

RESOLUTION NO. TC 2020-05

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA,
APPROVING GENERAL PLAN AMENDMENT 19-002, MODIFYING
THE LAND USE AND HOUSING ELEMENTS TO
IMPLEMENT THE TOWN DENSITY BONUS PROGRAM
UPDATE (ZONING CODE AMENDMENT 19-002)**

WHEREAS, the Town's 2019-2027 Housing Element (*adopted by Town Council in August 2019*) and the Town's 2017 Community Housing Action Plan (*accepted by Town Council in December 2017*) established goals and objectives aimed at increasing the supply and diversity of housing choices within the Town and removing governmental constraints that may disincentivize workforce housing development by being overly restrictive and too onerous; and

WHEREAS, the Town has had a Town Density Bonus Program with varying degrees of success since the adoption of the original 1987 General Plan, but has experienced very limited usage of the existing Town Density Bonus Program since it was adopted in 2007 due to a variety of reasons; and

WHEREAS, eligible projects are able to qualify for a density bonus pursuant to the State Density Bonus Program mandated by Government Code §65915 for up to a 35% density bonus and other applicable incentives, concessions, waivers, or reductions to applicable development regulations, but the State density bonus is limited to parcels with a minimum base density of five units which has led to low usage of the State density bonus due to limited adequately sized vacant multi-family zoned land; and

WHEREAS, the Town cannot make amendments to the State density bonus program and are required to allow eligible applicants to use the State density bonus program as adopted; however, the Town's density bonus program is discretionary and not required by the State and therefore, the Town has broader flexibility with regards to the implementation of a local density bonus program; and

WHEREAS, to assist in implementing the goals and objectives identified in the Town Council adopted 2019-2027 Housing Element and the Town Council accepted 2017 Community Housing Action Plan and to develop a Town Density Bonus Program that can potentially be successful at increasing the supply of workforce housing in Mammoth Lakes, a request for consideration of a General Plan Amendment and a Zoning Code Amendment was filed by the Town of Mammoth Lakes for the Town Density Bonus Program Update in November 2019 in accordance with Chapter 17.112 of the Town of Mammoth Lakes Municipal Code; and

WHEREAS, the Planning and Economic Development Commission conducted a duly noticed public hearing on the General Plan Amendment request on February 12, 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 February 12, 2020 and adopted Resolution No. PEDC 2020-02 recommending to the Town Council, with a 4-0 vote, consideration of the Addendum to the 2016 General Plan Land Use Element/Zoning Code Amendments and

Mobility Element Update Program Environmental Impact Report, adoption of the required California Environmental Quality Act and Municipal Code findings, approval of General Plan Amendment 19-002 and Zoning Code Amendment 19-002, and approval of the Town Density Bonus Program Policy; and

WHEREAS, the Town Council conducted a duly noticed public hearing on the General Plan Amendment request on March 4, 2020, 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 attachments and exhibits;
2. The General Plan and Municipal Code;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;
5. The Town of Mammoth Lakes Addendum to the 2016 General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Program Environmental Impact Report (State Clearinghouse No. 2015052072) dated February 12, 2020 (Exhibit "A");
6. The 2016 General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Draft Program Environmental Impact Report (2016 PEIR), Final 2016 PEIR, and associated technical appendices (collectively, the "2016 Program Environmental Impact Report" or "2016 PEIR") (State Clearinghouse No. 2015052072), incorporated herein by this reference; and
7. The Town Density Bonus Program Update (Zoning Code Amendment 19-002).

NOW THEREFORE, BE IT RESOLVED that the Town Council, in its independent judgement, makes the findings 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 and incorporate by reference all exhibits and attachments cited in this Resolution.

Section 2. Findings. The Town Council HEREBY FINDS AND DETERMINES based on the information presented herewith:

1. **CEQA FINDINGS.** Pursuant to the California Environmental Quality Act (CEQA), the Town Council makes the following findings:

Findings for Program Environmental Impact Report Addendum
(Public Resources Code Section 21166;
California Environmental Quality Act Guidelines Section 15162 and 15164)

- a. The Town Council considered the proposed Addendum to the 2016 General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Program Environmental Impact Report (State Clearinghouse No. 2015052072) together with the Program Environmental Impact Report (2016 PEIR), any comments received, and finds that on the basis of the whole record, there is no substantial evidence that General Plan Amendment 19-002 will result in any new or substantially increased significant effects on the environment.

- b. An Addendum is adequate because the Addendum demonstrates that the environmental analysis and impacts identified in the 2016 PEIR remain substantively unchanged by the Project, and supports the finding that the proposed modifications do not trigger the need for preparation of a Subsequent or Supplemental EIR or Negative Declaration under the criteria listed in CEQA Guidelines §15162 and §15163.
 - c. The Town Council finds that the Addendum to the 2016 PEIR reflects the lead agency's independent judgement and analysis.
 - 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 230, Mammoth Lakes, CA 93546.
 - e. The Town Council finds that there are no new or different mitigation measures or alternatives that would substantially reduce one or more significant impacts identified in the 2016 PEIR that are not adopted. The proposed Project does not identify or require adoption of any further mitigation measures or alternatives beyond those provided in the 2016 PEIR.
 - f. The Town Council finds that the Project 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 more than ten miles from the Mammoth-Yosemite Airport.
2. **MUNICIPAL CODE FINDINGS.** Pursuant to the requirements of the Town of Mammoth Lakes Municipal Code, the Town Council makes the following findings:

Findings for General Plan Amendment
(Municipal Code Section 17.112.060)

- a. The proposed amendment is internally consistent with all other provisions of the General Plan because the Project is consistent with the Town Vision of "providing adequate and appropriate housing that residents and workers can afford" since the purpose of the amendments is to increase the supply of housing available to the workforce and encourage the development of units that are restricted to a range of affordability levels. are consistent with this vision since the stated purpose of the by allowing additional multi-family units to be built at various affordability levels. The proposed amendments to Land Use Policy L.2.D are consistent with all other provisions of the General Plan because the amendments will allow for an increase in the supply and diversification of housing choices within the Town by allowing for greater flexibility in the usage of the Town Density Bonus Program and the proposed amendments to Housing Element Policy H.1.C. will provide a reference to the Town Density Bonus Program to ensure internal consistency. The amendments to the Zoning Code are consistent with the General Plan because the Zoning Code amendments will implement General Plan Policy L.2.D. in a manner that is predictable and easy to understand.

Additionally, the proposed amendment supports and incorporates the following General Plan Goals and Policies:

Land Use Element

Goal L.2. Substantially increase housing supply available to the workforce.

Policy L.2.B. Encourage a mix of housing types and forms consistent with design and land use policies.

Policy L.2.C. Rehabilitate existing housing and build new housing for workforce housing.

2019-2027 Housing Element:

Goal H.2. Promote construction of an adequate supply of housing to meet the needs of all sectors of the community, including the conservations and improvement of existing housing supplies.

Policy H.2.A. Utilize a range of strategies to facilitate a diverse range of housing types, consistent with Town design and land use policies, to meet the needs of all local residents, particularly the local workforce.

Policy H.2.C. Support the development of market-rate and affordable rental housing.

Policy H.3.A. Ensure that units built as affordable and workforce housing units meet minimum standards for design, amenities, and livability, and prioritize livability as a criterion in assessing any housing mitigation, or Alternative Housing Mitigation Plan.

Goal H.4. Reduce governmental constraints to housing production and affordability.

Policy H.4.C. Ensure that the Zoning Code continues to meet State law requirements and does not unduly restrict certain types of housing to be developed.

Policy H.4.E. Periodically review and update Town codes, ordinances, fee programs, and procedures to ensure that they do not unduly constrain housing development while ensuring development impacts are adequately mitigated through development impact fees and/or other appropriate measure(s).

Policy H.4.F. Prioritize workforce and affordable housing when considering future development proposals relative to Town policies that limit overall population growth.

There is no applicable specific plan or master plan.

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the town because the proposed amendments do not substantively alter the policies and intent of the General Plan. The amendments will provide increased flexibility in how the existing Town Density Bonus Program is utilized, thereby creating opportunities for the development of additional workforce housing units throughout the Town which will provide increased accessibility to housing that is conveniently located and restricted to occupancy by eligible households. Additionally, workforce housing units are required to meet the Workforce Housing Amenity and Design Standards which will help ensure that the units are adequate and appropriate. Lastly, projects that are granted a density bonus pursuant to the Town's Density Bonus Program require approval of a use permit, which is a discretionary permit, meaning the project is subject to environmental review under CEQA and requires a determination be made that the project would not result in significant and unavoidable environmental impacts.
- c. The proposed amendment is consistent with the provisions of the California Environmental Quality Act (CEQA) because an Addendum to the 2016 General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Program

Environmental Impact Report (State Clearinghouse No. 2015052072) has been prepared and considered by the decision-making bodies for this Project.

- d. The proposed General Plan Amendment does not result in a mandatory element of the General Plan being amended more than four times during any calendar year because this would be the first amendment to the Land Use and Housing Elements in 2020 (Government Code §65358, Municipal Code §17.112.080).

Section 3. Actions. The Town Council hereby takes the following actions:

1. Adopts the required CEQA and Municipal Code findings;
2. Approves General Plan Amendment 19-002 attached hereto as Exhibit "B"; and,
3. Directs staff to file a Notice of Determination.

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 the Town of Mammoth Lakes, Town Hall, 437 Old Mammoth Road, Suite 230, Mammoth Lakes, CA 93546. The custodian for these records is the Town Clerk. This information is provided pursuant to Public Resources Code Section 21081.6.

APPROVED AND ADOPTED this 4th day of March 2020.


BILL SAUSER, Mayor

ATTEST:

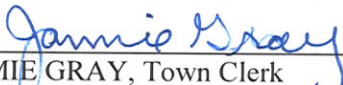

JAMIE GRAY, Town Clerk

EXHIBIT "A"
Resolution No. 2020-05
Case No. GPA 19-002

**Addendum to the 2016 Land Use Element/Zoning Code Amendments
and Mobility Element Update Program Environmental Impact Report**

**ADDENDUM TO THE 2016 GENERAL PLAN LAND USE
ELEMENT/ZONING CODE AMENDMENTS AND
MOBILITY ELEMENT UPDATE
PROGRAM ENVIRONMENTAL IMPACT REPORT
(State Clearinghouse No. 2015052072)**

**Town Density Bonus Program Update
General Plan Amendment 19-002 &
Zoning Code Amendment 19-002**

February 12, 2020



Lead Agency:

Town of Mammoth Lakes
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This document is designed for double-sided printing to conserve natural resources.



1.0 INTRODUCTION

The Town of Mammoth Lakes (“Town”) 2019-2027 Housing Element (*adopted by Town Council in August 2019*) and the Town’s 2017 Community Housing Action Plan (*accepted by Town Council in December 2017*) established goals and objectives aimed at increasing the supply and diversity of housing choices within the Town and removing governmental constraints that may disincentivize workforce housing development by being overly restrictive and too onerous. To assist in implementing those goals and objectives, the Town initiated an update to the Town’s Density Bonus Program in November 2019 to allow greater flexibility and to allow smaller multi-family residential projects to qualify for the program than what is currently allowed. The updates to the Town Density Bonus Program are being processed as General Plan Amendment 19-002 and Zoning Code Amendment 19-0002.

This Addendum to the 2016 General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Program Environmental Impact Report (2016 PEIR) has been prepared by the Town to assess the potential environmental impacts from the Town Density Bonus Program Update (“Project”). The Project includes modifications to the General Plan Land Use and Housing Elements and the Zoning Code and includes the following General Plan and Zoning Code amendments:

1. Amend Land Use Element Policy L.2.D. to: (1) revise the existing Town Density Bonus Program to allow for it to be applied separately from the State density bonus; (2) reduce the eligible project size for the Town Density Bonus Program from projects with a minimum base density of 5 units to multi-family residential projects with a minimum base density of 2 units; and (3) revise the Town Density Bonus to allow flexibility and not require all units be restricted to workforce housing in order to be eligible;
2. Amend Housing Element Policy H.1.C. to clarify that projects can obtain a density bonus through the Town Density Bonus Program in addition to the State Density Bonus Program; and
3. Develop Zoning Code regulations implementing the revised Town Density Bonus Program and allowing for multi-family residential projects to obtain proportionately greater density bonuses in exchange for deed restricting a greater percentage of the base density units. The maximum density increase (i.e., up to a maximum of twice the base density) would remain the same as the existing Town Density Bonus Program.

For the purposes of the analysis in this Addendum, the overall increase in the number of units and population that could result from the proposed revisions to the Town’s Density Bonus Program are compared to the buildout scenario used in the certified 2016 PEIR. Based on the number and size of vacant multi-family zoned parcels with a base density of 2-4 units as of February 2020, the proposed revisions to the Town’s Density Bonus Program would have the potential to result in an additional 88 units (1.6% increase) and an additional 318 persons (0.6% increase) town-wide beyond what is currently assumed in the General Plan buildout table that was analyzed in the 2016 PEIR.¹ Larger parcels (i.e., those with a base density of 5 units or more) are not included in this analysis since those parcels are already eligible for a density bonus under the Town’s existing density bonus program and no change would occur to the potential development intensity of those parcels. With regards to the proposed changes to the required number of deed restrictions, those changes would not change the

¹ This assumption was based on a household size of 3.47 persons per unit, which is consistent with the household size used in the General Plan Buildout Table analyzed in the 2016 PEIR.



overall development intensity potential since a deed restricted unit is the same as a non-deed restricted unit with regards to unit count and occupancy numbers, and therefore, the development intensity would not be any greater as a result of that change.

2.0 BACKGROUND

2.1 2007 GENERAL PLAN UPDATE AND 2007 PEIR

The Town's existing Density Bonus Program was adopted in August 2007 as part of the comprehensive update to the General Plan and the density bonus program, as adopted, allowed only those projects that would otherwise qualify for the State Density Bonus Program (i.e., housing developments with a minimum base density of 5 units) to exceed the State 35% density bonus (Government Code §65915) and go up to double the base density if 100% of the units are deed restricted to workforce housing.² Other components of the 2007 General Plan update included an update of the buildout calculations resulting in an estimated population at buildout of 52,000 People At One Time (PAOT) and the development of goals, policies, and actions that provide the Town's long-range comprehensive direction for guiding future development and identify the community's environmental, social, and economic goals.

As a part of the project, the Town, acting as the Lead Agency under the California Environmental Quality Act (CEQA), determined that a Program Environmental Impact Report was required for the 2007 General Plan update (2007 PEIR). The 2007 PEIR was prepared in accordance with CEQA (California Public Resources Code [PRC] §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 2007 PEIR was to, at a broad programmatic level, identify the significant adverse impacts of the proposed project, identify mitigation measures for those impacts, and identify alternatives to the proposed project that might lessen or avoid adverse environmental impacts. The 2007 PEIR focused on the following potentially significant impacts:

- Aesthetics, Light and Glare
- Air Quality
- Biological Resources
- Geology and Soils
- Public Safety/Hazards
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population, Housing, and Employment
- Public Services
- Public Utilities
- Recreation
- Transportation and Circulation
- Cultural Resources

The analysis contained in the 2007 PEIR concluded that after the incorporation of all feasible mitigation measures, the project would still result in a significant and unavoidable direct impact in seven areas and a Statement of Overriding Considerations was adopted pursuant to CEQA Guidelines §15093. The seven areas that would result in significant and unavoidable impacts were:

- Aesthetics, Light and Glare
- Air Quality
- Biological Resources
- Noise
- Public Services and Utilities
- Recreation

² The most recent project to utilize the Town density bonus was the Star Apartments project (1829 Old Mammoth Road) in 2011, which was a Mammoth Lakes Housing, Inc. sponsored project and was subsidized by a CDBG grant. No privately funded development project has utilized the Town density bonus since it was adopted in 2007.



- Public Safety/Hazards

With the implementation of mitigation measures, it was determined that no other significant and unavoidable impacts were expected to occur as a result of the project and the 2007 PEIR was certified by the Town Council in August 2007.

The certified 2007 PEIR is available online at: <https://www.townofmammothlakes.ca.gov/163/>.

2.2 2016 GENERAL PLAN UPDATE AND 2016 PEIR

In 2016, the Town adopted the General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update which included the following:

- Changed the allowable intensity of development within the commercially designated and zoned areas to a maximum of 2.0 Floor Area Ratio (FAR) and removed the density limits based on units and rooms per acre for those areas;
- Changed the land use element policy and text associated with regulating population growth from a PAOT approach to an impact assessment based approach and updated the buildout calculations resulting in a projected population at buildout of 52,940 people;³
- Revised the boundaries of the commercially designated land in the Land Use Element to match current commercial zoning boundaries in the Zoning Code;
- Deleted the Land Use Element Community Benefits Incentive Zoning (CBIZ) policy and modified the Transfer of Development Rights (TDR) policy;
- Adopted Zoning Code Amendments to implement the FAR approach; and
- Adopted and implemented a comprehensive update to the Mobility Element which addressed the triple-bottom line and “feet-first” transportation concepts from the 2007 General Plan.

As a part of the project, the Town determined that an update to the 2007 PEIR was necessary pursuant to CEQA and the Town, acting as the Lead Agency, prepared the 2016 General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Program Environmental Impact Report (2016 PEIR) to analyze the potential impacts of the project at a programmatic level. The 2016 PEIR built off the analysis in the 2007 PEIR and focused on the potential impacts of the 2016 General Plan Update project, specifically analyzing: (1) the potential impacts that could occur as a result of the change in how buildout is calculated and the potential for increased intensity of development as a result of the transition to FAR and the increase in population; and (2) impacts to transportation and traffic as a result of the mobility element update.

The 2016 PEIR focused on the following potentially significant impacts:

- | | |
|----------------------------|----------------------------------|
| • Aesthetics | • Land Use and Planning |
| • Air Quality | • Noise and Vibration |
| • Forestry Resources | • Population and Housing |
| • Biological Resources | • Public Services |
| • Cultural Resources | • Transportation and Circulation |
| • Greenhouse Gas Emissions | • Public Utilities |

³ DZA 16-002, which included a 2.6 percent increase in overall density in the North Village Specific Plan (NVSP) area, was approved in June 2017 and resulted in a slight increase in the projected buildout to 53,091 people.



The analysis in the 2016 PEIR concluded that after the incorporation of all feasible mitigation measures, the project would still result in a significant and unavoidable direct impact in three areas and a Statement of Overriding Considerations was adopted pursuant to CEQA Guidelines §15093. The three areas that would result in significant and unavoidable impacts were:

- Air Quality
- Recreation (*part of the Public Services Chapter in the 2016 PEIR*)
- Traffic (*part of the Transportation and Circulation Chapter in the 2016 PEIR*)

With the implementation of mitigation measures, it was determined that no other significant and unavoidable impacts were expected to occur as a result of the project and the 2016 PEIR was certified by the Town Council in December 2016.

The certified 2016 PEIR is available online at: <https://www.townofmammothlakes.ca.gov/945>.

2.3 TOWN DENSITY BONUS PROGRAM UPDATE

Under CEQA, Program EIRs analyze, at a general level, the implications and potential environmental impacts that revised development standards and policies may have on future development. Site-specific impacts that may occur as future projects are considered require independent and project-specific environmental review. The proposed changes to the Town's Density Bonus Program only impact the development intensity of a small number of parcels, and therefore, are considered to be minor changes. Following preliminary review of the Project, the Town determined that it is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA) and that an addendum is the appropriate CEQA document, as described below.

2.4 STATUTORY AUTHORITY AND REQUIREMENTS

According to State CEQA Guidelines §15162, 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 certified EIR or negative declaration are necessary, an addendum may be prepared (State CEQA Guidelines §15161[b]).

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

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

3.0 EVALUATION OF PROJECT

The proposed modifications to the General Plan Land Use and Housing Elements and the Zoning Code are described below.

3.1 REVISIONS TO THE GENERAL PLAN

(shown below in strikethrough for deleted text and underline for added text).

- a. Land Use Element – Policy L.2.D.

~~For housing development projects where all units are deed restricted for workforce housing, a density bonus may be granted in addition to any bonus granted pursuant to the State Density Bonus Law up to a combined bonus of twice the density identified for the designation in which the project is located.~~

Encourage the development of workforce housing by offering a Town Density Bonus Program, in addition to the State density bonus program, that is flexible and adaptive and allows multi-family residential projects to construct up to twice the base density identified for the designation in which the project is located. Projects will be eligible to receive proportionately greater density bonuses, up to a maximum of twice the base density, in exchange for deed restricting a greater percentage of the base density units. Density bonuses granted pursuant to this policy are mutually exclusive of density bonuses granted pursuant to the State Density Bonus Program (i.e., a developer can elect to utilize either the Town density bonus or the State density bonus, but not both).

L.2.D.1 Action: Amend the Zoning Code to implement the Town density bonus program and adopt a Town Density Bonus Program policy by Town Council resolution.

- b. Housing Element – Policy H.1.C.



Allow for density bonuses for projects that provide deed-restricted workforce housing in accordance with State density bonus law and/or the Town density bonus programs. Projects that have applied for and received State, Town, or other housing-related density bonuses shall not be permitted to subsequently move or transfer qualifying units off-site.

3.2 REVISIONS TO THE ZONING CODE

The Project proposes: (1) a comprehensive update to all references to the Town's Density Bonus Program; (2) a new Municipal Code chapter, Chapter 17.138 (Town Density Bonus Program); and (3) minor revisions to associated Town Density Bonus Program definitions contained in Chapter 17.148 (Definitions). Municipal Code Chapter 17.138 will include the overall framework for the implementation of General Plan Policy L.2.D. and establish the general requirements and regulations for the program.

3.3 2016 PEIR COMPARISON

a. The proposed modifications would allow development that is nearly identical to that analyzed in the 2016 PEIR in the following respects:

- All development standards, other than the allowance for smaller projects to qualify for the density bonus, remain unchanged. The allowed concessions that are part of the Town Density Bonus Program are identical to the concessions allowed by the State Density Bonus Program and/or the minor modifications to development standards currently allowed by Chapter 17.76, Adjustments, and therefore, the development standards at a project level remain unchanged from what previously analyzed.
- All future development projects would be required to undergo separate environmental review under CEQA and be subject to the applicable Town's review process, including design review, and therefore, project-level impacts with regards to aesthetics, light and glare, air quality, biological resources, cultural resources, noise, public services, traffic, and utilities would be analyzed at the project level.
- Due to the small overall increase in allowable units and because the future projects would be spread throughout the Multi-Family Residential zones town-wide, impacts to traffic would be minimal and the proposed Project would not directly result in the imposition of any of the traffic mitigation measures (i.e., MM TRAF) identified in the 2016 PEIR.

b. The proposed Project differs from the 2016 PEIR in the following respects:

- Density Increase – A slight increase to the assumed buildout would occur as a result of the Project. Based on the number and size of the vacant multi-family zoned parcels with a base density of 2-4 units as of February 2020, the proposed project would have the potential to result in an additional 88 units (1.6% increase) and an additional 318 persons (0.6% increase) town-wide beyond what is currently assumed in the General Plan buildout table that was analyzed in the 2016 PEIR (see Appendix B, Vacant Multi-Family Zoned Parcels). Larger parcels (i.e., those with a base density of 5 units or more) are not included in this analysis since those parcels are already eligible for a density bonus under the Town's existing density bonus program, and therefore, no change would occur to the potential development intensity of those parcels. With regards to the proposed changes to the required number of deed restrictions, those changes would not change the overall development intensity potential since a deed restricted unit is the same as a non-deed restricted unit with regards to unit count or occupancy



numbers, and therefore, the development intensity would not be any greater as a result of that change.

In assessing the potential for new or more severe impacts, the Town conducted a thorough review of all potential impacts and the conclusions of that process are incorporated into the conclusions of this Addendum.

All impact areas have been analyzed and it has been determined that no changes or new impacts would result from the proposed Project. No new impacts, not previously analyzed in the 2016 PEIR, would occur as a result of the changes because the Project is within the scope of originally approved project.

4.0 EVALUATION OF ENVIRONMENTAL EFFECTS

As discussed previously, for the purposes of the analysis in this Addendum, the overall increase in the number of units and population that could result from the proposed revisions to the Town's Density Bonus Program are compared to the buildout scenario used in the certified 2016 PEIR and are based on the number and size of vacant multi-family zoned parcels with a base density of 2-4 units as of February 2020. Potential environmental impacts resulting from the proposed Project, as compared to the analysis in the 2016 PEIR, are presented below for each environmental topic area considered in the 2016 PEIR. Other areas not discussed below were considered to be an "Effect Found Not to be Significant" in the 2016 PEIR documentation. All mitigation measures referenced in the analyses below were required by the 2016 PEIR and are presented in Appendix A, 2016 PEIR Final EIR Mitigation Measures.

4.1 AESTHETICS

The 2016 PEIR analyzed potential impacts to visual character, scenic vistas and resources, and light and glare that could occur town-wide under a buildout scenario and concluded that with implementation of the recommended mitigation measures, potential impacts related to aesthetics would be reduced to a less than significant level.

The Project does not grant entitlements for new projects or include site-specific design proposals and the concessions allowed by the proposed Town Density Bonus Program are identical to the concessions allowed by the State Density Bonus Program and/or the minor modifications to development standards currently allowed by Chapter 17.76, Adjustments. Future multi-family residential development projects would be eligible for a density bonus pursuant to the updated Town's Density Bonus Program and would be required to undergo separate environmental review under CEQA and the applicable Town's review process, including design review. This process will ensure that future development complements existing development and the surrounding environment.

Final 2016 PEIR Mitigation Measure MM AES-1, which mitigates impacts on visual resources related to construction equipment, would remain applicable, and therefore, the Project would not change the level of impact described in the 2106 PEIR.

4.2 AIR QUALITY

Impacts of the 2016 General Plan update project analyzed in the 2016 PEIR were found to be significant and unavoidable with regards to air quality due to the potential air quality impacts related to construction activities and the incremental change in peak daily operational emissions associated with increased development. Air quality impacts from this project are not anticipated to be substantial since the number of vacant parcels that are affected by the Project is minimal (~30 parcels) and the potential increase in the overall number of units if 100% of the vacant parcels were to develop at



double-density would only represent a 1.6% increase over the number of units analyzed in the 2016 PEIR. Therefore, vehicle trips that contribute to impacts to air quality are also not anticipated to substantially increase from what was previously analyzed since the maximum number of potential additional units is small. Additionally, future development projects would be required to undergo separate environmental review under CEQA and would be reviewed for conformance with Town Codes and Standards regarding air quality, including the prohibition on the installation of solid fuel burning appliances (e.g., wood burning fireplace) in new multi-unit residential developments.

With implementation of identified Final Mitigation Measures MM AIR-1, MM AIR-2, and MM AIR-4, which mitigates short-term air quality impacts related to construction activities, and Mitigation Measure MM AIR-3, which mitigates long-term air quality impacts by encouraging “feet-first” transportation, the proposed Project would not result in any new, different, or potentially adverse air quality impacts not previously considered and addressed in the 2016 PEIR. Therefore, the changes as a result of the Project will not require revisions to the EIR and the Project would not result in a substantial increase in the previously identified significant and unavoidable impacts related to air quality.

4.3 FORESTRY RESOURCES

The 2016 PEIR analyzed potential impacts to forestry resources that could occur town-wide under a buildout scenario and concluded that all potential impacts related to greenhouse gas emissions would be less than significant.

The Project does not include any specific provisions related to forest land or resources. Future development projects would be required to undergo separate environmental review under CEQA and would be reviewed for conformance with Town Codes and Standards regarding tree removal and the protection of forest resources.

Therefore, forestry resources impacts as a result of the Project would continue to be less than significant. No mitigation measures related to forestry resources were included in the 2016 PEIR.

4.4 BIOLOGICAL RESOURCES

The 2016 PEIR analyzed potential impacts to biological resources that could occur town-wide under a buildout scenario and concluded that with implementation of the recommended mitigation measures, potential impacts related to biological resources would be reduced to a less than significant level.

The Project does not grant entitlements for new projects or include site-specific design proposals and future projects would be required to undergo separate environmental review under CEQA and the applicable Town’s review process, including design review. This process will ensure that future development avoids sensitive biological resources and implement the applicable mitigation measures from the 2016 PEIR. Concessions allowed by the proposed Town Density Bonus Program would be limited to the minimum required to implement the project and design review would ensure that projects avoid any sensitive biological resources.

Final 2016 PEIR Mitigation Measures MM BIO-1 through BIO-3, which mitigates biological impacts related to wildlife, and Mitigation Measures MM BIO-4 through BIO-6, which mitigates biological impacts related to vegetation and wetlands, would remain applicable, and therefore, the proposed Project would not result in any new, different, or potentially adverse biological resources impacts not previously considered and addressed in the 2016 PEIR and the level of impact described in the 2016 PEIR would not change.



4.5 CULTURAL RESOURCES

The 2016 PEIR analyzed potential impacts to cultural resources that could occur town-wide under a buildout scenario and concluded that with implementation of the recommended mitigation measures, potential impacts related to cultural resources would be reduced to a less than significant level.

The Project does not grant entitlements for new projects or include site-specific design proposals and future projects would be required to undergo separate environmental review under CEQA. This process will ensure that future development avoids sensitive cultural resources and implement the applicable mitigation measures from the 2016 PEIR. Concessions allowed by the proposed Town Density Bonus Program would be limited to the minimum required to implement the project and design review would ensure that projects avoid any sensitive cultural resources.

Final 2016 PEIR Mitigation Measure TSM 4.D-8, which mitigates cultural resource impacts related to paleontological resources, would remain applicable, and therefore, the proposed Project would not result in any new, different, or potentially adverse cultural resources impacts not previously considered and addressed in the 2016 PEIR and the level of impact described in the 2016 PEIR would not change.

4.6 GREENHOUSE GAS EMISSIONS

The 2016 PEIR analyzed potential impacts to greenhouse gas emissions that could occur town-wide under a buildout scenario and concluded that all potential impacts related to greenhouse gas emissions would be less than significant.

The Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment and would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. not grant entitlements for new projects or include site-specific proposals.

Therefore, greenhouse gas emission impacts as a result of the Project would continue to be less than significant. No mitigation measures related to greenhouse gas emissions were included in the 2016 PEIR.

4.7 LAND USE AND PLANNING

The 2016 PEIR analyzed potential impacts to land use and planning that could occur town-wide under a buildout scenario and concluded that all potential impacts related to land use and planning would be less than significant.

The Project would not conflict with the objectives of the State of California General Plan Guidelines and would be consistent with all applicable elements, goals, policies, and actions of the adopted Mammoth Lakes 2007 General Plan, including the Housing Element provisions that encourage increasing the supply and diversity of housing choices within the Town and encourage removing governmental constraints that may disincentivize workforce housing development by being overly restrictive and too onerous.

The Project does not grant entitlements for new projects or include site-specific design proposals and future projects would be required to undergo separate environmental review under CEQA and the applicable Town's review process, including a review to ensure conformance with all applicable Zoning Code standards. The land uses allowed by the Project would remain consistent with adjacent land uses since only residential uses would be allowed by the Project which would be consistent with adjacent residential uses.

Lastly, the Project will not conflict with any applicable habitat conservation plan or natural community conservation plan.



Therefore, land use and planning impacts as a result of the Project would continue to be less than significant. No mitigation measures related to land use and planning were included in the 2016 PEIR.

4.8 NOISE

The 2016 PEIR analyzed potential impacts to noise that could occur town-wide under a buildout scenario and concluded that all potential impacts related to noise would be less than significant with the implementation of the recommended mitigation measures.

The Project would allow a 1.6% increase in the intensity of development if all vacant parcels were to develop at double density; however, because the parcels are spread throughout the Multi-Family Residential zones and development is not likely to occur all at the same time, impacts to noise would be minimal and are not anticipated to be exceed the noise impact levels analyzed in the 2016 PEIR. Future development projects would be required to undergo separate environmental review under CEQA and the applicable Town's review process, including compliance with the Town's Noise Regulations.

Final 2016 PEIR Mitigation Measure MM NOISE-1, which mitigates noise from construction equipment, would still be applicable, and therefore, noise impacts as a result of the Project would not result in any new, different, or potentially adverse noise impacts not previously considered and addressed in the 2016 PEIR and the level of impact described in the 2016 PEIR would not change.

4.9 POPULATION AND HOUSING

The 2016 PEIR analyzed potential impacts to population and housing that could occur town-wide under a buildout scenario and concluded that all potential impacts related to population and housing would be less than significant.

The Project would allow a slight increase in population density in the multi-family residential zoning districts compared with current regulations. The potential increase in population would be approximately 0.6% greater than the Town buildout anticipated in the 2016 PEIR. The 0.6% increase is not considered substantial and would not cause an exceedance of capacity for providing infrastructure and services.

The Project is intended to increase the supply and diversity of housing choices within the Town and would not cause the displacement of existing population or housing. The amendments would accommodate additional housing opportunities in support of the Housing Element and would not alter or interfere with implementation of the Town's affordable housing provisions.

Therefore, population and housing impacts as a result of the Project would continue to be less than significant. No mitigation measures related to population and housing were included in the 2016 PEIR.

4.10 PUBLIC SERVICES

Impacts from the 2016 General Plan update project analyzed in the 2016 PEIR were found to be significant and unavoidable with regards to recreation due to the potential impacts that an increase in population would have on the demand for existing neighborhood/regional parks and other recreational facilities. All other potential impacts related to public services that could occur town-wide under a buildout scenario were found to be less than significant.

The Project would allow a slight increase in population density compared with current regulations. The potential increase in population would be approximately 0.6% greater than the Town buildout anticipated in the 2016 PEIR. The 0.6% increase is not considered substantial and the impacts to



recreational facilities are not anticipated to substantially increase from what was previously analyzed since the potential population increase is minimal.

No mitigation measures were proposed in the 2016 PEIR that would reduce the impacts identified in the 2016 PEIR to a less than significant level and the proposed Project would not result in any new, different, or potentially adverse public services impacts not previously considered and addressed in the 2016 PEIR. Therefore, the changes as a result of the Project will not require revisions to the EIR and the Project would not result in a substantial increase in the previously identified significant and unavoidable impacts related to public services.

4.11 TRANSPORTATION AND CIRCULATION

Impacts from the 2016 General Plan update project analyzed in the 2016 PEIR were found to be significant and unavoidable with regards to traffic due to the potential that Caltrans may not approve future signals at Main Street intersections despite there being a need for a new signal as a result of increased development. All other potential impacts related to transportation and circulation that could occur town-wide under a buildout scenario were found to be less than significant.

The Project would allow a slight increase in population density compared with current regulations. The potential increase in population would be approximately 0.6% greater than the Town buildout anticipated in the 2016 PEIR. The 0.6% increase is not considered substantial and the impacts to transportation and circulation are not anticipated to substantially increase from what was previously analyzed since the potential population increase is minimal.

The Project does not grant entitlements for new projects or include site-specific proposals. Future development projects would be required to undergo separate environmental review under CEQA and the applicable Town's review process.

Final 2016 PEIR Mitigation Measures MM TRAF-1 through TRAF-9, which mitigates impacts to various intersection throughout Town to maintain an adequate level of service, would remain applicable, and therefore, the proposed Project would not result in any new, different, or potentially adverse transportation and circulation impacts not previously considered and addressed in the 2016 PEIR and the level of impact described in the 2016 PEIR would not change.

4.12 PUBLIC UTILITIES

The 2016 PEIR analyzed potential impacts to public utilities that could occur town-wide under a buildout scenario and concluded that all potential impacts related to public utilities would be less than significant with the implementation of the recommended mitigation measures.

The Project would allow a 1.6% increase in the overall number of units if all vacant parcels were to develop at double density; however, because the increase is minimal and the parcels are spread throughout the Multi-Family Residential zones, impacts to public utilities would be minimal and are not anticipated to exceed the impact levels analyzed in the 2016 PEIR. Future development projects would be required to undergo separate environmental review under CEQA and are required to get permits from the Mammoth Community Water District for water and sewer services. Additionally, as part of the future development project review, the Town will review the project for conformance with all required stormwater regulations.

Final 2016 PEIR Mitigation Measures MM WW-1, which mitigates deficiencies in local sewer lines, and Mitigation Measure MM STRM-1, which mitigates peak surface runoff, would remain applicable, and therefore, the proposed Project would not result in any new, different, or potentially adverse



public utility impacts not previously considered and addressed in the 2016 PEIR and the level of impact described in the 2016 PEIR would not change.

5.0 FINDINGS

In preparing this Addendum, each environmental topic area considered in the 2016 PEIR was considered and for all impact areas, a detailed review determined that the proposed Project is within the scope of the 2016 PEIR analysis and no changes to impacts or mitigation measures are required. For all impact areas, the specific findings required under the CEQA Guidelines (Section 15162) are:

- (1) There are no substantial changes that would lead to new or more severe impacts of previously identified significant effects.
- (2) There are no substantial changes to the circumstances under which the Project will be undertaken that result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, which 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.

6.0 CONCLUSIONS AND SUMMARY

As detailed in the analysis above, this Addendum supports the conclusion that the proposed modifications to the Town's General Plan and Zoning Code required to implement the Town Density Bonus Program Update would not result in any new significant environmental effects or a substantial increase in the severity of the previously identified significant effects in the 2016 PEIR. No new information has become available and no substantial changes to the circumstances under which the Project is being undertaken since the certification of the 2016 PEIR has occurred. There are no new mitigation measures required and no new alternatives available that would substantially reduce the environmental effects beyond those previously described in the 2016 PEIR.



7.0 ADDENDUM PREPARATION SOURCES/REFERENCES

1. Town of Mammoth Lakes, *2016 Land Use Element/Zoning Code Amendments and Mobility Element Update Program Environmental Impact Report*, December 2016
2. Town of Mammoth Lakes, *2007 General Plan Update Program Environmental Impact Report*, August 2007
3. Town of Mammoth Lakes, *Town of Mammoth Lakes General Plan*, 2007 (Updated most recently in 2019)
4. Town of Mammoth Lakes, *Town of Mammoth Lakes Municipal Code*, codified through Ordinance No. 19-03, adopted May 1, 2019 (Supp. No. 36)

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**APPENDIX A – 2016 Land Use Element/Zoning Code Amendments
and Mobility Element Final Program EIR Mitigation Measures**

The following are the applicable mitigation measures as derived from the 2016 General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Final Program EIR.

AESTHETICS

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.

AIR QUALITY

MM AIR-1: Prior to the issuance of a grading or building permit, individual proposed projects shall comply with the following land preparation, excavation, and/or demolition mitigation measures during construction activities:

- All soil excavated or graded should be sufficiently watered to prevent excessive dust. Watering should occur as needed with complete coverage of disturbed soil areas. Watering should be a minimum of twice daily on unpaved/untreated roads and on disturbed soil areas with active operations.
- All clearing, grading, earth moving and excavation activities should cease: (a) during periods of winds greater than 20 mph (averaged over one hour), if disturbed material is easily windblown, or (b) when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property.
- Vehicles traveling over unpaved roadways shall be limited to 15 miles per hour or less. Signs shall be posted at construction sites enforcing the speed limit.
- All trucks hauling dirt, sand, soil, or other loose material shall be covered or maintain at least two feet or freeboards in accordance with the requirements of California Vehicle Code (CVC) Section 23114.
- If more than 5,000 cubic yards of fill material will be imported or exported from the site, then all haul trucks shall be required to exit the site via an access point where a gravel pad, rumble pad, or similar control has been installed.
- Streets adjacent to project construction areas shall be kept clean. Adjacent streets with visible dust, dirt, sand, or soil material accumulation shall be cleaned and the accumulated material removed using Town-approved street sweepers.
- Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
- Where acceptable to the local fire department, weed control should be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.

MM AIR-2: Prior to the issuance of a grading or building permit, individual proposed projects shall comply with the following construction equipment mitigation measures:

- Construction equipment, on-road trucks, and emission control devices shall be properly maintained and tuned in accordance with manufacturer specifications.

- Construction contractors shall be required to comply with California's on-road and off-road vehicle emissions regulations, including the CARB idling restrictions and the USEPA/CARB on-road and off-road diesel vehicle emissions standards.

MM AIR-3: Prior to the issuance of a building permit, individual proposed projects shall comply with the following mitigation measures:

- Provide direct pedestrian and bicycle access to off-site adjacent neighborhood amenities, parks, schools, shopping areas, existing bike paths, and transit stops in any residential development with a density of four or more residences per acre and in any mixed-use or commercial development. Low, medium, and high density developments should have curbs and sidewalks on both sides of the street.
- For medium to high density residential, mixed-use, or commercial developments where transit services exist but no transit stop is located within 1/2 mile of the site, projects shall provide plans indicating locations of bus turnouts and loading areas with shelters that are acceptable to the local transit provider. This area will provide for future easement for bus turnouts and shelters. If transit service does not exist, but the project is within a transit district's sphere of influence, provide a site at a location and size acceptable to the transit provider.

MM AIR-4: Prior to the issuance of a grading or building permit, individual proposed projects shall comply with the following mitigation measures to reduce TAC impacts:

- Projects locating sources of TAC emissions near sensitive receptors within the advisory guideline recommendations in the CARB Air Quality and Land Use Handbook (or future adopted subsequent document) shall conduct a screening or refined health risk assessment to sufficiently demonstrate that impacts would not exceed the adopted significance thresholds inclusive of project-level design features, as appropriate and feasible.
- Projects requiring the use of substantial numbers of diesel-fueled heavy-duty construction equipment within 500 feet of sensitive receptors shall conduct a screening or refined health risk assessment to sufficiently demonstrate that impacts would not exceed the adopted significance thresholds inclusive of project-level design features, as appropriate and feasible.

BIOLOGICAL RESOURCES

MM BIO-1 Willow Flycatcher: Prior to approval of road improvement projects and MUPs proposed under the Mobility Element Update that have the potential to significantly disturb riparian vegetation associated with Mammoth Creek and its tributaries, the Town shall require a habitat evaluation by a biologist well versed in the requirements of willow flycatcher to be completed. If no suitable habitat for the species is identified within 300 feet of construction or maintenance activities, no further measures would be required in association with the project. If suitable habitat for the species is identified within 300 feet of such activities, the Town shall require that a survey be completed prior to construction by a qualified biologist for the species according to CDFW survey guidelines (Bombay et. al., May 29, 2003). This survey protocol requires a minimum of two surveys, one between June 15-25 and one during either June 1-14 or June 26-July 15. Surveys during these periods must be at least five days apart and the second survey shall be conducted no more than one week prior to clearing of vegetation and/or the operation of motorized heavy equipment. If the surveys determine the species is not present within 300 feet of the area to be affected by an individual project, no further action shall be required. If, however, willow flycatcher is determined to be present and is using habitat within 300 feet of Project-related activities, inclusive of nesting and foraging, the Town shall consult with CDFW prior to initiating any construction activities in the area. Consultation may entail the processing of a 2081 Incidental

Take Permit that includes certain conditions to avoid and/or mitigate for potential impacts to the species. Such conditions could include, but not be limited to, restrictions on the time of year for construction, noise monitoring, restrictions on equipment use, and others.

MM BIO-2 Migratory Birds: To the extent practicable, brush and tree removal related to projects proposed under the Land Use Element and Zoning Code Amendments and Mobility Element Update shall be initiated outside of the nesting bird season, which is generally held to be from April 1 to August 31 in the Mammoth Lakes area, and shall be carried out with no more than a two week lapse in the work. If the Town deems this to not be practicable, the Town shall require a nesting bird survey by a monitoring biologist to be conducted within 300 feet (for songbirds) and 500 feet (for raptorial birds) of construction sites no more than one week prior to initiating construction to ensure no birds protected under the MBTA and/or State Fish and Game Code Section 3503 et seq. are harmed or harassed.

If no active nests of songbirds and raptors are found within 300 feet and 500 feet, respectively, of the construction site, the work may begin. If active nests are found within the survey areas the Town shall delineate a buffer zone of 300 feet and 500 feet for songbirds and raptors, respectively, around the nest. Based on the nature of the work to be performed and the equipment to be used, the monitoring biologist may reduce the buffer zone based on intervening vegetation and topography. Such buffer zones shall remain in place until the young in the nest have fledged or the nest has failed, as determined by the monitoring biologist. All projects involving removal of trees or vegetation capable of supporting nesting birds shall be subject to the requirements of this Mitigation Measure.

MM BIO-3 Other Special-Status Wildlife: As discussed earlier, there are a number of wildlife species of special concern to Federal and State resource agencies that are known or are expected to occur within the planned road improvement and MUP areas under the Mobility Element Update.

- For such avian species, including northern goshawk, greater sage-grouse, yellow warbler, and great gray owl, implementation of MM BIO-2 for nesting birds will suffice in reducing impacts to these species to less than significant.
- For such amphibian species, including the Mount Lyell salamander and Yosemite toad, where suitable habitat exists for these species, a thorough search of areas to be disturbed shall be made by construction personnel trained in the methods of searching for these species. If any amphibians are found, regardless of species, they will be captured and relocated in like habitat no less than 100 feet away from construction sites.
- For such special-status mammal species with the potential to occur in conjunction with particular project components, including the Sierra Nevada red fox, Pacific marten, Sierra Nevada mountain beaver, Townsend's western big-eared bat, and Mount Lyell shrew, and where suitable habitat for these species exists in the Project Area, pre-construction surveys shall be conducted by a biologist familiar with the sign of each species to identify signs of their presence or determine their absence no more than two weeks prior to initiating construction activities. Such surveys shall encompass the area to be disturbed and the habitat within 300 feet of construction activities. Due the secretive and/or nocturnal activity patterns of these species, the following signs shall be used:
 - Mount Lyell shrew – evidence of nests of dry leaves or grasses in stumps or under logs or piles of brush.
 - Townsend's western big-eared bat – evidence of occupation by colonies in caves, mine tunnels, and buildings.

- Sierra Nevada mountain beaver – evidence of extensive tunnels, runways and burrows beneath dense streamside vegetation.
- Pacific marten – evidence of den, normally in hollow trees or downed logs.
- Sierra Nevada red fox – evidence of den, normally on slopes with porous soils.

If no evidence of the presence of any of these species is found, no further mitigation activities shall be required. However, if evidence of the presence of any of these species is observed, impacts will be avoided or minimized in one or more of the following ways and in consultation with CDFW and/or USFS: realigning roads and/or trails so as to retain a 100-foot buffer between the occupied site and construction activities and human use; suspending construction activities within 300 feet of the den, nest, or bat roosts during the breeding period, (generally held to be March 1 to July 31 for these species); verifying the actual occupation of dens, nests, or roosts by means such as placing tracking medium around the den or nest entrance or conducting a bat survey at the roost entrance at sunset; temporarily blocking the entrance of a den or nest verified to be unoccupied until after construction is completed.

MM BIO-4 Special-Status Plants: Prior to approval of individual projects proposed under the Land Use Element and Zoning Code Amendments and Mobility Element Update that are determined to have habitat suitable to support special-status plants, the Town shall require a survey be completed by a qualified botanist for special-status plant species within 100 feet on either side of a trail alignment or within the disturbance area of other proposed projects. These surveys shall be conducted during the blooming period for the potential occurring species, which is when they are most easily identifiable. For those species with at least a low potential to occur in the Project Area, this period is usually from late June to mid-August. If no special-status plant species are located within the area of disturbance, no further action shall be required. If special-status plant species are located within such areas and are likely to be impacted by an individual project, conservation actions shall be implemented. Such actions shall include, but not necessarily be limited to, re-routing the trail alignment so as to avoid or minimize impacts to special-status plants while preserving an off-site population that is substantially larger than the population to be impacted, developing a transplantation program, and collecting seeds to move populations elsewhere out of harm's way. These measures shall be developed in consultation with the CDFW and USFS.

MM BIO-5 Special-Status Habitats: Three vegetation types within the Project Area that are considered special-status: aspen forest and woodland, mixed willow riparian scrub, and montane wet meadow. To the extent practicable Project components shall avoid these vegetation types. In the event this is not practicable, impacts shall be minimized by restricting the Project footprint, including temporary and permanent impacts, to the minimum required to implement the project.

In the event the Town elects to repair, maintain and/or improve trail crossings along stream courses and other drainage features (that often support the special-status vegetation types mentioned above) in association with individual projects proposed under the Project, prior to approval the Town shall notify and consult with the CDFW regarding the need for a Streambed Alteration Agreement (SAA). All work shall be performed in compliance with the conditions set forth in the SAA, as determined by the CDFW. Such conditions may include the in-kind replacement or restoration of riparian habitat at a 1:1 ratio for temporary impacts and a 2:1 ratio for permanent impacts within the Project Area, or as otherwise directed by the CDFW. Alternatively, if the impacts are very minor, the CDFW may, at its discretion, allow the work to proceed under a letter of law without mitigation other than notification and consultation.

As part of the SAA agreement process and prior to beginning construction within CDFW regulated drainages, a Habitat Mitigation and Monitoring Plan (HMMP) should be developed in coordination with the CDFW and USFS if necessary that ensures no net loss of riparian habitat value or acreage. The HMMP shall include, but not necessarily be limited to, the following:

- The establishment of a reference site near regulated resources to be impacted that have similar hydrology, soil regimes, and exposure as the resources to be impacted.
- The establishment of baseline conditions at the reference site regarding absolute native shrub and tree cover, woody shrub and tree stalk density, percentage cover by non-native plant species, and plant species diversity the vegetation using the Sorensen method within a 400 square foot prescribed reference plot.
- The establishment of a restoration site to encompass the mitigation needs of one or more Project elements either on the Project element site or off site within the Mammoth Creek watershed.
- A minimum 3-year establishment, monitoring, and maintenance (trash collection, weeding, etc.) period.
- The establishment of the following success criteria within a 400 square foot prescribed plot within the restoration site – 70 % of baseline absolute cover by native shrubs and trees; 70 % of baseline woody shrub and tree stalk density; no more than 5% cover by non-native plant species; and a Sorensen value of 0.6.

MM BIO-6 Federally Protected Wetlands: Prior to any project approval for construction, repair, maintenance and/or improvements in association with individual projects proposed under the Land Use Element and Zoning Code Updates and Mobility Element Update within waters of the U.S. and federally protected wetlands, the Town shall notify and consult with the ACOE regarding the need for a Section 404 Permit and the RWQCB regarding the need for its 401 certification. All work shall be performed in compliance with the conditions set forth in the Permit, as determined by the ACOE. Such conditions may include the in-kind replacement or restoration of waters and/or wetlands at a ratio of 1:1 for temporary impacts and a ratio of 2:1 for permanent impacts within the Project Area, or as otherwise directed by the ACOE. Alternatively, if the impacts are less than 0.1 acre, the ACOE may, at its discretion, allow the work to proceed without mitigation other than notification and consultation.

The mitigation shall use the same approach as is outlined above for the mitigation of impacts to CDFW regulated special-status habitats. As is usually the case, CDFW jurisdiction extends beyond that of ACOE and mitigation for impacts to CDFW regulated resources is inclusive of ACOE mitigation needs.

CULTURAL RESOURCES

TSMM 4.D-8: If paleontological resources are encountered during implementation of the Project, ground-disturbing activities shall temporarily be redirected from the vicinity of the find. The Town shall immediately notify a qualified paleontologist of the find. The paleontologist shall coordinate with the Town as to the immediate treatment of the find until a proper site visit and evaluation is made by the paleontologist. Treatment may include the implementation of salvage excavations or preservation in place. If preservation in place is not feasible, the paleontologist shall implement a paleontological salvage program to remove the resources from the project site. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the University

of California Museum of Paleontology or the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school. The paleontologist shall prepare a final report on the find that shall include appropriate description of the fossils, treatment, and curation. A copy of the report shall be filed with the Town and an appropriate paleontological institution, and shall accompany any curated fossils. The paleontologist shall also determine the need for paleontological monitoring for any ground-disturbing activities in the area of the find thereafter. If paleontological resources are encountered on federal lands, ground-disturbing activities shall cease in the immediate vicinity of the find and the Inyo National Forest shall be contacted immediately. In such cases, the Inyo National Forest shall provide direction as to the appropriate evaluation, treatment, and curation of the find.

NOISE

MM NOISE-1: Heavy construction equipment such as large dozers shall not operate within 43 feet from sensitive receptor locations. If heavy construction equipment would be required for construction, alternative methods shall be used such as small dozers.

TRANSPORTATION AND CIRCULATION

MM TRAF-1: Main Street/Mountain Boulevard: A traffic signal shall be installed to achieve LOS D or better. Further analysis of a potential new signal, such as signal warrant analysis per the California Manual on Uniform Traffic Control Devices (CA MUTCD), is expected to be provided as a part of project-specific analysis (not needed for LOS mitigation).

MM TRAF-2: Main Street/Mountain Boulevard: A southbound right-turn lane on Mountain Boulevard shall be provided to achieve LOS D or better.

MM TRAF-3: Old Mammoth Road/Minaret Road/Fairway Drive: Improvements, such as the installation of a roundabout, restriping, or widening of the roadway, shall be implemented to ensure that the intersection operates at LOS D or better.

MM TRAF-4: Main Street/Post Office: A traffic signal shall be installed at the Main Street/Post Office intersection to achieve LOS D or better. Further analysis of potential new signals, such as signal warrant analysis per the CA MUTCD, is expected to be provided as part of project-specific analyses (not needed for LOS mitigation).

MM TRAF-5: Main Street/Center Street: A northbound right-turn on Center Street shall be provided to achieve LOS D or better. Further analysis of a potential new signal, such as signal warrant analysis per the CA MUTCD, is expected to be provided as a part of project-specific analyses (not needed for LOS mitigation).

MM TRAF-6: Old Mammoth Road/ Tavern Road: An eastbound right-turn lane shall be provided on Tavern Road to Old Mammoth Road to achieve LOS D or better.

MM TRAF- 7: Main Street/Forest Trail: Southbound left-turn movements from Forest Trail onto Main Street shall be prohibited to achieve LOS D or better.

MM TRAF 8: Main Street/Laurel Mountain Road: A northbound right-turn lane shall be provided on Laurel Mountain Road to Main Street to achieve LOS D or better.

MM TRAF-9: Old Mammoth Road/Sierra Nevada Road: Eastbound and westbound right-turn lanes shall be provided at the Sierra Nevada Road approaches to achieve LOS D or better.

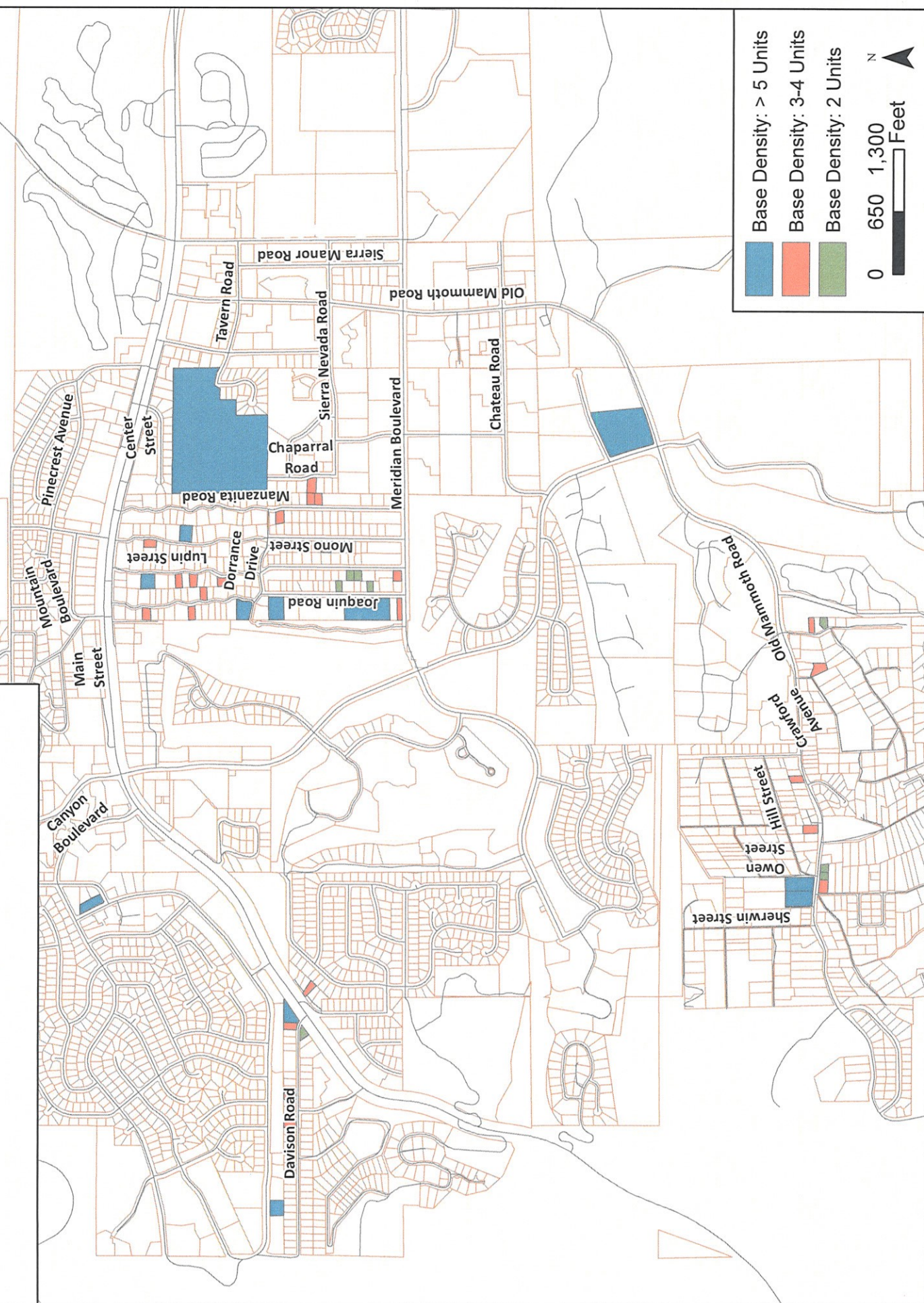
PUBLIC UTILITIES

MM WW-1: During the review of an application by the MCWD for a wastewater permit, if deficiencies in local sewer lines resulting from the application would cause the denial of the sewer permit, the applicant shall install improvements that would comply with Division VII of the Sewer Code (as reviewed by the MCWD). Where general deficiencies are identified, the Sanitary Sewer Code already provides for the collection of fees for sewer main lines, new laterals and other infrastructure.

MM STRM-1: Potential peak surface runoff shall be determined for all private projects. Suitable infiltration or other containment systems, such as dry wells, galleries, or basins, shall be designed to reduce net runoff increase to existing conditions. All infiltration devices shall be consistent with the Town Standards and shall be reviewed and approved by the Department of Public Works. The property owner shall perform inspection twice a year (Spring and Fall) and after major storm events and shall provide any needed maintenance or cleanout.

**APPENDIX B – Vacant Multi-Family Zoned Parcels as of February
2020 w/ a Base Density of 2-4 Units**

Vacant Multi-Family Zoned Parcels



Parcel Size	Base Density	Allowed Density
0.139	12	1.67
0.167	12	2
0.223	12	2.67
0.250	12	3
0.306	12	3.67
0.333	12	4
0.389	12	4.67
0.417	12	5

Vacant w/ Base Density of 3 - 4 Units									
Average Base Density Calculated for all Eligible Parcels w/ a Base Density of > 3 Units (excluding the Parcel *): 7 units									
23 parcels - (14) RMF-1 parcels, (9) RMF-2 parcels									
APN	Address	Zoning	LUD	Parcel Size	Base Density	Rounded (Rounded down if ≤ 0.66)	Additional Persons as a Result of Double-Density (Assumed 3.47 persons per unit)		
033132002000	177 Joaquin Road	RMF-1	HDR-1	0.229	2.75	3	11		11
033150038000	393 Manzanita Road	RMF-1	HDR-1	0.229	2.75	3	11		11
033150039000	377 Manzanita Road	RMF-1	HDR-1	0.230	2.76	3	11		11
033143014000	200 Lupin Street	RMF-1	HDR-1	0.230	2.76	3	11		11
033131009000	154 Joaquin Road	RMF-1	HDR-1	0.239	2.87	3	11		11
033121005000	60 Joaquin Road	RMF-1	HDR-1	0.246	2.95	3	11		11
033123012000	54 Mono Street	RMF-1	HDR-1	0.247	2.96	3	11		11
033132015000	118 Lupin Street	RMF-1	HDR-1	0.253	3.03	3	11		11
033150036000	314 Manzanita Road	RMF-1	HDR-1	0.261	3.13	3	11		11
033132020000	142 Lupin Street	RMF-1	HDR-1	0.272	3.26	3	11		11
033150027000	414 Mono Street	RMF-1	HDR-1	0.277	3.32	3	11		11
022322035000	2125 Old Mammoth Road	RMF-1	HDR-1	0.304	3.65	3	11		11
022262049000	2014 Old Mammoth Road	RMF-1	HDR-1	0.326	3.92	4	14		14
035160017000	362 Chaparral Road	RMF-1	HDR-1	0.355	4.26	4	14		14
031071001000	196 Davison Road	RMF-2	HDR-2	0.222	2.67	3	11		11
031071005000	136 Davison Road	RMF-2	HDR-2	0.223	2.68	3	11		11
022370025000	47 Ski Trail	RMF-2	HDR-2	0.224	2.69	3	11		11
033160009000	558 Lupin Street	RMF-2	HDR-2	0.229	2.75	3	11		11
022262026000	1912 Old Mammoth Road	RMF-2	HDR-1	0.235	2.82	3	11		11
031041014000	10 Davison Road	RMF-2	HDR-2	0.238	2.85	3	11		11
033210031000	52 White Pine Drive	RMF-2	LDR-2	0.244	2.93	3	11		11
033170005000	2604 Joaquin Road	RMF-2	HDR-2	0.260	3.12	3	11		11
022350030000	19 Crawford Avenue	RMF-2	HDR-2	0.381	4.58	4	14		14
Total						72	Additional Units at Double-Density	262	Additional Persons at Double-Density

Parcel Size	Base Density	Allowed Density
0.139	12	1.67
0.167	12	2
0.223	12	2.67
0.250	12	3
0.306	12	3.67
0.333	12	4
0.389	12	4.67
0.417	12	5

Vacant w/ Base Density of 2 Units									
Average Base Density Calculated for all Eligible Parcels w/ a Base Density of > 2 Units (excluding the Parcel *): 6 units									
8 Parcels - (6) RMF-1 parcels; (2) RMF-2 parcels									
APN	Address	Zoning	LUD	Parcel Size	Base Density	Rounded (Rounded down if ≤ 0.66)	Additional Persons as a Result of Double-Density (Assumed 3.47 persons per unit)		
022322034000	2109 Old Mammoth Road	RMF-1	HDR-1	0.167	2.00	2	7		
022322033000	2095 Old Mammoth Road	RMF-1	HDR-1	0.167	2.01	2	7		
033160048000	457 Joaquin Road	RMF-1	HDR-1	0.169	2.03	2	7		
033160034000	519 Joaquin Road	RMF-1	HDR-1	0.174	2.09	2	7		
033160005000	480 Lupin Street	RMF-1	HDR-1	0.211	2.53	2	7		
033160004000	466 Lupin Street	RMF-1	HDR-1	0.211	2.53	2	7		
031041023000	13 Davison Road	RMF-2	HDR-2	0.198	2.37	2	7		
022370012000	85 Ski Trail	RMF-2	HDR-2	0.203	2.44	2	7		
Total					16	Additional Units at Double-Density	56	Additional Persons at Double-Density	

EXHIBIT “B”
Resolution No. 2020-05
Case No. GPA 19-002

Revisions to the General Plan¹

General Plan Policy L.2.D.

~~For housing development projects where all units are deed restricted for workforce housing, a density bonus may be granted in addition to any bonus granted pursuant to the State Density Bonus Law up to a combined bonus of twice the density identified for the designation in which the project is located.~~

Encourage the development of workforce housing by offering a Town Density Bonus Program, in addition to the State density bonus program, that is flexible and adaptive and allows multi-family residential projects to construct up to twice the base density identified for the designation in which the project is located. Projects will be eligible to receive proportionately greater density bonuses, up to a maximum of twice the base density, in exchange for deed restricting a greater percentage of the base density units. Density bonuses granted pursuant to this policy are mutually exclusive of density bonuses granted pursuant to the State Density Bonus Program (i.e., a developer can elect to utilize either the Town density bonus or the State density bonus, but not both).

Action L.2.D.1: Amend the Zoning Code to implement the Town density bonus program and adopt a Town Density Bonus Program policy by Town Council resolution.

General Plan Policy H.1.C.

Allow for density bonuses for projects that provide deed-restricted workforce housing in accordance with State density bonus law and/or the Town density bonus programs. Projects that have applied for and received State, Town, or other housing-related density bonuses shall not be permitted to subsequently move or transfer qualifying units off-site.

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.

STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 20-05 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 4th day of March 2020, by the following vote:

AYES: Councilmembers Hoff, Stapp, Wentworth, Mayor Pro Tem Salcido,
 and Mayor Sauser

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFICATION: None



JAMIE GRAY, Town Clerk