR determined that potential impacts to land use and relevant planning would be significant and unavoidable. The proposed land uses for the project modifications are consistent with the Specific Plan land use designations. The Specific Plan defines three different land use areas: retail/mixed-use (Land Use Area 1), residential (Land Use Area 2), and plaza/outdoor recreation (Land Use Area 3). Conference/meeting space is also permitted by the Specific Plan, in Land Use Areas 1 and 2. Although the revised project would modify the square footage for various uses as compared to the development scenario analyzed for the Specific Plan in the Final EIR, the proposed project would remain consistent with these three designated land use areas.

Workforce Housing

Pursuant to the Specific Plan, the project is subject to the housing mitigation standards that were in place as of September 2009. The Clearwater Specific Plan Final EIR analyzed 32 workforce housing units that would be located along Old Mammoth Road; however, the proposed modifications would eliminate the on-site workforce housing. Similar to the Specific Plan, the Applicant proposes to satisfy its mitigation requirements by applying the Town's current Housing Ordinance (Town Ordinance 15-02), which allows payment of Housing Impact Mitigation Fees. Minor modifications to the Specific Plan text are required in order to provide consistency with the Town's current code throughout the document. Although modifications to the Specific Plan are proposed, the project complies with Chapter 17.136 of the Town's Municipal Code. Upon approval of the proposed project, including the proposed amendments to the Specific Plan pertaining to workforce housing requirements, the proposed project modifications would be consistent with the Specific Plan. Thus, impacts in this regard would be less than significant.

Density

Allowed by the Specific Plan

The allowable density for projects within the Specific Plan area is 40 hotel rooms per acre. The Specific Plan allows applicants to request a density of more than 40 hotel rooms per acre, subject to the Community Benefits and Incentive Zoning (CBIZ) policy. Density above the allowable base, up to a maximum of 80 hotel rooms per acre, may be granted based upon criteria established by the Town Council pursuant to the CBIZ policy adopted by Town Council in August 2009. For the purpose of considering increased density up to 80 units per acre, the Specific Plan contemplates the community benefits listed below to be among those that may be determined to be desired by the Town and may be appropriate for the site, such as:



- Indoor meeting and conference space;
- Outdoor public events plaza;
- Commercial, retail, and restaurant uses along Old Mammoth Road;
- Underground parking;
- Pedestrian and vehicular mid-block connectors;
- Dedication of property for the purpose of improving public rights-of-way and sidewalks and achieving “complete streets”; and
- Public access to the events plaza and mid-block connectors secured through easements.

Town of Mammoth Lakes Community Benefits/Incentive Zoning Policy

On August 5, 2009, the Town Council adopted the CBIZ policy (Resolution No. 09-55). The Town’s CBIZ policy was rescinded in October 2014; however, the Specific Plan still requires the provision of community benefits in order to gain the additional density of up to 80 rooms per acre. The intent of this policy is to provide regulations for the granting of discretionary development incentives to property developers to encourage the provision of certain community benefits or amenities. The CBIZ policy states that discretionary development incentives may be granted in exchange for community benefits only when the community benefits offered would not otherwise be required or likely to result from the applicable planning process before the Town. The Applicant seeks approval of up to 488 hotel or resort condominium rooms. The project proposes the following Community Benefits on-site:

- Three public outdoor special events plazas;
- An east-west connector street at the north end of the site;
- A north-south pedestrian connector through the project site;
- A children’s play area;
- Approximately 37,208 square feet of retail and restaurant space (approximately 50 percent of which would be sized and programmed with the intent to attract and accommodate local businesses);
- Approximately 14,351 square feet of indoor meeting, events, and conference space;
- Underground parking to accommodate all hotel, residential, and commercial needs; and
- Dedication of right-of-way along the full length of Old Mammoth Road along the project site to accommodate street widening, sidewalk widening, public parking, and other improvements.

The ultimate determination of which of these features are considered community benefits is at the discretion of the Town. As the proposed project modifications would construct similar community benefits as that considered previously, the proposed project modifications would be generally consistent with the intent of the Specific Plan.

Building Height

Implementation of the proposed project would not require a General Plan Amendment. However, a Specific Plan Amendment is proposed for the project to allow for an adjustment in building height. The requested height change to 65-feet is consistent with the maximum building height analyzed by the Final EIR, with the exception of the building heights along Laurel Mountain Road and Old Mammoth Place. However, the building height along Laurel Mountain Road and Old Mammoth Place would be consistent with the recent increases in allowed building height at adjacent properties allowed by the Zoning Code Update.



Site Coverage

The proposed project modifications would increase the site coverage (as defined by the Clearwater Specific Plan) from 52 percent to 48 percent. Thus, proposed site coverage would remain below the maximum allowed site coverage of 70 percent per the Specific Plan and would be 4 percent less than that considered in the Final EIR.

Conclusion

Tentative Tract Map and Use Permit approvals by the Town would be required for the proposed project. The project would be subject to discretionary actions by the Town with regard to allowance of the proposed density bonus and Specific Plan Amendments. Upon approval by the Town, impacts in this regard would be less than significant. Additionally, the revised project would not create any relevant planning impacts that were not previously considered and addressed in the Final EIR.

Mitigation Program

No measures were feasible in the Final EIR for this topic area, and no new measures are feasible.

3.2 AESTHETICS/LIGHT AND GLARE

The Final EIR determined that despite the implementation of recommended mitigation measures, the previously analyzed project would result in significant and unavoidable construction impacts as the surrounding residential areas would be exposed to the visually related impacts of construction activities. Additionally, long-term visual/aesthetic impacts due to increased building heights, removed mature vegetation, increased hardscape features, and view obstruction would remain significant and unavoidable following implementation of recommended mitigation measures. The intensification of the proposed uses from that of the existing on-site uses would also result in a significant light and glare impact as well as shade and shadow impacts.

The proposed project modifications include increasing the building heights throughout most of the project site by 10 feet; as depicted in Exhibit 2-2, Building Zones. Minor modifications made to the building massing include step-back features to the facades to provide visual relief along the building's exterior surface. The proposed project would involve demolition, site preparation, construction, and project operation activities similar to those identified in the Final EIR.

Views of the Project Site

A team from Michael Baker visited the project site in January 2016 in order to document the existing visual conditions of the project site; refer to Exhibit 3.2-1, Existing Condition Photographs. The project's proposed building massing, setbacks, and heights are illustrated in the revised visual simulations; refer to Exhibit 3.2-2, Viewpoint 1 (Looking North Along Old Mammoth Road), Exhibit 3.2-3, Viewpoint 2 (Looking South Along Old Mammoth Road), and Exhibit 3.2-4, Viewpoint 3 (Looking South Along Laurel Mountain Road). Similar to the Final EIR, views of the project site from the surrounding commercial and residential uses would be altered with implementation of the project. Although the proposed project result in increased building heights on-site, the resultant view blockage to the surrounding mountains and hillsides would remain similar to that analyzed in the Final EIR. The proposed project would not introduce any new view impacts.



Viewpoint 1 (Looking north along Old Mammoth Road)



Viewpoint 2 (Looking south along Old Mammoth Road)



Viewpoint 3 (Looking south along Laurel Mountain Road)

OLD MAMMOTH PLACE AMENDMENT
ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT
Existing Condition Photographs



DRAFT EIR



PROPOSED

OLD MAMMOTH PLACE AMENDMENT
ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT

Viewpoint 1 (Looking North Along Old Mammoth Road)



DRAFT EIR



PROPOSED



DRAFT EIR



PROPOSED

OLD MAMMOTH PLACE AMENDMENT
ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT

Viewpoint 3 (Looking South Along Laurel Mountain Road)



It is noted that the Final EIR development scenario considered on-site building heights ranging from 35 to 65 feet, with non-habitable architectural features extending as high as 97 feet.³ The public comments as part of the Final EIR process contributed to a number of changes that were incorporated into the Specific Plan. Building height was a very controversial aspect of the Specific Plan. When the Town Council adopted the Specific Plan, Council required that the proposed 65-foot maximum building height be reduced to 55 feet. Although the building height was reduced, the Final EIR conclusions and mitigation measures remained unchanged.

Northerly views of hillsides and ridgelines from northbound travelers and commercial uses along Old Mammoth Road would remain obstructed (as depicted in [Exhibit 3.2-2](#)). Southerly views of Sherwin Range from southbound travelers along Old Mammoth Road would also be partially obstructed, similar to the previously analyzed project (as depicted in [Exhibit 3.2-3](#)). Lastly, southerly views from residential uses along Laurel Mountain Road would be partially obstructed, to the same degree as previously analyzed (as depicted in [Exhibit 3.2-4](#)). Similar to the Final EIR, views looking south from commercial and residential uses to the north would be blocked by the proposed project features.

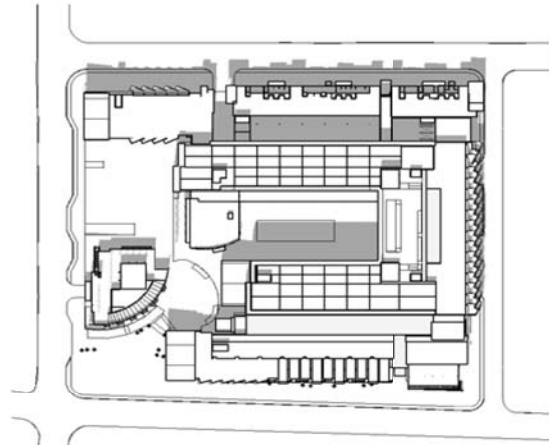
The proposed project would still be required to comply with the Final EIR's Mitigation Measures AES-5 through AES-12 in order to reduce long-term visual/aesthetic impacts to the furthest extent feasible. However, impacts would remain significant and unavoidable, as the project would increase building heights within the area, remove mature native vegetation, increase hardscape features and visible building mass, and the obstruct views toward Mammoth Mountain and the Sherwin Range.

The proposed project modifications would include low to moderate levels of interior and exterior lighting for security, parking, signage, landscaping, street lighting, and interior lighting of the proposed structures similar to that considered in the Final EIR. Implementation of the Final EIR Mitigation Measures AES-13 and AES-14 would still be required in order to reduce light and glare impacts. However, similar to that analyzed in the Final EIR, the intensity of operational lighting impacts would remain significant and unavoidable.

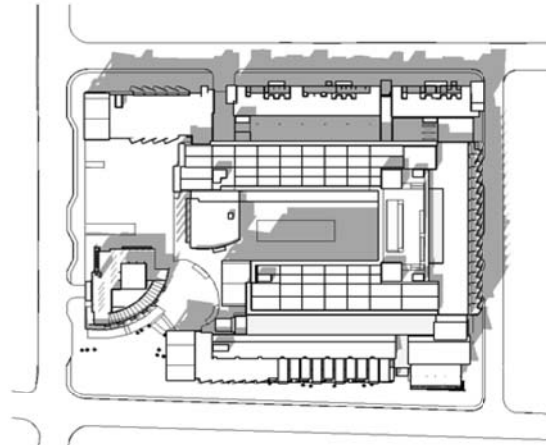
Shade and Shadow

Shade and shadow patterns for the proposed project are provided in [Exhibit 3.2-5, *Shade and Shadow Diagrams*](#), which illustrate the proposed shade and shadow conditions during the summer/winter solstices and the spring/autumn equinoxes at 9:00 a.m., 12:00 p.m., and 3:00 p.m. As shown in [Exhibit 3.2-5](#), the proposed project would result in increased shadow impacts compared to that analyzed in the Final EIR. As a result of the increased building heights (ranging between 45 and 65 feet), the project would slightly increase the shade created along portions of Old Mammoth Road as well as to commercial uses located to the north of the project site. Other shading impacts to surrounding roads and residential uses would remain similar to what was analyzed in the Final EIR. Mitigation Measure AES-15 would still be applicable and requires the applicant to implement a snow plowing and cindering plan during the three worst-case shadow months of the year or to install heat traced pavement at any portion of a pedestrian or vehicular travelway that receives less than two hours of mid-day sun for more than a week. As no substantial increases in this impact would occur and no new mitigation measures are required, impacts in this regard would be similar to those addressed in the Final EIR.

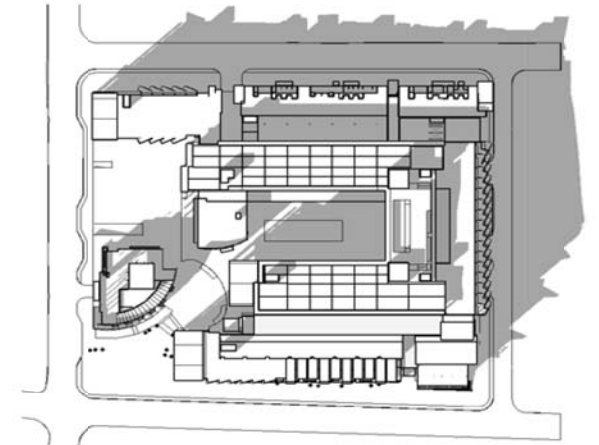
³ A 97-foot tall icon was considered in the Final EIR; the Final EIR assumed that this icon feature would be permitted over no more than 400 square feet.



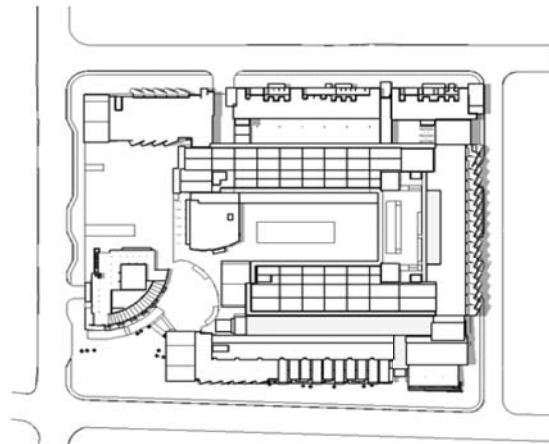
7 SHADOW STUDY - SUMMER 9 AM
1 : 1500



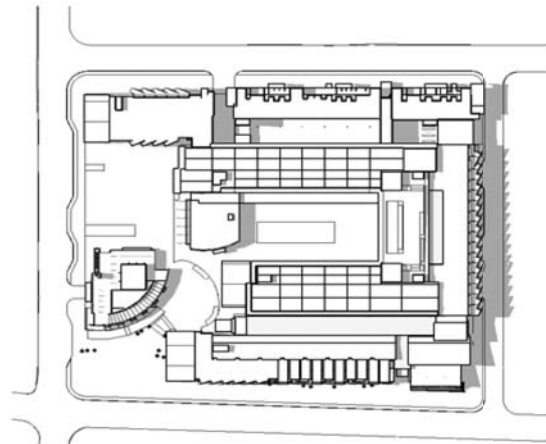
4 SHADOW STUDY - EQUINOX 9 AM
1 : 1500



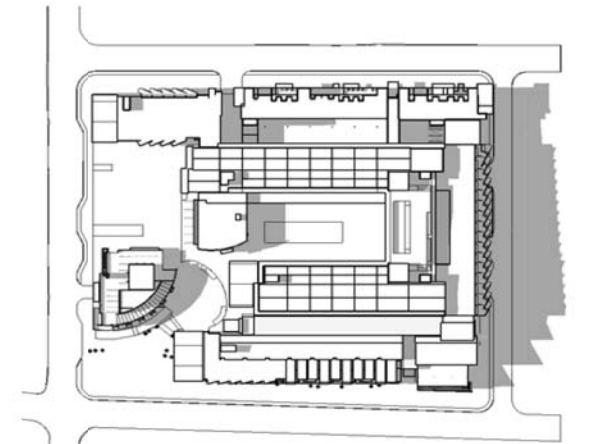
1 SHADOW STUDY - WINTER 9AM
1 : 1500



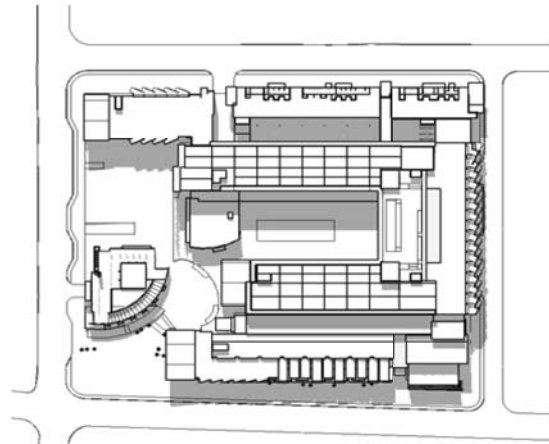
8 SHADOW STUDY - SUMMER 12 PM
1 : 1500



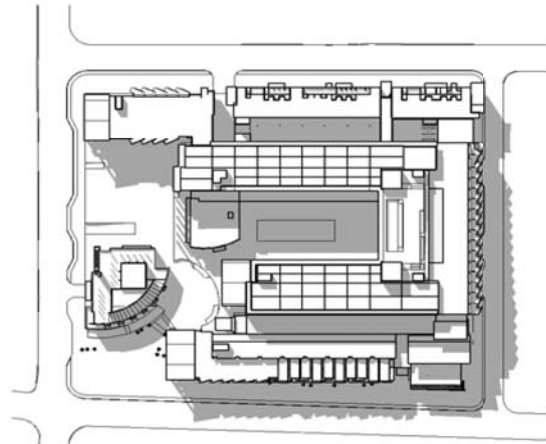
5 SHADOW STUDY - EQUINOX 12 PM
1 : 1500



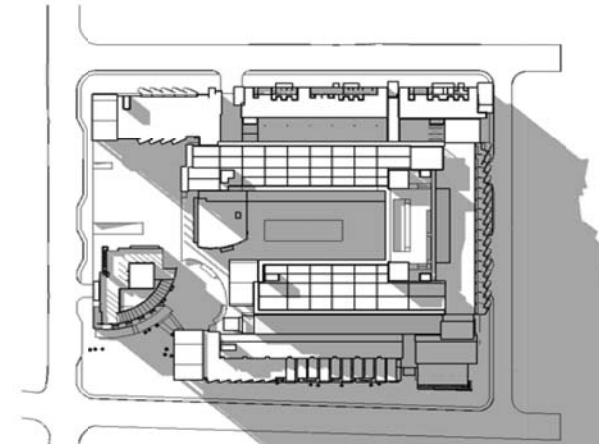
2 SHADOW STUDY - WINTER 12 PM
1 : 1500



9 SHADOW STUDY - SUMMER 3 PM
1 : 1500



6 SHADOW STUDY - EQUINOX 3 PM
1 : 1500



3 SHADOW STUDY - WINTER 3 PM
1 : 1500

Source: Bull Stockwell Allen, February 11, 2016.

NOT TO SCALE

Michael Baker
INTERNATIONAL

06/16 • JN 151866

OLD MAMMOTH PLACE AMENDMENT
ADDENDUM TO THE CLEARWATER SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT

Shade and Shadow Diagrams

Exhibit 3.2-5



Conclusion

Aesthetics/light and glare impacts resulting from the proposed project modifications would be similar to those identified in the Final EIR. Similar to the Final EIR, shade/shadow impacts would remain significant and unavoidable. Construction of the project would involve demolition, site preparation, construction, and phasing similar to what was identified in the Final EIR. Thus, short-term construction impacts would not be increased, compared to that analyzed in the Final EIR. The Final EIR Mitigation Measures AES-1 through AES-15 would still be applicable.

Mitigation Program

The Final EIR Mitigation Program includes measures to reduce significant and unavoidable impacts associated with the previously approved project to the extent feasible. The following measures from the Final EIR would also be applicable to the proposed project. Any modifications to the original measures are shown in strikethrough for deleted text and new, inserted text is underlined.

Mitigation Measures

- 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, when feasible. Staging locations shall be indicated on Final Development Plans and Grading Plans.
- AES-2 A grading plan shall be submitted concurrently with the development plans and shall be approved through the design review process by the Planning & Economic Development Commission. All grading and earthwork activities must be conducted in accordance with an approved construction grading plan and grading permit issued by the Mammoth Lakes Public Works Department. All grading plans must meet Lahontan Regional Water Quality Control Board standards for interim and permanent erosion control measures.
- AES-3 The applicant shall prepare and submit a construction hauling plan to be reviewed and approved by the Community & Economic Development Department prior to issuance of grading permit. The plan shall ensure that construction haul routes do not affect sensitive uses in the project vicinity.
- AES-4 All construction-related lighting shall be located and aimed away from adjacent residential areas and consist of the minimal wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the Community & Economic Development Department for review concurrent with grading permit application.
- AES-5 The overall color scheme shall be determined by the Town's Design Guidelines and Town of Mammoth Lakes Advisory Design Panel, subject to approval by the ~~Town of Mammoth Lakes Planning & Economic Development~~ Commission. The color of exterior materials, whether applied or innate, shall reflect the appearance of the natural surroundings and not seem synthetic or man-made. Accent colors shall integrate with the overall color scheme and form of the building.



- AES-6 All signs shall be in accordance with the general provisions, prohibitions, exemptions, and special purposes delineated in Chapter ~~17.40~~17.48 of the Town's Municipal Code, the Clearwater Specific Plan, and the Clearwater Landscape Design Guidelines as established and adopted hereafter by the Town Planning & Economic Development Commission.
- AES-7 Landscape design shall be consistent with ~~TOML~~ Municipal Code Chapter ~~17.20.040~~17.40, California Model Water Efficiency Landscape Ordinance (CA MWELO), property development standards, and the Clearwater Specific Plan Landscape Design Guidelines. The landscape shall enhance the character of the on-site development and shall be compatible with, and complementary to, the natural environment in Mammoth Lakes and the surrounding region.
- AES-8 Flat roofs shall be designed to carry snow accumulations of a minimum of 161 pounds per square feet, and have a minimum slope of 3/12 for adequate drainage. Roofs shall be designed to not shed ice and snow onto adjacent properties, walkways, plaza, driveways, and decks.
- AES-9 Roof appurtenances shall be integral parts of the architecture of the structure. Non-functional roof ornamentation shall be avoided. Mechanical, electrical and roof access equipment, vents, and antennas shall be integrated into the roof design to avoid visual impact on other properties. Skylights, solar collectors and clerestories shall be designed as masses at angles relating to the primary roof, and building architecture, not applied forms. Exposed chimney flues shall not be permitted.
- AES-10 All appurtenances (i.e., meters and electrical equipment, etc.) shall be integrated into the project design to avoid visual impact from pedestrians and other properties. These appurtenances shall be screened or placed in areas that are not highly visible, where possible.
- AES-11 Fencing and outdoor enclosures shall be compatible in material, color, and design to adjacent structures, and the neighborhood and regional character. Fences and enclosures shall be designed to withstand heavy snowfall conditions and snow removal operations. Fences, walls, and enclosures shall be no higher than necessary to perform the intended function. Landscape features, fences, and walls in dedicated snow slope areas shall be designed to accommodate snow storage and removal activities.
- AES-12 All outdoor furnishings shall complement adjacent building character and scale, and shall be appropriate to the project theme, allow for snow removal operations, and accessibility requirements. ~~The tree~~Tree grates shall be used in areas of high pedestrian activity and traffic. They shall be constructed of cast iron, metal, or concrete.
- AES-13 The applicant shall prepare and submit an outdoor lighting plan pursuant to the Town's Lighting Ordinance (~~Chapter Section 17.34.060~~030, Exterior Lighting~~Outdoor Lighting Plans~~, of the Municipal Code) to the Community & Economic Development Director that includes a footcandle map illustrating the amount of light from the project site at adjacent light sensitive receptors.



- AES-14 Landscape lighting should be designed as an integral part of the project. Lighting levels shall respond to the type, intensity, and location of use. Safety and security for pedestrians and vehicular movements must be anticipated. Lighting fixture locations shall not interfere or impair snow storage or snow removal operations. Light fixtures shall have cut-off shields to prevent light spill and glare into adjacent areas.
- AES-15 The applicant shall implement a snow plowing and cindering plan during the three worst-case shadow months of the year at any portion of a pedestrian or vehicular travelway that receives less than two hours of mid-day sun for more than a week. The Community & Economic Development Director shall review the methodology and effectiveness of the plan during its implementation. If it is determined by the Town that the plan does not adequately reduce hazards resulting from shadows (i.e., black ice), the Town shall require the applicant to install heat traced pavement at any portion of a pedestrian or vehicular travelway that receives less than two hours of mid-day sun for more than a week.

3.3 TRAFFIC AND CIRCULATION

The Final EIR determined that after implementation of recommended mitigation measures, the previously analyzed project would result in less than significant impacts with the implementation of the recommended mitigation measures. The proposed project modifications would result in an increase of 8 rooms, removal of on-site workforce housing (a decrease of 32 units), and an increase of 19,208 square feet of restaurant and retail uses on-site (compared to the development scenario analyzed in the Final EIR). This change in land uses would not result in a substantial change in the trip generation from what was originally analyzed in the Final EIR. The proposed project would still be subject to the Town's Development Impact Fee Program in order to reduce impacts to public services and utilities (i.e., circulation system, library, sewer system, etc.).

The project would relocate the proposed motor court and garage entrance from Sierra Nevada Road to the new interior roadway (Old Mammoth Place). Changes to the location of the main vehicular entrance to the project would not affect regional circulation, as the same streets would be utilized to access the project site. However, changes to the main entrance to the project would affect the number of and distribution of project trips at Old Mammoth Road/Sierra Nevada Road. These changes to the main entrance and valet plan would keep valet trips on-site and off of the Town's streets, and reduce the number of project trips traveling through the intersection of Old Mammoth Road/Sierra Nevada Road.

The calculated total parking demand is 597 spaces, which is conservative (high) since every room is allocated a parking space even with the full valet operation. This conservative demand estimate also addresses the parking needs of the conference center and other on-site amenities that might generate some additional parking demand since the Specific Plan has no requirements for additional parking. However, most of the users of these facilities would likely include on-site residents/guests. A further consideration for the valet parking requirement is that it is only triggered as necessary when the parking demand exceeds approximately 75 percent occupancy. Therefore, standard self-parking could be utilized at up to 75 percent occupancy levels.

The proposed modifications would decrease the required number of parking spaces from 675 parking spaces to 597 parking spaces, a decrease in 78 spaces. The project would still be required to implement the recommended Mitigation Measure TRA-4, which would require the project to meet or exceed the requirements of the Clearwater Specific Plan parking requirements to the satisfaction of the Community & Economic Development Director and the Public Works



Director. The parking configuration would be required to be designed so that all project-related vehicles are parked on-site or the project is annexed into a parking district and all required in-lieu fees are paid as allowed by the Clearwater Specific Plan.

Conclusions

The proposed changes in land uses on-site would not be substantially different than that considered in the Draft and Final EIR. These changes would not result in a substantial change in the trip generation from what was originally analyzed in the Final EIR. The proposed project modifications would still be subject to the requirements of Mitigation Measure TRA-1 through TRA-4. With implementation of the Final EIR Mitigation Measures TRA-1 through TRA-4, impacts pertaining to traffic and parking would be less than significant (similar to that analyzed in the Draft and Final EIR). The proposed project would not result in any new, different, or potentially adverse traffic and circulation impacts not previously considered and addressed.

Mitigation Program

The Final EIR Mitigation Program includes measures to reduce potential impacts associated with the previously approved project to less than significant levels. The following measures from the Final EIR would also be applicable to the proposed project. Any modifications to the original measures are shown in strikethrough for deleted text and new, inserted text is underlined.

Mitigation Measures

- TRA-1 Old Mammoth Road/Sierra Nevada Road. Since the project contributes to an existing, cumulative, and long-range *General Plan* deficiency at the intersection of Old Mammoth Road/Sierra Nevada Road, the project shall be required to submit a fair share contribution for the installation of a traffic signal. As part of the signalization, permitted left-turn phasing in the eastbound and westbound directions and protected phasing in the northbound and southbound directions would need to be constructed.
- TRA-2 Azimuth Drive/Meridian Boulevard. Since the project contributes to an existing, cumulative, and long-range *General Plan* deficiency at the intersection of Azimuth Drive/Meridian Boulevard, the project shall be required to submit a fair share contribution for the installation of a traffic signal. As part of the signalization, permitted left-turn phasing in the northbound and southbound directions and protected phasing in the eastbound and westbound directions as well as a separate northbound left-turn lane would need to be constructed. Based on the access analysis, the project design shall be required to include separate eastbound left- and right-turn lanes at Old Mammoth Road/Old Mammoth Place.
- TRA-3 Old Mammoth Road/Old Mammoth Place (two-way road scenario). Since the project contributes to a long-range *General Plan* deficiency at Old Mammoth Place, the project design shall be required to include separate eastbound left- and right-turn lanes at Old Mammoth Road/Old Mammoth Place.
- TRA-4 Prior to site plan approval, the applicant shall demonstrate to the satisfaction of the Community & Economic Development Director ~~of Community Development and the Public Works Director~~ that the project meets or exceeds the requirements of the Clearwater Specific Plan parking requirements. The parking configuration shall be designed so that all project-related vehicles are parked on-site or the project is



annexed into a parking district and all required in-lieu fees are paid as allowed by the Clearwater Specific Plan.

3.4 AIR QUALITY

Air Quality

The Final EIR determined that after implementation of recommended mitigation measures, development of the Specific Plan would not result in significant air quality impacts in regards to project construction, project operation, *Town of Mammoth Lakes Air Quality Management Plan* (AQMP) consistency, or cumulative development. Additionally, long-term operational impacts would be consistent with the anticipated growth within the area since vehicle miles traveled (VMT) would not exceed the Town's VMT limits. The project would result in approximately 6,378 daily trips, which is higher than the number of trips analyzed in the Final EIR. However, it is noted that the proposed project modifications would result in approximately 108 less daily trips (approximately 2 percent decrease) compared to the approved CUP.

The proposed project would involve demolition, site preparation, construction, and project operation activities similar to those identified in the Final EIR. As a result, air quality impacts resulting from the proposed project would be similar to those identified in the Final EIR. Therefore, with implementation of Mitigation Measures AQ-1 through AQ-5, identified in the Final EIR, the proposed project would not result in significant air quality impacts, as described above. The proposed project would not result in any new, different, or potentially adverse air quality impacts not previously considered and addressed in the Final EIR.

Greenhouse Gas Emissions

The Final EIR for the project was certified in 2009. Although this previous environmental document did not include a greenhouse gas (GHG) analysis, a supplemental environmental analysis of GHG impacts cannot be required absent new information on that front.⁴ Information on the effect of greenhouse gas emissions on climate was known long before the Town approved the 2009 EIR. Thus, the effect of greenhouse gas emissions on climate could have been raised in 2009 when the Town considered the Draft and Final EIR. A challenge to an EIR must be brought within 30 days of the lead agency's notice of approval and no challenge was brought forward regarding the EIR and greenhouse gas emissions. (Pub. Resources Code, § 21167(b).) Under Public Resources Code section 21166(c), an agency may not require a supplemental environmental review unless new information, which was not known and could not have been known at the time the EIR was approved, becomes available. After a project has been subjected to environmental review, the statutory presumption flips in favor of the project proponent and against further review.⁵ "[S]ection 21166 comes into play precisely because in-depth review has already occurred [and] the time for challenging the sufficiency of the original EIR has long since expired. . . ." (*Id.*, 1050.) There is no competent evidence of new information of severe impact, and thus the Town may rely on an addendum. Accordingly, the Town finds that GHG impacts and climate change are not "new information" under Public Resources Code Section 21166.

The Final EIR already contained mitigation measures to address sources of greenhouse gas emissions. Those include mitigation of traffic and air quality impacts of the project. In addition,

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

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



the project as proposed and conditioned requires the project to achieve a LEED Silver or equivalent certification as well as incorporate numerous water and energy efficiency programs. Through measures to obtain that certification, a variety of construction and operational requirements are imposed. With the mitigation measures and the project requirements, greenhouse gas emissions would be reduced and there is no evidence that further mitigation is necessary to further demonstrate compliance with the greenhouse gas reduction targets of Assembly Bill 32.

Mitigation Program

The Final EIR Mitigation Program includes measures to reduce potential impacts associated with the previously approved project to less than significant levels. The following measures from the Final EIR would also be applicable to the proposed project. Any modifications to the original measures are shown in strikethrough for deleted text and new, inserted text is underlined.

Mitigation Measures

AQ-1 Prior to approval of the project plans and specifications, the Public Works Director, or his designee, shall confirm that the plans and specifications stipulate that, in compliance with ~~GBUPACD~~ Great Basin Unified Air Pollution Control District (GBUAPCD) Rule 401, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures, as specified in the ~~GBUPACD~~ GBUAPCD Rules and Regulations. In addition, ~~GBUPACD~~ GBUAPCD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered to prevent excessive amounts of dust;
- On-site vehicles' speed shall be limited to 15 miles per hour (mph);
- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized;
- All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust; watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day;
- If dust is visibly generated that travels beyond the site boundaries, clearing, grading, earth moving or excavation activities that are generating dust shall cease during periods of high winds (i.e., greater than 25 mph averaged over one hour) or during Stage 1 or Stage 2 episodes; and
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.



- AQ-2 Under GBUAPCD Rule 200-A and 200B, the project applicant shall apply for a Permit to Construct prior to construction, which provides an orderly procedure for the review of new and modified sources of air pollution.
- AQ-3 Under GBUAPCD Rule 216-A (New Source Review Requirement for Determining Impact on Air Quality Secondary Sources), the project applicant shall complete the necessary permitting approvals prior to commencement of construction activities.
- AQ-4 Prior to demolition activities, the applicant shall demonstrate to the GBUAPCD that the project is consistent with the Toxic Substance Control Act (TSCA), (15 U.S.C. Section 2601 et. seq.) Title 2 - Asbestos Hazard Emergency Response for handling asbestos.
- AQ-5 Prior to approval of building plans, the applicant shall provide confirmation, to the satisfaction of the ~~Town of Mammoth Lakes~~Town's Community & Economic Development Department, that wood fired stoves or appliances would not be used on-site.

3.5 NOISE

The Final EIR determined that after implementation of recommended mitigation measures, development of the Specific Plan would result in significant and unavoidable construction noise and cumulative construction noise impacts. The project would involve demolition, site preparation, construction, and project operation activities similar to those identified in the Final EIR. Also similar to the Specific Plan, the project would include outdoor recreational uses with the potential for music and performances. Such activities would be subject to an administrative permit for events, which would regulate the hours of performances and amplification of equipment. As a result, the proposed project would not result in any new, different, or potentially adverse noise impacts not previously considered and addressed in the Final EIR. Implementation of Mitigation Measures N-1 through N-3 would reduce noise impacts, but construction-related noise impacts and cumulative construction noise impacts would remain significant and unavoidable.

Mitigation Program

The Final EIR Mitigation Program includes measures to reduce significant and unavoidable impacts associated with the previously approved project to the extent feasible. The following measures from the Final EIR would also be applicable to the proposed project. Any modifications to the original measures are shown in strikethrough for deleted text and new, inserted text is underlined.

Mitigation Measures

- N-1 Prior to Grading Permit issuance, the project shall demonstrate, to the satisfaction of the ~~Town of Mammoth Lakes~~Town's Community & Economic Development Department that the project complies with the following:
- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers;
 - Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging



areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible;

- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers;
- During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors;
- Operate earthmoving equipment on the construction site as far away from vibration sensitive sites as possible; and
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the Town or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

N-2 The proposed project shall be required to adhere to ~~Chapter 8.80.090~~ Section 8.16.090 (Prohibited Acts) of the *Municipal Code*, which prohibits loading activities between the hours of 10:00 p.m. and 7:00 a.m.

N-3 Mechanical equipment shall be placed as far as practicable from sensitive receptors. Additionally, the following shall be considered prior to HVAC installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into the building design.

3.6 UTILITIES AND SERVICE SYSTEMS

The Final EIR determined that development of the Specific Plan would create increased demand on utilities and service systems serving the project area; however, impacts would be less than significant. The proposed project involves similar development, compared to the development scenarios considered for the Draft and Final EIR for the Specific Plan. As a result, the proposed project's demand for public services and utilities is anticipated to be similar to that identified in the Draft and Final EIR for the Specific Plan. The Draft and Final EIR determined that with implementation of Mitigation Measure USS-1 and compliance with applicable Town requirements, service or utility provider requirements, and Town Codes and Ordinances, potential impacts would be reduced to a less than significant level.

The proposed project is anticipated to result in similar development as that analyzed for the Draft and Final EIR of the Specific Plan. Implementation of Mitigation Measure USS-1 and compliance with applicable Town, service or utility provider requirements, and Town Codes and Ordinances, potential impacts would still be applicable. With implementation of recommended mitigation measures identified in the Final EIR, impacts related to utilities and service systems resulting from the proposed project would also be reduced to a less than significant level. The proposed project would not result in any new, different or potentially adverse public services and utilities impacts not previously considered and addressed in the EIR for the Specific Plan.



Water Supply Assessment

Based on the Draft EIR, the Mammoth Community Water District (MCWD) stated that, at the time of the Draft EIR, there were no deficiencies in the water delivery system serving the project site. Additionally, the MCWD indicated that sufficient facilities existed for water supply and wastewater treatment. However, upon submittal of the Old Mammoth Place CUP application, the MCWD provided a comment letter, dated December 9, 2009, with concerns regarding the increased square footage of retail, restaurant, and hotel uses. The MCWD stated their concerns regarding the project's compliance with Senate Bill (SB) 610 for the preparation of a Water Supply Assessment (WSA). In order to address these concerns, Michael Baker prepared a *Water Demand Estimate Memorandum* (Water Demand Estimate Memorandum), dated February 18, 2010, for the proposed project in order to determine whether or not the project meets the requirements for a WSA.⁶ Based on the Water Demand Estimate Memorandum, the net project demand is significantly less than demands of these potentially applicable project definitions and the preparation of a Water Supply Assessment was determined to not be necessary.

Mitigation Program

The Final EIR Mitigation Program includes measures to reduce potential impacts associated with the previously approved project to less than significant levels. The following measures from the Final EIR would also be applicable to the proposed project. Any modifications to the original measures are shown in strikethrough for deleted text and new, inserted text is underlined.

Mitigation Measures

- USS-1 The Applicant shall provide lateral sewer lines to the centerlines of the nearest adjacent roadways. The lateral sewer lines shall be constructed in accordance with Town and ~~MCWD~~ Mammoth Community Water District (MCWD) standards and specifications, to the satisfaction of the Town of Mammoth Lakes.

⁶ CEQA Conformance Review, Attachment C, *Water Demand Estimate Memorandum*, 2010.



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4.0 DETERMINATION/ADDENDUM CONCLUSION

As detailed in the analysis presented above, this Addendum supports the conclusion that the changes to the proposed project considered in the Final EIR do not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new information has become available and no substantial changes to the circumstances (under which the project was being undertaken) since the certification of the Final EIR has occurred. There are no new measures required and no new alternatives available that would substantially reduce the environmental effects beyond those previously described in the Final EIR.



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5.0 ADDENDUM PREPARATION SOURCES/REFERENCES

Bull Stockwell Allen Architects, *Conditional Use Permit Amended Submittal*, April 8, 2016.

California Environmental Quality Act, 1970, as amended, Public Resources Code Sections 21000-21178.

Google Earth Maps, <http://maps.google.com>, accessed May 2016.

LSA Associates, *Old Mammoth Place Parking Program*, dated January 22, 2010.

LSA Associates, *Old Mammoth Place (Mammoth Clearwater) Revised Site Plan (Traffic Memorandum)*, December 22, 2009.

Mammoth Community Water District, *Comments on the Vesting Tentative Tract Map 09-003 (Old Mammoth Place)*, dated December 9, 2009.

RBF Consulting, *Final Clearwater Specific Plan Environmental Impact Report*, SCH No. 2006062154, adopted July 2008.

Town of Mammoth Lakes, *Town of Mammoth Lakes Municipal Code*.

Town of Mammoth Lakes, *Town of Mammoth Lakes General Plan 2007*, dated May 2007.

Town of Mammoth Lakes, *General Plan Update Final Program Environmental Impact Report*, SCH No. 2003042155, dated May 2007.

Town of Mammoth Lakes, *The Clearwater Specific Plan*, revised April 21, 2010 (DZA 09-001 and DZA 10-002).



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EXHIBIT “B”
Resolution No. TC-16-__

FINDINGS

CALIFORNIA ENVIRONMENTAL QUALITY ACT

(EIR Addendum – California Environmental Quality Act Guidelines Section 15164)

- a. The Town Council considered the Addendum to the Clearwater Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006062154) together with the Clearwater Specific Plan EIR, any comments received, including the Mitigation Monitoring and Reporting Program, pursuant to the CEQA Guidelines, and finds that on the basis of the whole record, there is no substantial evidence that the proposed district zoning amendment, vesting tentative tract map, use permit, and design review will result in any new significant effects or a substantial increase in the severity of previously identified significant effects.

With regards to *Land Use*, the Addendum found that the proposed project would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects since the proposed land uses are consistent with the Specific Plan land use designations; the proposed modifications to workforce housing are consistent with the Town’s current Housing Ordinance; the proposed density remains unchanged and appropriate community benefits will be provided; the proposed 65-foot height is consistent with what the EIR analyzed and the proposed building heights along Laurel Mountain Road and Old Mammoth Place are consistent with what would be permitted in the adjacent Zoning Districts; and the proposed site coverage is below the maximum site coverage permitted.

With regards to *Aesthetics/Light and Glare*, the Addendum found the proposed project would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects since the public view blockage to the surrounding mountains would remain similar to that analyzed in the EIR and would not introduce any new view impacts; the maximum height of the project remains consistent with what was analyzed in the EIR; and no substantial increases in the severity of shadow impacts would occur and impacts from shadows would remain similar to those addressed in the EIR. Similar to the EIR, impacts from shade/shadow impacts and short-term construction impacts will remain significant and unavoidable, but will not substantially increase beyond what the EIR analyzed and are mitigated to the extent feasible with the mitigation measures.

With regards to *Traffic*, the Addendum found the proposed project would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects since the proposed changes in land uses on-site would not be substantially different than those considered in the EIR, and the changes would not result in a substantial change in the trip generation from what was previously analyzed by the

EIR. Similar to the EIR, the Addendum found that traffic impacts would be less than significant with implementation of the mitigation measures.

With regards to *Air Quality*, the Addendum found the proposed project would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects since the proposed project remains consistent with the anticipated growth of the area since vehicle miles traveled (VMT) would not exceed the Town's VMT limits; the proposed project would result in less daily trips than the approved project; and air quality impacts from construction would remain similar to those identified in the EIR. Greenhouse gas (GHG) emissions were not analyzed in the EIR, but since information on the effects of GHG emissions were known long before the Town approved the EIR and no issues were previously raised and no new information has been presented, no additional analysis of GHG impacts is required. Similar to the EIR, the Addendum found that air quality impacts would be less than significant with implementation of the mitigation measures.

With regards to *Noise*, the Addendum found the proposed project would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects since construction noises would be similar to those identified in the EIR and noise from outdoor recreational uses would be regulated through the administrative permit process. Similar to the EIR, the Addendum found noise from operations will be less than significant and short-term construction noise will remain significant and unavoidable, but will not increase beyond what the EIR analyzed and will be mitigated to the extent feasible with the mitigation measures.

With regards to *Utilities and Service Systems*, the Addendum found the proposed project would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects since the proposed project involves similar development compared to the development scenarios considered in the EIR and the anticipated demand for water remains similar to the approved project. Similar to the EIR, the Addendum found that utility and service system impacts would be less than significant with implementation of the mitigation measures.

- b. The Town Council finds that the Addendum to the Clearwater Specific Plan EIR has been completed in compliance with CEQA and reflects the lead agency's independent judgment and analysis.
- c. An addendum is adequate because the Addendum demonstrates that the environmental analysis and impacts identified in the Clearwater Specific Plan EIR remain substantively unchanged by the proposed district zoning amendment, vesting tentative tract map, use permit, and design review, and supports the finding that the proposed district zoning amendment, vesting tentative tract map, use permit, and design review do not result in any new environmental effects and does not exceed the level of impacts identified in the EIR.

The Addendum found that impacts to land use, aesthetics/light and glare, traffic, air quality, noise, and utilities and service systems would remain substantially the same as what was analyzed in the EIR. The EIR and the Addendum found all other effects to be less than significant and no additional analysis was required.

- d. 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 R, Mammoth Lakes, California 93546.
- e. The Town Council finds that the proposed vesting tentative tract map, use permit, and design review will not result in a safety hazard or noise problem for persons using the Mammoth Yosemite Airport or for persons residing or working in the Project area because the Project site is located approximately seven miles from the Mammoth Yosemite Airport and due to the nature and scope of the project, no impact to air traffic patterns are anticipated.
- f. A program for reporting on or monitoring the required mitigation measures has been adopted and all of the mitigation measures remain applicable.
- g. All mitigation measures shall be conditions of Project approval.