



2.0 Introduction and Purpose

2.0 INTRODUCTION AND PURPOSE

2.1 PURPOSE OF THE SUBSEQUENT EIR

The Town of Mammoth Lakes (Town) undertook analysis of the proposed Inn at the Village (the project or proposed project) and evaluated it against the standards set forth in Public Resources Code, Section 21166 and State California Environmental Quality Act (CEQA) Guidelines, Section 15162. That analysis is set forth in the Modified Initial Study attached hereto as Appendix 11.1, *Modified Initial Study and Notice of Preparation*. The Town is the Lead Agency under CEQA and has determined that a Subsequent Environmental Impact Report (SEIR) is required for the proposed project (State Clearinghouse No. 2014032081)¹. This SEIR has been 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 the implementation of CEQA, as adopted by the Town. The principal CEQA Guidelines sections governing content of this document include Article 9 (*Contents of Environmental Impact Reports*) (Sections 15120 through 15132), and Section 15162 (*Subsequent EIRs and Negative Declarations*).

The purpose of this SEIR is to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to reduce potentially significant effects of the proposed project. For more detailed information regarding the proposal, refer to Section 3.0, *Project Description*.

The Town (which has the principal responsibility of processing and approving the project) and other public (i.e., responsible and trustee) agencies, that may use this SEIR in the decision-making or permit process, will consider the information in this SEIR, along with other information that may be presented during the CEQA process. Environmental impacts are not always mitigatable to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with Section 15093(b) of the CEQA Guidelines, if a public agency approves a project that has significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons for approving the project, based on the Final SEIR and any other information in the public record for the project. This is termed, per Section 15093 of the CEQA Guidelines, a “statement of overriding considerations.”

This document analyzes the environmental effects of the project to the degree of specificity appropriate to the current proposed actions, as required by Section 15146 of the CEQA Guidelines. The analysis considers the activities associated with the project to determine the short-term and long-term effects associated with their implementation. This SEIR discusses both the direct and indirect impacts of the project, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

¹ The Town determined that a supplemental EIR was not appropriate for the proposed project, since the necessary additions and changes to the EIR are not considered to be minor and are of a project-specific nature rather than programmatic, as with the 1999 SPEIR (discussed below).

2.2 CEQA DOCUMENT TIERING

The project site (the subject site of this SEIR) is located within the North Village Specific Plan (NVSP) area. The NVSP is a set of land use designations and development standards which facilitates the development (or renovation) of the “North Village” area as a concentrated, pedestrian-oriented commercial and visitor accommodation center. Upon adoption of the NVSP, the Town analyzed the potential environmental impacts that would result from the required General Plan Amendments and Zoning Code Amendments necessary for implementation of the NVSP, encompassed in the *Final Environmental Impact Report North Village Specific Plan* (1991 PEIR), dated February 1991. These land use changes were approved by the Town and the 1991 PEIR was certified. Since that time, the NVSP has undergone multiple amendments and associated environmental compliance documentation, including the following (refer to [Section 1.5, *Incorporation by Reference*](#), for a detailed discussion of each of the past environmental analyses conducted for projects in the NVSP area):

- *Final Environmental Impact Report North Village Specific Plan*, dated February 1991;
- 1994 NVSP Amendment;
- *North Village Specific Plan Environmental Impact Report Addendum* (May 1994);
- 1999 NVSP Amendment;
- *Subsequent Program Environmental Impact Report for the North Village 1999 Specific Plan Amendment* (October 13, 2000);
- 2005 NVSP Amendment;
- 2008 NVSP Amendment;
- 2009 NVSP Amendment; and
- *Final Environmental Impact Report Mammoth Crossing Project* (April 17, 2009).

According to CEQA Guidelines, Section 15168(c), subsequent activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared. If the lead agency finds that pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, no new effects could occur or no new mitigation measures would be required, then the lead agency can approve the activity as being within the scope of the project covered by the Program EIR. (CEQA Guidelines Section 15168[c][2].) Otherwise, further environmental review would be required if circumstances under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 are triggered. The CEQA Guidelines go on to state that where subsequent activities involve site specific operations, the lead agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the Program EIR (CEQA Guidelines, Section 15168[c][4].)

Per Section 15168(d) of the CEQA Guidelines, the Program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The Program EIR provides the basis in an Initial Study for determining whether the later activity may have any significant effects; and be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

2.2.1 THE TIERING PROCESS

To avoid repetition, wasted time, and unnecessary speculation, a lead agency may “tier” EIRs for a sequence of actions so that the later EIRs incorporate and build on the information in the previous EIRs. (PRC Sections 21068.5, 21093; CEQA Guidelines Section 15152.) In particular, tiering may be used when the sequence of environmental review begins with an EIR prepared for a program, plan, policy, or ordinance, such as the 1991 PEIR, 1994 PEIR Addendum, and the 1999 SPEIR. (PRC Section 21094[a]; and CEQA Guidelines Section 15152[d].) The first-tier EIR may be followed by an EIR for another plan or policy of lesser scope, or a site-specific EIR for a specific project. (PRC Section 21094[a]; CEQA Guidelines Sections 15152[b], 15385[a].)

Once a first-tier EIR, such as the 1991 PEIR and 1994 PEIR Addendum, has been certified for a program, plan, policy, or ordinance, the significant environmental effects of a later plan or policy of lesser scope or a later development project must be examined using a tiered EIR. (PRC Section 21094[a].) The second-tier EIR, here the 1999 SPEIR for the 1999 NVSP Amendment, is limited to significant environmental effects that were (1) not examined in the 1991 PEIR and 1994 PEIR Addendum, or (2) previously examined and that are susceptible to substantial reduction or avoidance through project revisions, mitigation measures, or other means. (PRC Section 21068.5, CEQA Guidelines Section 15152[d].) Similar to the second-tier EIR, a third tier would follow a similar methodology.

An SEIR need not examine significant environmental effects that the Town determined were either (1) mitigated or avoided as a result of findings adopted under PRC Section 21081(a)(1) for the 1991 PEIR, 1994 PEIR Addendum, and 1999 SPEIR, or (2) examined in a sufficient level of detail in the previous environmental documentation to allow it to be mitigated or avoided through revisions to the project, imposition of conditions, or other means when the later project is approved. (PRC Section 21094[a][1].) Further, the Town must determine whether the project may cause significant environmental effects that were not adequately addressed in the previous environmental documentation. (CEQA Guidelines Section 15152[f].) The Town may conclude that a significant environmental effect has been adequately addressed in the 1999 SPEIR and earlier documentation if it determines, based on an initial study or other analysis, that either of these statutory standards is met. (CEQA Guidelines Section 15152[f][3].)

Accordingly, the third-tier EIR, the subject SEIR, should not reexamine significant project-related environmental effects that would be mitigated or avoided through measures resulting from the 1999 SPEIR and previous environmental documentation, or impacts that were examined in sufficient detail that they can be mitigated or avoided when the later project is approved. (PRC Section 21094[a][1]; and CEQA Guidelines Section 15152[f][3].) The discussion and analysis in the SEIR is therefore limited to significant environmental effects that were not examined in the previous environmental documentation and significant effects that were not examined in sufficient detail to allow mitigation measures to be devised, but that can be mitigated or avoided after further study. (PRC Section 21068.5; CEQA Guidelines Section 15152[d].) As such, where the 1999 SPEIR and earlier environmental documentation examined impacts at a general programmatic level and did not evaluate project-level impacts, the SEIR provides an independent analysis of the proposed project’s significant environmental impacts. (See e.g., *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* [2008] 43 Cal. 4th 1143, 1173.)

2.2.2 TIERING FROM THE PREVIOUS ENVIRONMENTAL DOCUMENTATION

Where appropriate, this SEIR tiers off the 1999 SPEIR and earlier environmental documentation. As discussed above, under CEQA Guidelines Section 15152, tiering is appropriate when the sequence of analysis follows from an EIR prepared for a general plan, policy, or program to an EIR of lesser scope, or to a site-specific EIR. Under CEQA, the 1991 PEIR and 1994 PEIR Addendum are considered first-tier documents, the 1999 SPEIR is considered a second-tier document, and this SEIR for the proposed project is considered a third-tier document. Pursuant to CEQA Guidelines Section 15152(d)(1) and (2), the standard of review for an SEIR is defined as follows:

- (d) *Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:*
- (1) *Were not examined as significant effects on the environment in the prior EIR; or*
 - (2) *Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.*

Accordingly, this SEIR will focus its analysis on changes to the project or the surrounding circumstances that may have occurred since the Town of Mammoth Lakes certified the 1999 SPEIR. Under principals of tiering, if first- and second-tier documents found significant impacts, then the third-tier EIR must require implementation of the prior mitigation measures unless the analysis explains that the measures are not applicable or that other mitigation measures can replace the previous measures and similarly reduce the impacts to a level of insignificance. The 1991 PEIR, 1994 PEIR Addendum, and 1999 SPEIR determined that the following significant and unavoidable impacts for the project site would occur with implementation of the NVSP:

- Impacts to school facilities (1991 PEIR);
- Existing view impacts (pertaining to the proposed gondola feature) (1991 PEIR);
- Land use impacts related to the aesthetics of the proposed gondola feature (1991 PEIR);
- Fiscal impacts as a result of an undetermined net cost to Mono County (1991 PEIR); and
- Air Quality (Threshold exceedances established by the Great Basin Unified Air Pollution Control District and cumulative considerations for air quality) (1999 SPEIR).

All other impacts were found to be less than significant through the existing standards, regulations, and/or mitigation measures imposed under the 1991 PEIR, 1994 PEIR Addendum, and the 1999 SPEIR. As discussed previously, this SEIR is “tiered” from the previous environmental documentation. As defined under *CEQA Guidelines* Section 15385, “tiering” refers to the analysis of general matters in broader, programmatic EIRs (such as the 1991 PEIR, 1994 PEIR Addendum, and 1999 SPEIR) with subsequent narrower EIRs for individual projects that concentrate on site-specific issues and incorporate by reference the general discussions in the programmatic EIR. CEQA and the CEQA Guidelines encourage the use of tiered EIRs to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered EIRs by eliminating repetitive analyses of issues that were adequately addressed in the Program EIR and by incorporating those analyses by reference. The tiering of the environmental

analysis for the proposed project allows this SEIR to rely on the previous environmental documentation (incorporated by reference) for: (1) a discussion of general background and setting information for environmental topic areas; (2) overall growth-related issues; (3) issues that were previously evaluated in sufficient detail in the previous environmental documentation and for which there is no significant new information or changed circumstances that would require further analysis; and (4) cumulative impacts. For those impacts that were determined to be significant and unavoidable for the project site in the 1991 PEIR, 1994 PEIR Addendum, and 1999 SPEIR, and which will remain significant and unavoidable with the implementation of the proposed project, the SEIR is not required to, and does not provide, duplicative analysis. Certain environmental analyses from the previous environmental documentation are reiterated in this SEIR to provide a comprehensive analysis of the environmental factors, but the inclusion of such analyses is not intended to provide a basis for reconsidering the Town's certification of the previous environmental documentation and its approval of the NVSP and associated Amendments.

2.3 COMPLIANCE WITH CEQA

PUBLIC REVIEW OF DRAFT SEIR

In accordance with Sections 15087 and 15105 of the *CEQA Guidelines*, this Draft SEIR will be circulated for a 45-day public review period. Persons and agencies commenting are encouraged to provide information that they believe is missing from the Draft SEIR and to identify where the information can be obtained. All comment letters received will be responded to in writing, and the comment letters, together with the responses to those comments, will be included in the Final SEIR.

Comment letters should be sent to:

Town of Mammoth Lakes, Community and Economic Development Department
P.O. Box 1609
437 Old Mammoth Road, Suite R
Mammoth Lakes, CA 93546
Attn: Ms. Jen Daugherty, Senior Planner
jdaugherty@townofmammothlakes.ca.gov

FINAL EIR

This Draft SEIR is being circulated alone, without the 1991 PEIR, 1994 PEIR Addendum, or 1999 SPEIR², for public review for a period of 45 days. Interested agencies and members of the public are invited to provide written comments on the Draft SEIR to the Town of Mammoth Lakes address shown on the title page of this document. Upon completion of the 45-day review period, the Town of Mammoth Lakes will review all written comments received and prepare written responses for each comment. A Final SEIR will then be prepared incorporating all of the comments received, responses to the comments, and any changes to the Draft SEIR that result from the comments received. The previous environmental documentation, as revised by the Final SEIR, will be considered by the Town of Mammoth Lakes for certification, consistent with CEQA Guidelines, Section 15162.

² The 1991 PEIR, 1994 PEIR Addendum, and 1999 SPEIR are available online at <http://www.townofmammothlakes.ca.gov/index.aspx?NID=159>.

All persons who commented on the Draft SEIR will be notified of the availability of the Final SEIR and the date of the public hearing before the Town. The Draft SEIR is available to the general public for review at the locations listed below. It is also available for review on the Town's website at: <http://www.townofmammothlakes.ca.gov/index.aspx?nid=542>.

- Town of Mammoth Lakes Community and Economic Development Department
437 Old Mammoth Road, Suite R
Mammoth Lakes, CA 93546
- Mono County Library
400 Sierra Park Road
Mammoth Lakes, CA 93546

2.4 EIR SCOPING PROCESS

NOTICE OF PREPARATION AND MODIFIED INITIAL STUDY

The Town of Mammoth Lakes adopted the standard Appendix G (Initial Study) checklist to address the factors in Public Resources Code, Section 21166 and State CEQA Guidelines, Section 15162. This checklist is known throughout this document as a "Modified Initial Study." After preparation of a Modified Initial Study for the proposed project, the Town of Mammoth Lakes determined that a Subsequent analysis to the 1999 SPEIR would be required for the proposed project and issued a Notice of Preparation (NOP) and Modified Initial Study on March 26, 2014 (refer to [Appendix 11.1](#)). Comments received during the public review period, which ended on April 24, 2014 and included a Scoping Meeting on April 9, 2014. This SEIR has taken into consideration all the comments received in response to the NOP. Copies of the comment letters that were received during the public review period for the Modified Initial Study and as part of the Scoping Meeting can be found in [Appendix 11.1](#).

The NOP process was used to determine scope of the environmental issues to be addressed in this SEIR. Based on the NOP and the Modified Initial Study, certain environmental categories were identified as having the potential for significant environmental impacts over and above those found in the previous environmental documentation. Issues identified as New Potentially Significant Impact in the Modified Initial Study are addressed in detail in this Draft SEIR. Issues identified as No New Impact/No Impact in the Modified Initial Study are not addressed beyond the discussion contained in the Modified Initial Study. Refer to the Modified Initial Study in [Appendix 11.1](#) to this SEIR for a discussion of how these initial determinations were made.

2.5 FORMAT OF THE DRAFT SEIR

Based upon the Modified Initial Study, Town of Mammoth Lakes staff determined that a SEIR should be prepared for the proposed project because there was new information of substantial importance that showed the proposed project could have one or more significant effects not discussed in the 1991 PEIR, 1994 PEIR Addendum, or the 1999 SPEIR. The scope of the SEIR was determined based upon the Town of Mammoth Lakes' Modified Initial Study, comments received in response to the NOP, and comments received at the Scoping Meeting conducted by the

Town of Mammoth Lakes. Pursuant to Sections 15126.2 and 15126.4 of the State CEQA Guidelines, the SEIR is organized into 11 sections, as follows:

- Section 1.0, *Executive Summary*, provides a brief project description and summary of the environmental impacts and mitigation measures.
- Section 2.0, *Introduction and Purpose*, provides CEQA compliance information.
- Section 3.0, *Project Description*, provides a detailed project description indicating project location, background, and history; project characteristics, phasing, and objectives; as well as associated discretionary actions required.
- Section 4.0, *Basis of Cumulative Analysis*, describes the approach and methodology for the cumulative analysis.
- Section 5.0, *Environmental Analysis*, contains a detailed environmental analysis of the existing conditions, project impacts, recommended mitigation measures, and unavoidable adverse impacts for a number of environmental topic areas.
- Section 6.0, *Other CEQA Considerations*, discusses significant environmental changes that would be involved in the proposed action, should it be implemented. The project's growth-inducing impacts, including the potential for population growth, are also discussed.
- Section 7.0, *Alternatives to the Proposed Project*, describes a reasonable range of alternatives to the project or to the location of the project that could avoid or substantially lessen the significant impact of the project and still feasibly attain the basic project objectives.
- Section 8.0, *Effects Found Not to be Significant*, provides an explanation of potential impacts that have been determined not to be significant.
- Section 9.0, *Organizations and Persons Consulted*, identifies all Federal, State, or local agencies, other organizations, and individuals consulted.
- Section 10.0, *Bibliography*, identifies reference sources for the SEIR.
- Section 11.0, *Appendices*, contains technical documentation for the project.

2.6 RESPONSIBLE AND TRUSTEE AGENCIES

Certain projects or actions undertaken by a Lead Agency require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Such other agencies are referred to as Responsible Agencies and Trustee Agencies. Pursuant to Sections 15381 and 15386 of the CEQA Guidelines, as amended, Responsible Agencies and Trustee Agencies are respectively defined as follows:

“Responsible Agency” means a public agency, which proposes to carry out or approve a project, for which [a] Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA,

the term “responsible agency” includes all public agencies other than the Lead Agency, which have discretionary approval power over the project. (Section 15381)

“Trustee Agency” means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California. Trustee Agencies include; The California Department of Fish and Game, The State Lands Commission; The State Department of Parks and Recreation and The University of California with regard to sites within the Natural Land and Water Reserves System. (Section 15386)

Responsible and Trustee Agencies and other entities that may use this SEIR in their decision-making process or for informational purposes include, but may not be limited to, the following:

- Mammoth Community Water District;
- Mammoth Lakes Fire Protection District;
- California Department of Transportation;
- California Regional Water Quality Control Board (Lahontan);
- State Water Resources Control Board; and
- Great Basin Unified Air Pollution Control District.

2.7 INCORPORATION BY REFERENCE

Pertinent documents relating to this SEIR have been cited in accordance with Section 15150 of the *CEQA Guidelines*, which encourages incorporation by reference as a means of reducing redundancy and length of environmental reports. The following documents are hereby incorporated by reference into this SEIR. Information contained within these documents has been utilized for each section of this SEIR. These documents are available for review at the Town of Mammoth Lakes Community and Economic Development Department, located at 437 Old Mammoth Road, Suite R Mammoth Lakes, CA 93546 and on the Town’s website: <http://www.townofmammothlakes.ca.gov>.

- *Town of Mammoth Lakes General Plan 2007*. The Town of Mammoth Lakes Council adopted the *Town of Mammoth Lakes General Plan 2007* (2007 General Plan) on August 15, 2007. The General Plan establishes standards, guidelines, and priorities that define the community now and for the future. The 2007 General Plan is organized by elements. Each element is introduced with an explanation of the intent of the goals, policies, and actions within that element. The 2007 General Plan contains the following elements:
 - Economy;
 - Arts, Culture, Heritage, and Natural History;
 - Community Design;
 - Neighborhood and District Character;
 - Land Use;
 - Mobility;
 - Parks, Open Space and Recreation;
 - Resource Management and Conservation; and
 - Public Health and Safety.

It is noted that the Housing and Noise Elements were not updated as part of the 2007 General Plan. However, an updated Housing Element was adopted in 2010, and the 2014-2019 Housing Element Update was adopted in June 2014. Additionally, the Town Council amended the Parks, Open Space, and Recreation Element in 2012 with the addition of new policies and one additional goal and revoked the 1990 Parks and Recreation Element.

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

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

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

- The Village at Mammoth (Grand Sierra Lodge, White Mountain Lodge, and Lincoln House);
 - Village Gondola Building;
 - Village Skier Services Building;
 - Restaurants and Retail;
 - Westin Monache; and
 - 8050: Buildings “A”, “B”, and “C”.³
- Final Environmental Impact Report North Village Specific Plan (February 1991). The *Final Environmental Impact Report North Village Specific Plan* (1991 PEIR), dated February 1991, addresses geology, soils, and seismicity; hydrology and water quality; biological resources; land use and planning; jobs/housing relationship; utilities; traffic; air quality; noise; archeological; aesthetics/visual impacts; light and glare; public services/fiscal impacts; energy conservation; as well as other topical areas determined to be less than significant. Where potentially significant environmental impacts were identified, feasible mitigation measures were recommended that would avoid or lessen adverse environmental effects of the NVSP project. The 1991 PEIR concluded that the following significant and unavoidable impacts would occur with implementation of the NVSP:
 - Impacts to school facilities;
 - Existing view impacts (pertaining to the proposed gondola feature);
 - Land use impacts related to the aesthetics of the proposed gondola feature; and
 - Fiscal impacts pertaining to an undetermined net cost to Mono County.

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

- North Village Specific Plan Environmental Impact Report Addendum (May 1994). In 1994, Zoning Code Amendment 94-1 and General Plan Amendment 94-1 were filed in order to refine the design of the NVSP pedestrian core area and to realign Canyon Boulevard to meet with Millers Siding/Lake Mary Road as a Collector Street. These proposed design changes did not alter the concept of the NVSP (as approved in 1991). As determined by CEQA Statutes and Guidelines, the lead agency determined that an Addendum was required, as the project would not raise important new issues about the significance of effects on the environment. The *North Village Specific Plan Environmental Impact Report Addendum* (1994 PEIR Addendum), dated May 1994, determined that all of the impacts were less than significant through the implementation of the existing standards, regulations, and mitigation measures.
- Subsequent Program Environmental Impact Report for the North Village 1999 Specific Plan Amendment (October 13, 2000). In 1999, an amendment to the NVSP was proposed (the 1999 NVSP Amendment). This amendment involved modifications to circulation and parking, height limitations and setbacks, as well as alternate development opportunities and housing modifications, when compared to the approved NVSP at the time. As part of the 1999 NVSP Amendment, the Town prepared and certified the *Subsequent Program Environmental*

³ Note that modification of the approved Building C is the subject of this SEIR.

Impact Report for the North Village 1999 Specific Plan Amendment (1999 SPEIR), on October 13, 2000. The purpose of the 1999 SPEIR was to review the existing conditions and conclusions of the 1991 PEIR and 1994 PEIR Addendum, analyze potential environmental impacts associated with the 1999 NVSP Amendment in comparison to the previous environmental documentation, and identify mitigation measures to reduce potentially significant effects. Mitigation measures from the 1991 PEIR and 1994 PEIR Addendum were incorporated, and in some cases modified, and new mitigation measures were recommended, where necessary, to reduce new potentially significant impacts. Topical areas specifically examined in the 1999 SPEIR included land use and relevant planning; population and housing; aesthetics/light and glare; traffic and parking; air quality; noise; geology, soils, and seismicity; hydrology and drainage; biological resources; public services and utilities; as well as cultural resources. The 1999 SPEIR concluded that the following additional significant and unavoidable impacts would occur with implementation of the 1999 NVSP Amendment:

- Air Quality (Threshold exceedances established by the Great Basin Unified Air Pollution Control District and cumulative considerations for air quality).

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

The Inn at the Village project site (the subject site of this SEIR) involves the development of a property within the NVSP area. This SEIR will rely on the first and second tier analyses conducted for the project site in and prior to the 1999 SPEIR, and will discuss any changed circumstances or new information that might alter the previous analyses. The SEIR will also identify those environmental impacts that are new potentially significant or more severe than those analyzed in the past environmental documentation.

- *Final Environmental Impact Report Mammoth Crossing Project* (April 17, 2009). The Mammoth Crossing Project (Mammoth Crossing) proposed the redevelopment of three of the four corners that comprise the Main Street/Lake Mary Road and Minaret Road intersection with a combination of resort accommodations, retail uses, and public plazas. Mammoth Crossing is located within the southern portion of the NVSP area, and included a series of amendments to the NVSP as well as amendments to the 2007 General Plan. Environmental impacts as a result of construction of Mammoth Crossing's three development areas were analyzed in a project-level EIR, the *Final Environmental Impact Report Mammoth Crossing Project* (Mammoth Crossing EIR), which was certified on September 16, 2009. Overall, Mammoth Crossing proposed the construction of up to 742 condominium/hotel rooms, up to approximately 69,150 square feet of hotel amenities and operations and general retail uses, 40,500 square feet of retail development, and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing would be required to be provided as part of Mammoth Crossing, some of which would be constructed off-site. Proposed development at the three development areas would involve multiple buildings ranging in height from one to seven stories. The project-level EIR determined that this project would result in the following significant and unavoidable impacts:

- Aesthetics;
 - Air Quality; and
 - Noise.
- North Village District Planning Study (modified November 5, 2008 and accepted by Town Council in July 2009). The North Village District Planning Study (modified November 5, 2008) has been developed in accordance with the Town's district planning policy, which requires completion of district planning in conjunction with major land use applications seeking Zoning Code or General Plan amendments. This planning study was initiated by the Mammoth Crossing project application.

Mammoth Crossing was anticipated to markedly change the character, appearance, and function of this gateway intersection, and the NVSP area as a whole. The North Village District Planning Study therefore takes as its study boundaries the entire NVSP area, and frames its analysis relative to the intent and goals of the NVSP and adopted General Plan for this district. The study provides an overview and analysis of the existing conditions, regulatory environment, character and functionality of the NVSP area, and examines these as a series of issues, opportunities, and constraints. The 2007 General Plan's character statement for North Village and the stated objectives of the NVSP serve as a benchmark to consider how future development patterns under the existing Specific Plan either support or hinder the achievement of those objectives.

The Town's Planning, Mobility, Public Art, and Tourism and Recreation Commissions, the public, and other interested stakeholders provided critical input through a series of focus groups and public meetings held as part of the district planning process. This input helped guide the overall analysis, development of alternatives, and selection of a preferred alternative that has been refined to create the preferred plan and recommendations.

The analysis and recommendations presented in the North Village District Planning Study are to be used by Town decision makers to frame consideration of future projects, including potential updates or amendments to the NVSP.

- Design Guidelines The Village at Mammoth (approved August 23, 2000). The *Design Guidelines The Village at Mammoth* (NVSP Design Guidelines) (approved August 23, 2000), are intended to provide general and specific design information so that all involved in the development process are able to proceed with a shared basis of information. They are structured to provide a description of the design concept for the NVSP area, supporting objectives of the design components, and a listing of design guidelines that must be followed to achieve the objectives. The main concept of the NVSP Design Guidelines is that the NVSP area should be designed so that it is appropriate to the character of the Mammoth Lakes region, and to be competitive with other high-quality mountain villages in North America.

2.8 DISAGREEMENT AMONGST EXPERTS

This SEIR contains substantial evidence to support all of the conclusions presented herein. That is not to say that there will not be disagreements with these conclusions. The CEQA Guidelines and, more particularly, case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions of experts conflict on an issue concerning the environment, and the agency knows of these controversies in advance, the SEIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision makers to take intelligent account of the environmental consequences of their action.

It is also possible that evidence will be presented during the Draft SEIR review which might create disagreement. This evidence may be considered by the decision makers during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the most conservative, environmentally protective, or liberal viewpoint. They may give more weight to more than one expert than another, and need not resolve a dispute among experts. In their proceedings, they must consider the comments received and address objections, but need not follow said comments or objections, so long as they state the basis for their decision and that decision is supported by substantial evidence.



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