



Town of Mammoth Lakes

ADDENDUM
Housing Element Update 2014-2019
Negative Declaration
(State Clearinghouse No. 2014032067)

Housing Ordinance Update
(General Plan Amendment 15-001 &
Zoning Code Amendment 15-001)

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Lead Agency:

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INTRODUCTION

On January 21, 2015, the Town of Mammoth Lakes (“Town”) Council directed Town staff to update the Town’s housing ordinance and fee. Subsequently, on March 4, 2015, the Town Council directed Town staff to modify the 2014-2019 Housing Element as necessary to achieve consistency between the 2014-2019 Housing Element and the housing ordinance update. The modifications are being processed as General Plan Amendment (GPA) 15-001 and Zoning Code Amendment (ZCA) 15-001.

This Addendum to the Housing Element Update 2014-2019 Negative Declaration has been prepared by the Town to assess the potential environmental impacts from the housing ordinance update (“Project”), which includes modifications to the 2014-2019 Housing Element, and to assure that all potential impacts have been addressed through the existing environmental documentation and approvals.

BACKGROUND

In June 2014, the Town Council adopted the Housing Element Update 2014-2019 Negative Declaration (ND) and filed a Notice of Determination for the adopted ND. The ND evaluated the impacts of the Housing Element Update 2014-2019, an update to the Housing Element of the General Plan. The 2014-2019 Housing Element Update Negative Declaration is available online: <http://www.townofmammothlakes.ca.gov/index.aspx?nid=636>.

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). This Addendum addresses the proposed Project, pursuant to CEQA Guidelines.

STATUTORY AUTHORITY AND REQUIREMENTS

Under the California Environmental Quality Act (CEQA), an Addendum to an adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary or if none of the conditions requiring a subsequent EIR or Negative Declaration exist.

The specific CEQA Guidelines requirements for an Addendum are:

15164. ADDENDUM TO AN EIR OR NEGATIVE DECLARATION

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

15162. SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(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.

This Addendum demonstrates that the environmental analysis and impacts identified in the Housing Element Update 2014-2019 Negative Declaration (ND) remain unchanged by the Project, and supports the finding that the Project does not result in any new environmental effects and does not exceed the level of impacts identified in the previously adopted ND.

EVALUATION OF PROJECT

The adopted Negative Declaration analyzed the Housing Element Update 2014-2019, which includes an assessment of housing needs, discussions on housing constraints and housing resources, and identifies housing policies and programs for 2014-2019.

The Project proposes a comprehensive update to Municipal Code Chapter 17.136 (Housing) and associated housing definitions contained in Chapter 17.148 (Definitions). The updated Chapter 17.136 would include a menu-based format that allows developers to choose a desired method for housing mitigation (i.e., fee, on-site housing, off-site housing, conveyance of land, or other). A housing fee would be established once a nexus study for such fee is approved by Town Council.

The Project proposes to modify the Housing Element 2014-2019 with the incorporate the updated housing ordinance (Appendix C and text revisions) and revisions to Policy H.1.D, Action H.1.D.1, and Action H.2.B.1 (shown below in strikethrough for deleted text and underline for added text).

H.1.D: Require that applicants proposing on-site housing, off-site housing, or ~~in-lieu fees conveyance of land~~, instead of ~~on-site mitigation housing paying the fee established by Town Council~~, provide mitigation considered to be of an appropriate value or cost when compared to the fee ~~are held to a higher standard of demonstrating "greater housing benefit" when seeking approval of such proposals.~~

H.1.D.1: As part of the Housing Ordinance anticipated in 2014, develop criteria, standards and thresholds by which Alternate Housing Mitigation Plans (AHMPs) can be assessed and approved. ~~Such standards should be sufficient to demonstrate the achievement of "greater housing benefit" from off site housing or payment of in lieu fees, in the form of creating additional units, "deeper" affordability to Extremely Low or Very Low income households, additional units suitable for large families, units provided sooner than might otherwise be the case, or units that better meet an identified community housing need.~~

H.2.B.1: Amend and adopt a revised Housing Ordinance that reflects the 2009 Interim Housing Policy, incorporates refinements to meet legal mandates, addresses aspects not fully articulated in the Interim Housing Policy; and provides needed clarification. The amended Housing Ordinance shall meet the objectives outlined in Policy H.2.B, and should include the following components:

- ~~An inclusionary housing provision that requires~~ allows most new residential ~~and lodging~~ projects to provide, on-site, ~~a fixed proportion of total units as~~ below market-rate deed-restricted affordable or workforce housing units. The specific requirement (e.g., AMI level) shall be based on documented community housing needs and reviewed and updated on a regular basis.
- A workforce housing mitigation requirement such as a fee to contribute to affordable housing production.
- A list of project types exempted from housing mitigation requirements.
- ~~A list of project types for which providing on-site units would be undesirable or infeasible, and which may pay in-lieu fees rather than providing units on-site. This may include small multi-family residential and lodging projects, industrial and some commercial projects.~~
- Provisions defining Alternate Housing Mitigation Plans for projects that wish to propose alternative mitigation ~~to construction of on-site units, and findings for approval of such proposals.~~

- Specification of the means and method by which in-lieu fees, affordability levels, unit types, tenure (if legally permissible), livability criteria, and other pertinent criteria not otherwise dictated by the Housing Ordinance shall be established, maintained and updated.
- Density bonus provisions pursuant to State Housing Density Bonus law and to Town General Plan policies and related Housing Element policies.
- A definition of and provisions for ensuring the "livability" of workforce housing units.

In assessing the potential for new or more severe impacts, the Town conducted a review 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 ND, would occur as a result of the changes because the Project is within the scope of originally approved project.

EVALUATION OF ENVIRONMENTAL EFFECTS

The effects of the Project on each of the environmental categories are summarized below:

Aesthetics

The Project does not grant entitlements for new projects or include site-specific proposals. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and the applicable Town's review process, including design review. Therefore, the Project would not change the level of impact described in the ND.

Agriculture and Forest Resources

The Project does not include any specific provisions related to forest land or resources. Future development projects would be subject to the updated housing ordinance and 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, the Project would not change the level of impact described in the ND.

Air Quality

The Project does not include any specific provisions related to air quality. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and would be reviewed for conformance with Town Codes and Standards regarding air quality. Therefore, the Project would not change the level of impact described in the ND.

Biological Resources

The Project does not grant entitlements for new projects or include site-specific proposals. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and the applicable Town's review process. Therefore, the Project would not change the level of impact described in the ND.

Cultural Resources

The Project does not propose any ground-disturbing activities or grant entitlements for new projects. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and the applicable Town's review process. Therefore, the Project would not change the level of impact described in the ND.

Geology and Soils

The Project does not grant entitlements for new projects or include site-specific proposals. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and the applicable Town's review process, including compliance with applicable Public Works Standards and Building Codes. Therefore, the Project would not change the level of impact described in the ND.

Greenhouse Gas Emissions

The Project does not grant entitlements for new projects or include site-specific proposals. The Project requires housing mitigation units to be located within the Town boundaries, which would encourage workforce to live in town rather than commute from neighboring communities. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and the applicable Town's review process. Therefore, the Project would not change the level of impact described in the ND.

Hazards and Hazardous Materials

The Project does not include any specific provisions related to hazards or hazardous materials. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and the applicable Town's review process. Therefore, the Project would not change the level of impact described in the ND.

Hydrology and Water Quality

The Project does not propose any ground-disturbing activities or alteration of existing land surfaces or drainage patterns. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and the applicable review and permitting processes. Therefore, the Project would not change the level of impact described in the ND.

Land Use and Planning

The Project includes amendments to the Zoning Code and Housing Element of the General Plan. However, the Project is otherwise internally consistent with the Zoning Code because it includes updates to the applicable housing related definitions in Zoning Code Chapter 17.148. The Project does not conflict with any applicable land use plan, policy, or regulation, adopted for the purpose of avoiding or mitigating an environmental effect because the Project provides an updated policy framework for which developers can mitigate housing. When increased density would be allowed, a finding that the project would not result in significant and unavoidable environmental impacts is required. Therefore, the Project would not change the level of impact described in the ND.

Mineral Resources

The Project does not include any specific provisions related to mineral resources, and thus would not change the analysis of the ND. Therefore, the Project would not change the level of impact described in the ND.

Noise

The Project does not grant entitlements or construction permits for new projects or include site-specific proposals. Future development projects would be subject to the updated housing ordinance and 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. Therefore, the Project would not change the level of impact described in the ND.

Population and Housing

The Project requires housing mitigation units to be located within the Town boundaries, which is consistent with the General Plan and the Housing Element 2014-2019 for which the ND was prepared. The Project does not grant entitlements for new projects or include site-specific proposals. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and the applicable Town's review process. Therefore, the Project would not change the level of impact described in the ND.

Public Services and Parks and Recreation

The Project does not grant entitlements for new projects or include site-specific proposals. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and the applicable Town's review process, including payment of applicable Development Impact Fees (DIF). Therefore, the Project would not change the level of impact described in the ND.

Transportation and Traffic

The Project does not grant entitlements for new projects or include site-specific proposals. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and the applicable Town's review process. Therefore, the Project would not change the level of impact described in the ND.

Utilities and Service Systems

The Project does not grant entitlements for new projects or include site-specific proposals. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA and the applicable Town's review process. Therefore, the Project would not change the level of impact described in the ND.

Mandatory Findings of Significance

The Project provides an updated policy framework for which developers can mitigate housing. It does not grant entitlements for new projects, include site-specific proposals, or propose any ground-disturbing activities. Future development projects would be subject to the updated housing ordinance and would be required to undergo separate environmental review under CEQA, complete the applicable Town's review process, and obtain all necessary permits. Therefore, the Project would not change the level of impact described in the ND.

FINDINGS

In preparing this Addendum, all of the potential impacts identified on the CEQA "Environmental Checklist Form" were considered. For all impact areas, a detailed review determined that the proposed Project is within the scope of the Negative Declaration analysis and no changes to impacts or mitigation measures are required. The specific findings required under the CEQA Guidelines (Section 15162) are:

- There are no substantial changes that would lead to new or more severe impacts.
- 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.
- 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 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.

CONCLUSIONS AND SUMMARY

In summary, the analysis concludes that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Negative Declaration have occurred, and thus an Addendum to the Housing Element Update 2014-2019 Negative Declaration is appropriate to satisfy CEQA requirements for the proposed Project.