

County of Mariposa

California Environmental Quality Act Initial Study

A. PROJECT INFORMATION:

Project Title: **General Plan/Specific Plan/Zoning Amendment Application No. 2019-216 and Design Review Application No. 2020-008 Brown Bear Hotel Conference Center and Multifamily housing Project**

Lead Agency: Mariposa County

Date: June 29, 2020

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Project Location: Southeast corner of the intersection of Brown Bear Lane and Highway 49N within the boundaries of the Mariposa Town Planning Area Specific Plan, roughly 0.3 miles west of the intersection of Highways 49 and 140 in Mariposa. The project involves six parcels; Assessor's Parcel Numbers are as follows:

013-050-008 (unassigned address)
013-050-009 (5243 Highway 49 N)
013-050-057 (unassigned address)
013-050-059 (4987 Brown Bear Lane)
013-050-060 (unassigned address)
013-071-003 (5225 Highway 49 N)

The site is located in Projected Section 15 T. 5 S., R. 18 E., Rancho Las Mariposas, M.D.B.&M.

Mariposa USGS 15' Quadrangle map. (37° 29' 37"N 119° 58' 48"W).

Project

Description:

The project is known as the Brown Bear Hotel and Conference Center. There are two components to the project; an amendment to the land use and zoning map for the Mariposa Town Planning Area Specific Plan, and a design review for the entirety of the project. The Mariposa Town Planning Area (TPA) Specific Plan is a component of Volume II of the Mariposa County General Plan; therefore, a general plan amendment is required to be processed for the project.

General Plan/Specific Plan/Zoning Amendment No. 2019-216 involves the following:

Change in the land use and zoning designation for all of a 7.02-acre parcel (APN 013-050-060) and a portion (0.18± acre) of a split zoned 0.39-acre parcel (APN 013-050-059) from Multi-Family residential to General Commercial in order to develop a 132,000 square foot hotel/conference center project. APNs 013-050-009, 057 and the majority of 013-050-059 are currently in the General Commercial zone. Upon approval of the amendment, land in the General Commercial zone would total 11.2 acres. (See Figure 3 for current/proposed zoning and land use.)

Design Review No. 2020-008

The project is located in the Design Review Overlay District and will be subject to the design review standards contained in the Mariposa Town Planning Area Specific Plan. Subject to design review will be the hotel and conference center to be located on existing APNs 013-050-009, 057, 059, and 060. The hotel/conference center will consist of 180 to 200 rooms; a 5,000 square foot conference center with a seating capacity of 250; an 1,800 sq. ft. restaurant with a seating capacity of 80; a 1,426 sq. ft. lobby lounge with a seating capacity of 40; a 575 sq. ft. fitness center; outdoor pool; garden area; outdoor wedding venue; an outdoor barbecue area and parking areas to serve the site.

Also subject to design review standards will be a multi-family residential project located adjacent to the hotel/conference center, to the east, and will consist of several, two story multi-family housing buildings targeting living wage renters, containing 100 to 120 residential units with parking areas to serve the project. That portion of the project will be located on existing APNs 013-050 and 013-071-003. (See Figure 2 for project site design.)

The project will take primary access from Brown Bear Lane, which intersects with Highway 49N, and an additional ingress/egress point off of Highway 49N roughly 280 feet to the southeast of Brown Bear Lane. The project will be required to develop an emergency egress, separate from the two main ingress/egress points, in order to comply with state Fire Safe standards.

Although the project applicants do not propose phasing time frames, it is expected the project will be built in phases with the Brown Bear Hotel and Yosemite Conference Center being constructed first. The residential units will be constructed as a second phase.

Water and sewer service to the entirety of the project will be provided by the Mariposa Public Utility District. Sufficient water for firefighting purposes will be required.

The total project site is 17.97 acres.

The general plan land use classification for the project site is Mariposa Town Planning Area. Zoning and Land Use on the site is as follows:

General Plan
and Zoning:

- APN 013-050-009 – General Commercial
- APN 013-050-057 – General Commercial
- APN 013-050-059 – General Commercial (0.21 acres) Multi-Family Residential (0.18 acres)
- APN 013-050-060 – Multi-Family Residential
- APN 013-050-008 – Multi-Family Residential
- APN 013-071-003 – Multi-Family Residential

The hotel/conference center and appurtenant uses are permitted in the General Commercial land use and zone. The apartment units are permitted uses in the Multi-Family Residential land use and zone. As permitted uses they are not subject to discretionary approval, except for their design.

In addition to the proposed structures and appurtenant facilities such as landscaping, parking and driveway requirements, the project will include a bio-retention basin that will run the length of the southern edge of the project site. The purpose of the basin is to capture stormwater runoff. The retention basin will be designed to slow and treat on-site stormwater runoff. Stormwater will be directed to the basin and then percolates through the system where it is treated by a number of physical, chemical and biological processes. The bio-retention basin is part of the stormwater drainage plan mandated for all multi-family residential, commercial, and industrial development which have building and parking areas exceeding five thousand (5,000) sq. ft. in the community of Mariposa, in accordance with §17.336.080, Mariposa County Zoning Ordinance. Construction of the basin addresses Policy 11-2b in the Conservation and Open Space Element of the General Plan, which states: “Preserve surface and sub-surface water quality,” as well as the policy’s Implementation Measure 11-2b(1), which requires review of development designs to ensure compliance with federal and state water quality regulations and to ensure that the project does not discharge contaminated water. It also addresses Policy 16-5c in the Safety Element, which requires construction of water retention facilities to prevent flooding and to ensure that pre-development off- and on-site surface flows are maintained with no net increase. The location of the bio-retention basin is noted on the site design shown as Figure 2.

Site and
Surrounding
Land Use and
Development:

The project site is largely open grassland in a blue oak woodland environment. Blue oak, interior live oak, pine, cedar, ornamental and fruit trees and native shrubs are located on the site. There are two abandoned, derelict houses and accessory structures on the site, which date to the 1930s and 1940s, and a pair of outbuildings and the concrete foundation from a prefabricated trailer house dating to the 1960s. The prefabricated trailer house was served by a concrete road that is in poor condition. A drilled, unused well is located adjacent to the slab. An additional well is located next to the slab and is enclosed within a well house. This well appears to serve a neighboring property. Elevations on the site range from 2,010 ft. to 2,090 ft. All existing structures will be removed during project implementation.

Brown Bear Lane is located on the project site. This dirt/graveled road will be improved to applicable standards as part of project construction.

Surrounding land uses to the west of the project site include a plumbing/electrical supply business, two churches, a mobile home park, apartments and single family residences. Single family residences are located to the north and east of the site. Land to the immediate south is

open and is dominated by Mariposa Creek, which runs within 30 feet of a portion of the project boundary, and a steep hillside. There are a few some single-family residences located on the hillside south of the creek.

Project Studies The following studies have been completed for this project and are available for review (except the Cultural Resources Survey) at the Mariposa County Planning Department. Recommendations and conclusions of these studies are discussed in this study and are part of the proposed project.

- a. Biological Resource Evaluation – Colibri Ecological Consulting, LLC, January 2020.
- b. Cultural Resources Survey – Hudlow Cultural Resource Associates, January 2020; revised April 2020.
- c. Traffic Impact Analysis – JLB Traffic Engineering, Inc., June 19, 2020.
- d. Air Quality and Greenhouse Gas Analysis Report, Brown Bear Hotel and Conference Center and Residential Project, Mariposa, California – Mitchell Air Quality Consulting, May 1, 2020.

Uses of this Document: The following permits may be required and Responsible and Trustee Agencies may wish to use this document in the review of these permits.

- A National Pollutant Discharge Elimination System (NPDES) General Permit will be required from the Regional Water Quality Control Board for conveyed discharges into ephemeral drainages and Mariposa Creek.
- Stream Bed Alteration Agreement may be required for any construction impacts to the ephemeral drainage on the project.
- Caltrans encroachment permit.

Mariposa Town Planning Area Specific Plan EIR An Environmental Impact Report (EIR) was prepared and certified for the Mariposa Town Planning Area Specific Plan at the time of Plan adoption in 1992. That EIR is referenced where applicable in this study.

Reference Documents With the exception of the confidential cultural resources survey, all of the documents cited and relied upon in the preparation of this initial study are attached and available at the Mariposa County Planning Department, 5100 Bullion Street, Mariposa, CA 95338 (209) 966-5151.

B. SUMMARY OF IMPACT DETERMINATION:

(blank): no impact

L: Less than Significant Impact

M: Less than Significant Impact with Mitigation

PS: Potentially Significant

<u>L</u> Aesthetics	Agriculture/Forest Res.	<u>M</u> Air Quality
<u>M</u> Biological Resources	<u>M</u> Cultural Resources	<u>L</u> Energy
<u>L</u> Geology/Soils	<u>L</u> Greenhouse Gas Emissions	<u>L</u> Hazards and Hazardous Materials
<u>L</u> Hydrology/Water Quality	Land Use/Planning	Mineral Resources
<u>M</u> Noise	<u>L</u> Population/Housing	<u>M</u> Public Services
<u>L</u> Recreation	<u>M</u> Transportation	<u>L</u> Tribal Cultural Resources
<u>M</u> Utilities/Service Systems	<u>L</u> Wildfire	<u>M</u> Mandatory Findings of Significance

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- Attachments:** Project Description
 Project Plans
 Biological Resources Evaluation
 Traffic Impact Analysis
 Air Quality Greenhouse Gas Study

Section A
CEQA DETERMINATION OF IMPACT

On the basis of this initial evaluation:

- 1) I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- 2) I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- 3) I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- 4) I find the proposed project MAY have a “potentially significant impact” or “Less Than Significant With Mitigation” impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- 5) I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

By: Steve Engfer Date: 6/30/2020

Title: Senior Planner Representing: County of Mariposa

Signature: 

Figure 1
Vicinity Map

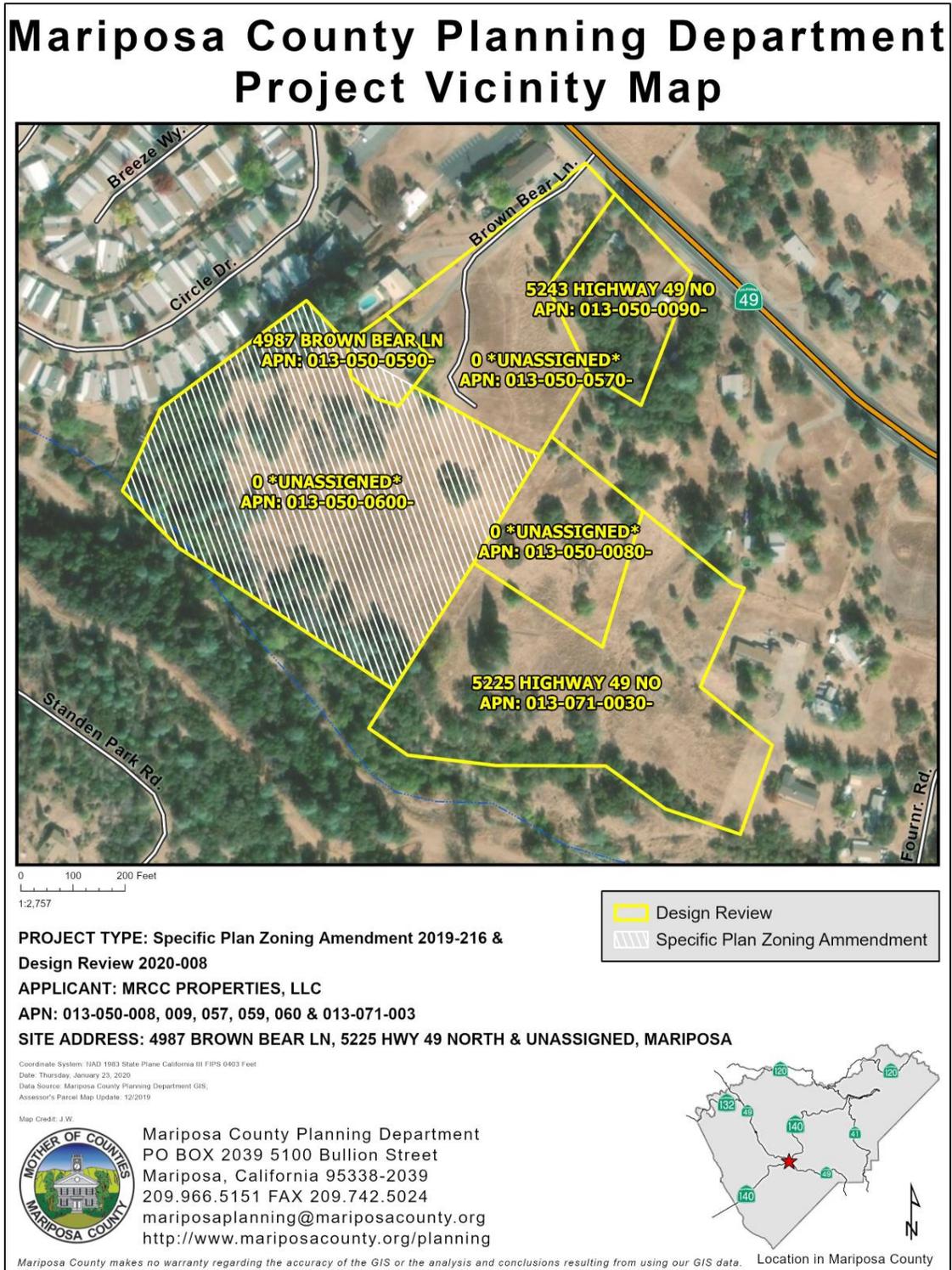
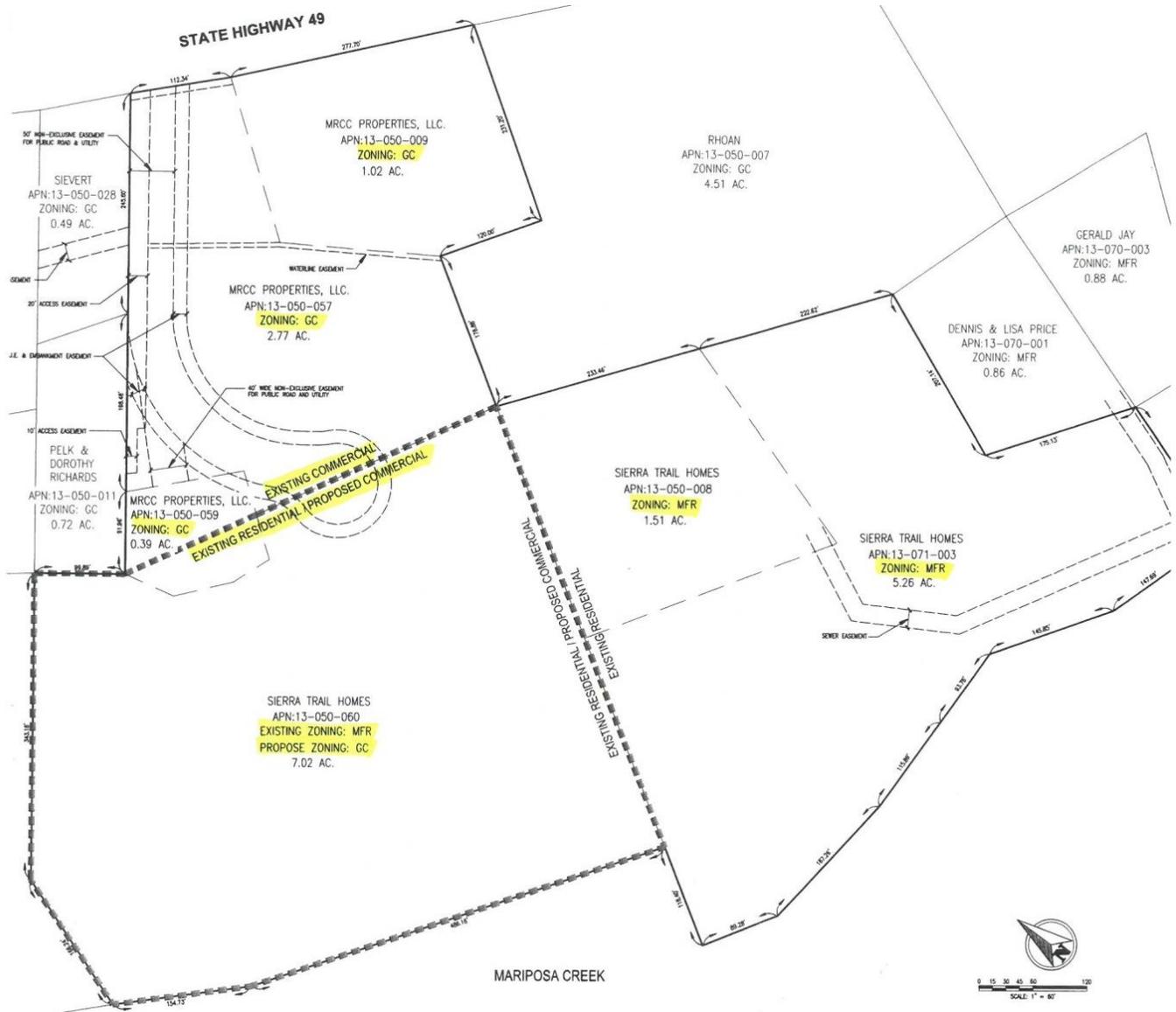


Figure 3

Project Zoning and Land Use Map

(GC is General Commercial; MFR is Multi-Family Residential; Southern portion of APN 013-050-059 and the entirety of APN 013-050-060 to be rezoned from Multi-Family Residential to General Commercial)



Section B
CEQA ENVIRONMENTAL CHECKLIST
EVALUATION OF ENVIRONMENTAL IMPACTS

1. AESTHETICS

1. AESTHETICS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Have a substantial adverse effect on a scenic vista?			√	
b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?				√
c) In nonurbanized areas, substantially degrade the existing visual character or quality of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			√	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			√	

B.1.a and c Scenic Vistas/Visual Character

The proposed project is located in the Mariposa Town Planning Area and is within the Design Review Overlay (DRO) Zone. The site is largely undisturbed except for two abandoned, derelict houses and accessory structures, and a pair of outbuildings and the concrete foundation from a prefabricated trailer house dating to the 1960s. There are also the remnants of a concrete roadway in poor condition that served the prefabricated trailer house. The rezoning necessary to construct the hotel/conference center portion of the project will change the land use and zoning on 7.2 acres of land from Multi-Family Residential to General Commercial. The practical effect of this zone change on aesthetics in the vicinity of the site is expected to be less than significant; this 7.2 acres would contain either a multi-family development under present land use and zoning or a hotel/conference center under the proposed land use and zoning. One of the two applications for this project is for design review. The DRO zone “...protect[s] the overall appearance of the district by regulating design of new structures and changes in the appearance of existing structures. The purpose of this district is to ensure that proposed buildings, structures, signs, and landscaping and modifications to buildings, structures, signs and landscaping within these areas are in harmony with the surrounding areas.” Prior to construction and site disturbance, the project, both the hotel/conference center and multi-family components, will be required to meet all the architectural theme and development guidelines for the design review overlay zone as required by Section 17.336.060 of Mariposa County Code. This code section establishes requirements for development standards, including building material and design, signage, and landscaping standards. In order for the design of a project to be approved, it must be found that it complies with the architectural theme and development guidelines established by the Board of Supervisors.

Additionally, the county applies the state model water efficiency landscape ordinance on all projects that include landscaping. *Thus, the visual quality impacts resulting from the proposed project development will be less than significant.*

B.1.b State Scenic Highway

The project is not adjacent to, or visible from, a designated State Scenic Highway, *thus the project will have no impact.*

B.1.d. Create Light or Glare

A significant impact would be one that creates a new source of substantial light or glare that would adversely affect day or nighttime views in the area. The project site is largely undeveloped and does not currently generate light and glare. The project will introduce new sources of light and glare into the area that do not currently exist. Although new sources of glare will be generated from the parking lots and other site development, new light sources will most likely create more of an impact in the area. However, the project will be required to meet International Dark Sky Association standards for any exterior lighting proposed. Prior to installation, all proposed lighting will be reviewed by the Planning Department to ensure that all lighting is directional, does not create off-site impacts, and meets the International Dark Sky Association standards. Parking areas will be required to meet the landscaping requirements contained in zoning standards for the Mariposa Town Planning Area. The rezoning necessary to construct the hotel/conference center portion of the project will change the land use and zoning on 7.2 acres of land from Multi-Family Residential to General Commercial. The practical effect of this change on the generation of light and glare is expected to be less than significant; the 7.2 acres would contain either a multi-family development under present land use and zoning or a hotel/conference center under the proposed land use and zoning. Both uses would generate nighttime traffic, lighting for parking areas, security lighting, room lighting, etc. It should be noted that the project site and all adjacent properties, including those containing single family residences, and properties in the vicinity of the project site between Highway 49N and Mariposa Creek, are zoned for General Commercial or Multi-Family Residential uses. There were single family residences located in the vicinity of the project site when the Mariposa Town Planning Area Specific Plan was adopted in 1992. Decision-makers at that time contemplated the eventuality that these single-family residential uses would be commingled with general commercial and multi-family residential uses in this area. The environmental impact report prepared for the Mariposa Town Planning Area Specific Plan in 1992 found that impacts on the issues of light and glare and aesthetics from implementation of the Plan would not be significant due to landscaping requirements that are designed to provide an attractive transition from street to building and between adjacent uses. Landscaping standards are designed to provide buffers and transitions between generators and receptors of light and glare. *Impacts would be less than significant.*

2. AGRICULTURE and FOREST RESOURCES

2. AGRICULTURE RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				√
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				√

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?			√
d) Result in loss of forest land or conversion of forest land to non-forest use?			√
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			√

B.2.a, b, c, d -e Farmland, Williamson Act, Forest Resources, Agricultural Zoning Conversion of Farmland/Forest Land

A significant impact would be one that converts farmland designated as “prime,” “unique” or “farmland of statewide importance” to nonagricultural uses; conflicts with Williamson Act land; or results in loss or conversion of forest land to non-forest uses. The project is not located in an important farmland area. The area is identified as “Other” and “Grazing” land on the Mariposa County Important Farmland Map, 2016, prepared by the State Department of Conservation under the Farmland Mapping and Monitoring Program. The vast majority of the land in the western half of the county, over 400,000 acres, is in the “grazing” category. The land is not used for grazing purposes and is not fenced. “Other” land is land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Typically, vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land. The property is surrounded by land either in the “Grazing,” “Other” or “Urban and Built-up Land” categories. None of these categories are considered important farmland by the state. *Therefore, it will have no impact* on any important farmland category. The project site is currently largely undeveloped with only two abandoned, derelict houses and accessory structures, and a pair of outbuildings and the concrete foundation from a prefabricated trailer house. It contains no forest land as defined in Public Resources Code (PRC) Section 12220(g) nor timberland as defined in PRC Section 4526 or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

The proposed project site is not in a Williamson Act Contract and will not conflict with forest land zoning or convert land from agricultural uses. The land is not located in an agricultural zone or forest zone. The site is zoned General Commercial and Multi-Family Residential (Mariposa TPA).

The environmental impact report prepared for the Mariposa Town Planning Area Specific Plan in 1992 found that impacts on agricultural land from implementation of the Plan would not be significant.

Thus, the project will have no impact on Agriculture and Forest Resources.

B.3 AIR QUALITY

3. AIR QUALITY – [Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.] Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			√	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			√	
c) Expose sensitive receptors to substantial pollutant concentrations?		√		
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			√	

An air quality and greenhouse gas analysis report for the project was prepared by Mitchell Air Quality Consulting. That report, dated May 1, 2020, is available for review at the Mariposa County Planning Department, 5100 Bullion St., Mariposa, Ca; (209) 966-5151. The text in this checklist section summarizes that report. (See Section B.8 for the greenhouse gas analysis.)

B.3.a Air Quality Plan and Violation of Air Quality Standards

A significant impact would be one that conflicts with or obstructs implementation of the applicable air quality plan. Under the California Clean Air Act of 1988, districts designated as non-attainment for state Clean Ambient Air Quality Standards (CAAQS) must submit a plan for attaining or maintaining state standards for these pollutants. Mariposa County is located within the Mountain Counties Air Basin (MCAB) and is under the jurisdiction of the Mariposa County Air Pollution Control District (MCAPCD). Mariposa County is classified as either attainment or unclassified status for all federal air quality standards, except ozone; therefore, the California Air Resources Board is not requiring such a plan be prepared. The MCAPCD has adopted regulation XI and amended rule 513 that address New Source Review for projects that will emit more than 100 tons of Ozone Precursors.

Mariposa County does not have a local air quality plan (AQP). Statewide air quality regulations and air quality control measures implemented by upwind air districts are expected to be sufficient for Mariposa County to attain air quality standards, so no AQP is required. Air quality is substantially worse in the San Joaquin Valley Air Pollution Control District (SJVAPCD) than in Mariposa County. SJVAPCD has adopted AQPs for the nonattainment pollutants that impact Mariposa County that are expected to achieve the applicable federal air quality standards by dates mandated by the Federal Clean Air Act without additional controls in Mariposa County. Therefore, this significance criterion would not apply to the project.

Compliance with Applicable Control Measures

An additional criterion regarding the project's implementation of control measures was assessed to provide further evidence of the project's consistency with AQPs. Since no local AQP exists, the control measures applicable to Mariposa County from the State Implementation Plan were reviewed to determine consistency with control measures.

The SIP for the MCAB does not include control measures that apply to specific developments. The plan relies primarily on statewide measures on motor vehicles and area sources and controls implemented in upwind air districts to attain air quality standards in Mariposa County. Therefore, the project complies with all applicable control measures and complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan.

Conclusion

No local AQP is required for Mariposa County and there are no applicable control measures in the SIP applicable to new development; therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan, *and the impact would be less than significant.*

B.3.b Cumulative Impacts

A significant impact would be one that results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

To result in a less than significant impact, the following criteria must be true:

1. Regional analysis: emissions of nonattainment pollutants must be below quantitative thresholds applied to the project.
2. Summary of projections: the project must be consistent with current air quality attainment plans including control measures and regulations. This is an approach consistent with Section 15130(b) of the CEQA Guidelines.
3. Cumulative health impacts: the project must result in less than significant cumulative health effects from the nonattainment pollutants. This approach correlates the significance of the regional analysis with health effects, consistent with the court decision, *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219-20.

The report approached the issue of cumulative impacts from the perspectives of regional emissions (construction emission, operational emission); the plan approach, including project health impacts; and cumulative health impacts. The following sections provide a brief summary of the report's conclusions for those issues.

Regional Emissions

No quantitative air pollutant thresholds have been adopted by Mariposa County. Therefore, thresholds from other agencies that are supported by substantial evidence were considered for the project. The SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) adopted in 2015 contains thresholds for CO, NO_x, ROG, SO_x, PM₁₀, and PM_{2.5}.

The SJVAPCD's thresholds of significance for criteria pollutants are applied to evaluate regional impacts of project-specific emissions of air pollutants. Regional impacts of a project can be characterized in terms of total annual emissions of criteria pollutants and their impact on the SJVAPCD's ability to reach attainment.

The SJVAPCD thresholds are appropriate for use in Mariposa County. The air quality in Mariposa County is substantially better than experienced in the San Joaquin Valley, and most of the regional air quality impacts experienced in Mariposa County are caused by transport of pollutants from the San Joaquin Valley to the MCAB,

including Mariposa. The state Air Resources Board determined that the San Joaquin Valley is responsible for an “overwhelming” ozone impact on the downwind MCAB. This means that emissions from the upwind area independently result in a violation of the State ozone standard in the downwind area on any given day. The responsibility for a violation caused by “overwhelming” transport lies with the upwind area. Areas responsible for overwhelming transport must implement transport mitigation. As described earlier, the SJVAPCD thresholds are set at a no-net increase permitting program. Therefore, application of the SJVAPCD thresholds to projects in Mariposa County provides a very stringent measure of significance, considering that Mariposa is not subject to these air quality planning mandates.

Another threshold approach considered for the project is based on the Federal General Conformity Regulation. General Conformity ensures that the actions taken by federal agencies do not interfere with a state’s plans to attain and maintain national standards for air quality. The SJVAPCD thresholds are lower than the General Conformity thresholds for all pollutants except for CO and would be more protective of health. Therefore, the SJVAPCD thresholds were used as a quantitative measure of significance for this analysis.

Construction Emissions

The project does not contain sources that would produce substantial quantities of SO_x emissions during construction and operation. Modeling conducted for the project shows that SO_x emissions are well below the SJVAPCD thresholds as shown in the modeling results in Appendix A of the report. Construction emissions were modeled using the CalEEMod version 2016.3.2. As shown in Table 8 on page 67 of the report, unmitigated construction emissions for the primary pollutants are below the significance thresholds in each construction year (2020-2022). Therefore, the emissions are less than significant on a project basis.

Operational Emissions

Operational emissions occur over the lifetime of the project and are from two main sources; area sources and motor vehicles, or mobile sources. Construction and operational emissions were considered separately when making significance determinations.

As shown in Table 9 on page 68 of the report, the operational air pollutant emissions (2022 unmitigated) shows that emissions for the primary pollutants of concern from area, energy and mobile sources are below the significance thresholds prior to application of mitigation measures or taking credit for project design features that would reduce project emissions and, therefore, would result in a less than significant impact.

Step 2: Plan Approach

In accordance with CEQA Guidelines 15130(b), the report’s analysis of cumulative impacts is based on a summary of projections analysis. Attainment plans are based on a summary of projections that accounts for project growth throughout the Air Basin, and the controls needed to achieve ambient air quality standards. The report considered the current CEQA Guidelines, which include the amendments approved by the Natural Resources Agency, effective on December 28, 2018. The Air Basin is in nonattainment or maintenance status for ozone and particulate matter (PM₁₀ and PM_{2.5}), which means that concentrations of those pollutants currently exceed the ambient air quality standards for those pollutants, or that the standards have recently been attained in the case of pollutants with maintenance status. When concentrations of ozone, PM₁₀ and PM_{2.5} exceed the ambient air quality standard, then those sensitive to air pollution could experience health effects such as decrease of pulmonary function and localized lung edema in humans and animals, increased mortality risks and other effects.

Under the CEQA Guidelines, cumulative impacts may be analyzed using other plans that evaluate relevant cumulative effects. A local agency may determine that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously approved plan or mitigation program. The Mariposa County General Plan found cumulative impacts resulting from growth predicted for the plan area to be less than significant.

The project does not exceed quantitative annual thresholds; therefore, the project is considered less than significant for this criterion.

Project Health Impacts

The report concludes that no significant localized health impacts would occur from the project. Regional pollutants require more complex modeling. Following a discussion of the type of modeling that may be used to determine regional impacts from a project, which resulted from a lawsuit, *Sierra Club v. County of Fresno (Friant Ranch, L.P.)*, the report concludes that most project emissions are generated by motor vehicles distributed on regional roadways miles from the project site, and these emissions are not conducive to project level modeling.

The report states that a small project would not produce sufficient emissions to determine a project's individual contribution to the particulate concentration.

Step 3: Cumulative Health Impacts

The MCAB is in nonattainment for ozone, PM₁₀ (state only), and PM_{2.5}, which means that the background levels of those pollutants are at times higher than the ambient air quality standards. Since the basin is in nonattainment, it is considered to have an existing significant cumulative health impact without the project. When this occurs, the report considers whether the project's contribution to the existing violation of air quality standards is cumulatively considerable. As shown in the aforementioned tables 8 and 9, the regional analysis of construction and operational emissions indicate that the project would not exceed the significance thresholds and the project is consistent with the applicable Air Quality Plan. Therefore, the cumulative health impact from the project is considered less than significant.

The project will have a less than significant cumulative impact.

B.3.c Sensitive Receptors to Pollutants

A significant impact would be one that exposes sensitive receptors to pollutant concentration. Sensitive receptors are defined as members of a population who are most sensitive to the adverse health effects of air pollution and the land uses where these populations groups would reside for long periods. Those who are sensitive to air pollution include children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. The closest off-site sensitive receptors are existing residences located adjacent to the project site to the north, east, south and west. As a residential land use development project, proposed residences included as part of the project would be considered sensitive receptors once occupied.

Localized Impact Thresholds

For pollutants that already exceed the standards without the project, significant impact levels (SILs) contained in Title 40, Part 51 (51.165(b)(2)) of the Code of Federal Regulations (CFR 2011) were adopted to assess the significance of a project's contribution. A significant impact would occur if the change in any pollutant exceeds the appropriate significance threshold. The report states that the proposed project is not expected to emit any measurable levels of SO₂. Therefore, SO₂ impacts were not included in this assessment.

Construction Emissions:

Off-site Sensitive Receptors; On-site Sensitive Receptors; Construction: ROG

The report concludes that the project's impact on these issues would have a less than significant.

However, the thresholds used for the analysis include a threshold of 100 pounds per day for ROG. In order to ensure that emissions of architectural coatings are less than significant, the project is required to use low-VOC coatings that comply with SJVAPCD Rule 4601—Architectural Coatings. A mitigation measure has been added to ensure

that painting contractors use Rule 4601 compliant coatings. That measure is shown below under Construction Mitigation Measures

Operation Emissions

Localized Pollutant Screening Analysis

Emissions occurring at or near the project have the potential to create a localized impact, also referred to as an air pollutant hotspot. Localized emissions are considered significant if, when combined with background emissions, they would result in exceedance of any health-based air quality standard. The impact from localized pollutants is based on the impact to the nearest sensitive receptor. The report concludes that the project would not exceed daily screening thresholds for localized operational criteria pollutant impacts; therefore, the project's localized criteria pollutant impacts would be less than significant.

ROG; PM10, PM2.5, CO, NO2; Carbon Monoxide Hot Spots; Toxic Air Contaminants; Valley Fever

The report concludes that the project's impact on these issues would have a less than significant.

Construction Mitigation Measures:

ROG

ROG emissions are typically an indoor air quality health hazard concern rather than an outdoor air quality health hazard concern. Therefore, exposure to ROG during architectural coatings is a less than significant impact. However, the thresholds used for the analysis include a threshold of 100 pounds per day for ROG. In order to ensure that emissions of architectural coatings are less than significant, mitigation is required.

Implementation of the following mitigation measure will reduce potential project impacts on the issue of reactive organic gases (ROG) to a less than significant level:

Mitigation Measure 3.c.1

Painting contractors employed during project construction shall use low-volatile organic compound (low-VOC) architectural coatings that comply with San Joaquin Valley Air Pollution Control District Rule 4601 – Architectural Coatings for application on project buildings. The current standard for flat paints is 50 grams per liter (g/l) and gloss paints is 100 g/l. Specialty coatings range from 100 g/l to 500 g/l.

Monitoring for Mitigation Measure 3.c.1: This mitigation measure will be monitored by the Mariposa County Planning Department prior to permit issuance and construction commencement.

Naturally Occurring Asbestos

Asbestos deposits are likely to occur in Mariposa County. U.S. Geological Survey maps are not sufficiently detailed to determine if asbestos-containing rock is present on the project site. It is currently uncertain whether development of the project would expose receptors to naturally occurring asbestos.

Implementation of the following mitigation measure will reduce potential project impacts on the issue of naturally occurring asbestos to a less than significant level:

Mitigation Measure 3.c.2

Prior to commencement of construction activities on the project site, the project developer shall obtain soil tests to determine if naturally occurring asbestos-containing rock exists on the site. If asbestos-containing materials are present in any of the soils tests, the developer shall notify Mariposa County. Once discovered, the applicant shall identify control measures to reduce potential exposure to asbestos for approval by Mariposa County. The applicant shall implement the approved control measures during earth-disturbing construction activities.

Monitoring for Mitigation Measure 3.c.2: This mitigation measure will be monitored by the Mariposa County Health Department prior to permit issuance and construction commencement.

B.3.d Other Emissions Affecting Substantial Number of People

A significant impact would be one that results in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc. warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such a recreational facilities, worksites, and commercial areas.

The report included screening levels (distance) for potential odor sources; and the project as a generator and receiver. The project does not propose a land use that would engage in odor-generating activities such as those associated with a landfill, transfer station, sewage treatment plant, composting facility, batch plant, rendering plant, etc. Odors from diesel-powered vehicles and equipment that would be generated during project construction would be temporary and would not likely be noticeable for extended periods of time beyond the project’s site boundaries. The potential for diesel odor impacts would therefore be less than significant.

With respect to the project as a receiver, there are no major odor-generating sources within screening distance of the site. Therefore, the uses in the vicinity of the project would not result in substantial odor impacts on the project.

The project will have a less than significant impact on this issue.

B.4 BIOLOGICAL RESOURCES

4. BIOLOGICAL RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		√		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?			√	

c) Have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				√
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		√		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				√
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				√

A biological resource evaluation of the project site was conducted by Colibri Ecological Consulting, LLC. The date of that report is January 2020.

To evaluate whether the project may affect biological resources under CEQA purview, Colibri (1) obtained lists of special-status species from the California Department of Fish and Wildlife (CDFW), the U.S. Fish and Wildlife Service, and the California Native Plant Society; (2) reviewed other relevant background information such as aerial images and topographic maps; and (3) conducted a field reconnaissance survey of the project site. The field reconnaissance of the project site and a 50-foot buffer surrounding the site occurred on January 21, 2020.

The evaluation states that the project could impact three non-listed, special-status wildlife species and nesting migratory birds, but effects can be reduced to less than significant levels with mitigation. The evaluation also concluded that the project could affect one regulated habitat.

The following summary reflects the information contained in the evaluation as it specifically relates to the checklist items above. The summary focuses on potentially significant impacts of project implementation. There is detailed information in the evaluation addressing site characteristics, soils conditions, potentially affected species, the regulatory environment, etc. The full report is available for review at the Mariposa County Planning Department.

B.4.a Candidate, Sensitive or Special Status Species

A significant impact would be one that has a substantial adverse effect on any candidate, sensitive or special status species.

The biological evaluation states that the U.S. Fish and Wildlife Service (USFWS) identifies three (3) species that are listed as threatened or endangered under the Federal Endangered Species Act. None of the three occur on or near the project site due to either a lack of habitat or the project site being outside the current range of the species. The evaluation states that a search of the California Natural Diversity Data Base (CNDDB) within the Mariposa

7.5-minute USGS topographic quad and the eight surrounding quads produced 117 records of 35 species. Of these 35, six were not considered further because state or federal regulatory agencies or other groups do not recognize them through special designation or are thought to be extinct. Of the remaining 29 species, 16 are known from within five miles of the project site. Of those 16 species, two could occur on the project site. One additional species identified in the 9-quad search but from outside the 5-mile buffer also could occur based on the presence of habitat. A search of the California Native Plant Society Inventory of Rare and Endangered Plants of California database within the 9 quads yielded 32 taxa, 17 of which have a California Rare Plant Rank of 1B (rare, threatened or endangered). None of those species are expected to occur on or near the project site due to a lack of habitat, lack of property soil types, or a lack of records from within five miles.

Special Status Species

The evaluation states that three special-status species could occur on or near the project site based on the presence of habitat.

The northwestern pond turtle is considered a Species of Special Concern by CDFW. The evaluation states that Mariposa Creek provides potential aquatic habitat for this species, and the project site represent potential nesting habitat. Therefore, there is a moderate potential for this species to occur on or near the project site.

Townsend's big-eared bat is identified as a Species of Special Concern by CDFW. Outbuildings, including storage sheds and pumphouses at the project site could provide roosting habitat, and habitat edges may provide foraging habitat. Therefore, the species has a low probability of occurrence.

Pallid bat is considered a Species of Special Concern by CDFW. This species prefers rock crevices as roosting habitat, which is not present on the project site. However, this bat will roost in tree hollows and buildings, and large trees and buildings on the project site may provide roosting habitat. The project site and surrounding fields could also support foraging. The species has a low probability of occurrence on or near the project site.

The biological evaluation concluded that the project could substantially impact these three species. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or young or otherwise lead to turtle nest or bat maternal colony abandonment. Such loss or abandonment could constitute a significant impact.

The project could affect three California State Species of Special concern, but the project will result in less than significant impacts to these species with the implementation of the following mitigation measures:

Mitigation Measure 4.a.1

A pre-construction clearance survey shall be conducted by a qualified biologist to ensure that the northwestern pond turtle will not be impacted during Project construction. The pre-construction survey shall be conducted no more than 14 days prior to the start of construction activities, including demolition and site clearing. During this survey, the qualified biologist shall search all potential nesting habitat on the Project site for active turtle nests. If an active turtle nest is found, the qualified biologist shall determine the extent of a construction-free buffer to be established and maintained around the nest for the duration of the nesting cycle. The biologist shall then work with construction personnel to install wildlife exclusion fencing along the buffer. This fencing should be a minimum of 36 inches tall and toed-in 6 inches below ground prior to construction activities. If fencing cannot be toed-in, the bottom of the fence will be weighted down with a continuous line of long, narrow sand bags or similar material, to ensure there are no gaps under the fencing where wildlife could enter. One-way exit funnels directed away from construction activities will be installed to allow turtles and other small wildlife to exit the fenced enclosure. Reports and evidence of mitigation installation shall be provided to the Planning Department prior to commencing construction activities.

Monitoring for Mitigation Measure 4.a.1: This mitigation measure will be monitored by the Mariposa County Planning Department prior to permit issuance and construction commencement.

Mitigation Measure 4.a.2

A pre-construction clearance survey shall be conducted by a qualified biologist to ensure that no roosting special-status bats will be disturbed during the implementation of the project. A pre-construction clearance survey shall be conducted no more than 14 days prior to initiation of construction activities, including demolition and site clearing. During this survey, the qualified biologist shall inspect all potential roosting habitat in and immediately adjacent to the impact areas, including tree snags and outbuildings. If an active roost is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the roost. If work cannot proceed without disturbing roosting bats, work may need to be halted or redirected to other areas until the roost is no longer in use. Reports and evidence of mitigation installation shall be provided to the Planning Department prior to commencing construction activities.

Monitoring for Mitigation Measure 4.a.2: This mitigation measure will be monitored by the Mariposa County Planning Department prior to permit issuance and construction commencement.

B.4.b Riparian or Other Sensitive Natural Community

A significant impact would be one that adversely affects riparian habitat or another sensitive natural community and/or a wetland area. One potentially regulated habitat, a dry ephemeral drainage, was found in the survey area. This feature consisted of two connected branches of a shallow earth and rock drainage; one branch starts at a road culvert on State Route 49 at the northeast corner of the Project site, and one branch starts east of Brown Bear Lane at the northwest corner of the Project site. Both branches join then continue south and eventually drain to Mariposa Creek. It is likely regulated by the State Water Resources Control Board (SWRCB) and the CDFW.

Consultation and permitting through the SWRCB and the CDFW will be required if the Project will impact this feature. *Thus the regulatory environment will ensure that potential impacts on this drainage are less than significant.*

B.4.c Wetlands

A significant impact would be one that has substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. *The biological evaluation found that the project will have no impact on the issue of wetlands.*

B.4.d. Migration/Native Wildlife Nursery Sites

A significant impact would be one that interferes with the movement of native resident or migratory fish or wildlife species, migration corridors, or one which impedes the use of native wildlife nursery sites.

Migratory birds could nest on or near the project site. These species include, but are not limited to, acorn woodpecker, California scrub-jay, oak titmouse, and red-shouldered hawk. The biological evaluation determined that the project has the potential to impede the use of nursery sites for native birds protected under the Migratory Bird Treaty Act and the California Fish and Game Code. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Of concern with the construction of the project is the removal of active bird nests, loss of fertile eggs or nestlings, or abandonment of nests, from birds that may nest within or near the project site. California Fish and Game Code Subsections 3503, 3503.5, and 3800 prohibit the possession, incidental take, or needless destruction of birds, their nests, and eggs. California Fish and Game Code Section 3511 lists birds that are “Fully Protected” as those that may not be taken or possessed except under specific permit.

Impact to nesting birds is considered to be a potentially significant impact requiring mitigation to reduce the potential impact to a less than significant level. The biological evaluation for the project states that implementation of recommended mitigation will reduce impacts to nesting birds to a less than significant level. Pre-construction surveys or avoidance are the recommended measures. *The following mitigation measure will reduce potential impacts to nesting birds to less than significant levels.*

Mitigation Measure 4.d.1

To the extent practicable, construction, including demolition and site clearing, shall be scheduled to avoid the nesting season, which extends from February through August.

If it is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.

Monitoring for Mitigation Measure 4.d.1: This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

B.4.e Ordinances and Policies Protecting Biological Resources

A significant impact would be one that conflicts with local ordinances and policies protecting local biological resources. The Mariposa Town Planning Area Specific Plan has a policy regarding the protection of the Mariposa Clarkia that may be impacted by proposed construction or grading. The biological evaluation states that there is no potential for occurrence of the plant on the project site due to a lack of habitat (serpentine soils).

Therefore, it can be found that the project will have no impact on ordinances and policies protecting biological resources.

B.4.f Conservation Plans

A significant impact would be one that conflicts with any conservation plan. The project site is not located within a designated Natural Resource Area and does not encompass any Key (rare) Vegetative Habitat, Key Wildlife Habitat, or Significant Wildlife Habitat. *The project will no impact on an adopted conservation plan.*

B.5 CULTURAL RESOURCES

5. CULTURAL RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				√

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		√		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		√		

A Phase I cultural resource survey of the project site was conducted by Hudlow Cultural Resource Associates and the results of that study are contained within a confidential report dated January 2020; revised April 2020. The survey consisted of an archaeological survey of the site and a cultural resource record search. The record search consisted of a search of the project area and the environs within one-half mile at the Central California Information Center. The survey showed that no surveys have directly addressed the project site. Four cultural resources have been recorded within one-half mile of the current project area. Three are historic houses and one is a historic highway. No cultural resources have been previously identified within the current project area. The following is a summary of the findings and recommendations of that report.

B.5. a Historical Resources

A significant impact would be one that would cause a substantial adverse change in the significance of a historic resource. Four cultural resources were identified, M-1, M-2, M-3 and M-4. M-1 and M-2 are abandoned, derelict houses; M-1 is a one-story frame house that is a ca. 1930s typical vernacular residence and accessory structures; M-2 is also a one-story frame house that is a ca. 1940s typical vernacular residence. M-3 is a trash scatter that probably dates to the 1960s. It is located along the northern edge of Mariposa Creek. The scatter was a mixture of domestic trash and automotive trash. No structural trash was noted. M-4 is a pair of outbuildings and the concrete foundation from a prefabricated trailer house. No architectural remains are present; the concrete foundation and a concrete pile are the sole remains of the structure. These remains possibly date to the 1960s.

The Phase I cultural resources survey concluded that none of the four resources possess qualities that would merit inclusion in the California Register of Historic Resources; nor are they associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States; nor are they associated with the lives of persons important to local, California, or national history; nor do they embody the distinctive characteristics of a type, period, region or method of construction, or represent the work of a master or possess high artistic values; nor will they yield, or have the potential to yield, information important to the prehistory or history of the local area, California or the nation. The survey concludes that no further work is required on any of the resources. *The project will have no impact on historical resources.*

B.5. b Archaeological Resources

A significant impact would be one that would cause a substantial adverse change in the significance of an archaeological resource. The study of the site found no surface archeological resources but states that if archaeological resources are encountered during construction on the site, including on or around sites M-1 through M-4, a qualified archaeologist should be consulted for further evaluation.

For projects where construction will occur, a mitigation measure addressing finds of cultural resources and human remains during construction is applied. (Please see B.5.c below for a more detailed discussion of this issue.)

B.5. c Human Remains

A mitigation measure consistent with the California Native American Historical, Cultural and Sacred Sites Act will reduce any potential impact to cultural resources and remains found during project implementation to a less than significant level. This mitigation measure is as stated below.

Mitigation Measure 5.c.1:

In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

Monitoring for Mitigation Measure 5.c.1: The applicant or his on-site designee shall be responsible for ensuring compliance with this mitigation and the Mariposa County Planning Department will monitor the measure through the project construction permitting process.

B.6 ENERGY

6. ENERGY Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			√	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			√	

B.6. a,b Energy

A significant impact would be one that results in potentially significant environment impact due to wasteful, inefficient, or unnecessary consumption of energy resources or conflicts with or obstructs a state or local plan for renewable energy or energy efficiency. The proposed project consists of the construction and operation of a hotel/conference/multi-family residential development. The project proposes a rezone of 7.2 acres of land from Multi-Family Residential to General Commercial in order to construct the hotel/conference center component of the project. Development of the project site and general project vicinity with general commercial, multi-family residential, and professional office uses was contemplated at the time the Mariposa Town Planning Area Specific Plan was adopted in 1992. The project site and much of the surrounding area is zoned for such purposes. Overall, the construction and operation of this proposed project would not require the creation of a new source of energy.

During construction there would be a temporary consumption of energy resources required for the movement of equipment and materials; however, the duration is limited due to the phasing of construction. Compliance with

local, state, and federal regulations would reduce short-term energy demand during the project’s construction to the extent feasible, and project construction would not result in a wasteful or inefficient use of energy.

There are no unusual project characteristics or processes involved in this hotel/conference center/multi-family housing project that would require the use of equipment that would be more energy intensive than is used for comparable activities, or the use of equipment that would not conform to current emissions standards and related fuel efficiencies. Furthermore, through compliance with applicable requirements and/or regulations through the building permit process, the project would be consistent with state requirements, and would not consume energy resources in a wasteful or inefficient manner.

State and local agencies regulate the use and consumption of energy through various methods and programs. As a result of the passage of Assembly Bill 32 (AB 32) which seeks to reduce the effects of Greenhouse Gas (GHG) Emissions, a majority of the state regulations are intended to reduce energy use and GHG emissions. These include, among others, California Code of Regulations Title 24, Part 6–Energy Efficiency Standards, and the California Code of Regulations Title 24, Part 11– California Green Building Standards (CALGreen). In Mariposa County, the county’s Building Department enforces the applicable requirements of the Energy Efficiency Standards and Green Building Standards in Title 24. Accordingly, the proposed project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency.

The project will have a less than significant impact.

B.7 GEOLOGY AND SOILS

7. GEOLOGY AND SOILS -- Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			√	
ii) Strong seismic ground shaking?			√	
iii) Seismic-related ground failure, including liquefaction?			√	
iv) Landslides?			√	
b) Result in substantial soil erosion or the loss of topsoil?			√	

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			√	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			√	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				√
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			√	

B.7.a Faults, Ground Shaking, Ground Failure and Landslides

A significant impact would be one that exposes people or structures to loss, injury or death.

Earthquake Faults: Alquist-Priolo Earthquake Fault Zone maps indicate that Mariposa County does not contain a Special Study Zone and a map has not been created for Mariposa. The majority of the County falls within the lowest earthquake hazard zone of 10-20% probability. Two fault zones exist within Mariposa and comprise the Foothill Fault System, including the Bear Mountain Zone and the Melones Zone located on the western side of the County. The Foothill Fault System is considered active. Additionally, three other faults known to be active near Mariposa include the San Andreas Fault to the west, the Owens Valley Fault to the east and the White Wolf fault to the south. According to the Five County Study, the three faults may cause small periodic local earthquakes.

No earthquake with a magnitude above 5 has occurred in Mariposa County since 1800. When earthquakes do occur in Mariposa County, records show they occur at around magnitude 2.7 or less. Section 8.2.02 – Physical Geology, in Volume III of the Mariposa County General Plan states that the probability of earthquake occurrence on the Foothills Fault System is rated as low.

Thus, the project will have a less than significant impact.

Ground Shaking: All construction in California is required to comply with all California Building Code standards with respect to the seismic design category applicable to a specific area.

Thus, the project will have a less than significant impact.

Ground Failure: Liquefaction hazard areas have not been identified in Mariposa County. The state’s Seismic Hazard Mapping Program has not yet mapped the County of Mariposa to determine the probability of various types of ground failure likely to occur as a result of earthquake activity. Uniformly applied California Building Code standards require the preparation of a “soils investigation” report for all new building construction. These reports are required to provide complete evaluations of the foundation conditions of the site including design criteria related to the nature and extent of foundations materials, groundwater conditions, liquefaction potential, settlement

potential and slope stability. The soils report must be prepared by a California-registered engineer. The building permit process will ensure that this report is properly prepared and reviewed.

Thus, the project will have a less than significant impact.

Landslides: The state's Seismic Hazard Mapping Program has not yet mapped Mariposa County to determine the probability of landslide occurrence as a result of earthquake activity. The Five County Seismic Safety Study performed a generalized landslide risk appraisal and found that there was minimal risk of landslides caused by earthquakes in areas of low relief and moderate to high risk found in the remaining mountainous areas of the County.

Factors that may pertain directly to the subject project site include: rock types susceptible to sliding, steep slopes, heavy rainfall during winter months, and slopes that have been modified by development activity. Landslides generally occur on slopes of 15 percent or greater. The project site's topography is rolling with elevations ranging from 2,010 ft. to 2,090 ft.. A grading plan in accordance with 2016 California Code of Regulations Title 24, Parts 1-12 standards will be required for grading for future commercial and residential development.

Thus, the project will have a less than significant impact.

B.7.b Soil Erosion

A significant impact would be one that results in substantial soil erosion or loss of topsoil. The preparation of the site for construction will entail grading for structures, parking, and driveways.

The Mariposa County Improvement Standards will apply to any road work done as part of the project proposal. These adopted policies contain provisions for drainage plans, soil compaction and sediment control during construction, and permanent re-vegetation following construction. The County Engineer typically has the authority to require engineered drainage plans to address any increased water run-off from proposed roads. Onsite inspections are conducted to ensure compliance with these standards.

The 2016 California Code of Regulations Title 24, Parts 1-12 standards, also contain drainage plan requirements to ensure that any changes to existing drainages are done in such a way as to ensure that the function and capacity of the affected drainage course is maintained following construction. Soil compaction standards, provisions for sediment control during construction, and re-vegetation following construction are contained in this ordinance. The 2016 California Code of Regulations Title 24, Parts 1-12 standards will apply to site grading work done for future residential and commercial development. This code contains requirements for soil compaction and sediment control during construction, and permanent re-vegetation following construction. Onsite inspections by the Building Department are conducted to ensure compliance with these requirements.

In addition, if more than one acre of land will be disturbed, the project will be subject to a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity from the Regional Water Quality Control Board. This permitting is part of the existing regulatory environment and is addressed in the standard conditions of approval for projects in Mariposa County.

These adopted policies and ordinance requirements, the required permits and onsite inspections, will ensure *a less than significant impact* from future grading activities associated with implementation of the development of the site.

B.7.c Unstable Geology/Soil

A significant impact would be one where a geologic unit or soil becomes unstable as a result of the project. The standards of the Mariposa County Road Improvement and Circulation Policy, the Mariposa County Improvement Standards, and 2016 California Code of Regulations Title 24, Parts 1-12 standards will ensure a *less than significant*

impact on the site and adjacent parcels. These standards are implemented through a permit process, which includes onsite inspections by county staff.

The project will have a less than significant impact on the issue of unstable geologic units or soil.

B.7.d Expansive Soils

A significant impact would occur if the project is placed on expansive soils and creates substantial risk to life or property. Construction on the project parcel will require compliance with the 2016 California Code of Regulations Title 24, Parts 1-12 standards for the construction of foundations. The California Building Code standards are implemented through the building permit process. Onsite inspections by building inspectors are conducted to ensure construction is in compliance with these standards. Based upon the existing permit requirements in place, the implementation of 2016 California Code of Regulations Title 24, Parts 1-12, and the onsite inspections, *the project will have a less than significant impact.*

B.7.e Septic Systems

A significant impact would occur if septic tanks or systems are utilized for the project and the soil is unable to support their use. The project proposes to connect to Mariposa Public Utility District facilities for sewer service, *thus the project will have no impact.*

B.7.f Paleontological or Unique Geologic Features

A significant impact would occur if the project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature. The project site is largely undeveloped with only two abandoned, derelict houses and accessory structures being located on the site, and a pair of outbuildings and the concrete foundation from a prefabricated trailer house dating to the 1960s. An old concrete roadway in poor condition that served the trailer house is located on the eastern portion of the project site. There are no known unique geologic features located on the project site. The cultural resources survey prepared for the site did not identify any paleontological resource or site, nor is one known to occur on the project site. Mitigation measure 5.c.1 requires that work be stopped and that the Mariposa County Planning Department be contacted if a resource is discovered during earth work. *With implementation of this mitigation measure the project will have a less than significant impact.*

The environmental impact report prepared for the Mariposa Town Planning Area Specific Plan in 1992 concluded that impacts associated with issues described above will be reduced to less than significant levels with the implementation of mitigation measures in the form of standards that have been incorporated into the adopted standards for the Town Planning Area. This project will be subject to all applicable standards related to these issues.

B.8 GREENHOUSE GAS EMISSIONS

8. GREENHOUSE GAS EMISSIONS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			√	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			√	

An air quality and greenhouse gas analysis report for the project was prepared by Mitchell Air Quality Consulting. That report, dated May 1, 2020, is available for review at the Mariposa County Planning Department. The text in this checklist section summarizes the section addressing greenhouse gas emissions.

B.8.a Impacts: Greenhouse Gas (GHG) Emissions

A significant impact would occur if the project generated greenhouse gas emissions that may have a significant impact on the environment.

Section 15064.4(b) of the CEQA Guidelines' 2018 amendments for GHG emissions states that a lead agency may take into account the following three considerations in assessing the significance of impacts from GHG emissions. The first two are as follows:

Consideration #1: The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.

Consideration #2: Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

Mariposa County has not adopted a greenhouse gas reduction plan. In addition, the County has not completed the greenhouse gas inventory, benchmarking, and goal-setting process required to identify a reduction target and to take advantage of the streamlining provisions contained in the CEQA Guidelines amendments adopted for SB 97. Additionally, the Mariposa County Air Pollution Control District does not have a Climate Action Plan applicable for this project. Since no other local or regional Climate Action Plan is in place, the project is assessed for its consistency with ARB's adopted Scoping Plans. This is achieved by showing that project emissions exceed the 21.7 percent reduction required to achieve AB 32 2020 target and by making reasonable progress toward the SB 32 2030 target.

The greenhouse gas analysis addresses project impacts within the context of CEQA thresholds; relevant court cases; greenhouse gas emissions from construction and operation; business-as-usual operational emissions; 2022 and 2030 operational emissions; reductions from greenhouse gas regulations; and 2017 state scoping plan update estimated change in GHG emissions by sector.

Consideration #2 requires comparison of project emissions to a threshold adopted by the lead agency for greenhouse gas emissions. The analysis prepared for this project determines the extent the project exceeds the 21.7 percent reduction from business-as-usual as a measure of consistency with state AB 32 2020 and SB 32 2030 targets.

In order to account for construction emissions, amortization of the total emissions generated during project construction were based on the life of the development (30 years) and added to the operational emissions. Project emissions were assessed using CalEEMod version 2016.3.2 for the business-as-usual (without state goal reductions) scenario and for emissions in 2022. The sources of emissions analyzed were area; energy; mobile; waste; water; and amortized construction emissions. The report also provides a second analysis for the SB 32 2030 target year (for state reduction goals). The report concludes that the project achieves a reduction from the business-as-usual scenario of 28 percent for the year 2022, which exceeds the 21.7 percent reduction required by the state AB 32 targets. Under the 2030 scenario, with the same identified sources of emissions, the project achieves a 43.7 percent reduction, which exceeds the 21.7 percent reduction required by the state to achieve the 2020 target by 22 percent in 2030.

The analysis concludes that the project will have a less than significant impact on this issue.

B.8.b Conflict with any applicable plan, policy or regulation of an agency

A significant impact would occur if a project conflicted with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases

Section 15064.4(b) of the CEQA Guidelines' 2018 amendments for GHG emissions states that a lead agency may take into account the three considerations in assessing the significance of impacts from GHG emissions. The first two were addressed in B.8.a above; the third is as follows:

Consideration #3: The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the state's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

For this consideration the analysis assesses the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Since no regional or local plans have been adopted, the analysis is based on the state's 2008 and 2017 Scoping Plans. A quantitative assessment of the benefits of the reductions that apply to project emission sources is provided for each regulation and measure. The reductions are then applied in the business-as-usual analysis using CalEEMod to estimate the overall reduction from business-as-usual in project emissions in 2022 and 2030 compared to Scoping Plan targets.

The California State Legislature adopted AB 32 in 2006. AB 32 focuses on reducing GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, the ARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan calls for an "ambitious but achievable" reduction in California's GHG emissions, cutting approximately 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from 2008 levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman, and child in California down to about 10 tons per person by 2020. As stated earlier, the ARB has updated its emission inventory forecasts and now estimates a reduction of 21.7 percent is required from business-as-usual in 2020 to achieve AB 32 targets.

The 2008 Scoping Plan contains a variety of strategies to reduce the state's emissions. As shown in Table 19 of the analysis, the project is consistent with most of the strategies of the, while others are not applicable to the project. The 2017 Scoping Plan Update strategies primarily rely on increasing the stringency of existing regulations with which the project would continue to comply. As shown in Table 20 of the report, the project is consistent with most of the strategies of the SB 32 2017 Scoping Plan Update, while others are not applicable to the project.

The report concludes that taking into account the proposed project's emissions, and the progress being made by the state towards reducing emissions in key sectors such as transportation, industry, and electricity, the project would be consistent with state GHG Plans and would further the state's goals of reducing GHG emissions to 1990 levels by 2020, 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050, and does not obstruct their attainment.

The project would have a less than significant impact on this issue.

B.9 HAZARDS AND HAZARDOUS MATERIALS

9. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			√	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			√	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				√
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				√
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				√
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			√	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			√	

B.9.a, b Transport of Hazardous Materials/Upset and Accident

A significant impact would be one that produces a substantial risk to the public from routine transportation, use, or disposal of hazardous material, or from reasonably foreseeable accidental release into the environment of such material through upset or accident. This hotel/conference center/multi-family housing project will not result in the handling, transport, storage or use of hazardous materials except for those typically associated with development of

this nature. Such uses typically do not use or store large amounts of hazardous materials. Construction activity may include temporary storage and use of potentially hazardous material such as fuel and oil. Any spills would be subject to local, state, and federal regulations, which minimize the risk associated with construction activities. Due to these factors, *the project will have a less than significant impact on these issues.*

B.9.c School Proximity

A significant impact would be one that emits hazardous emissions or results in the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. There are no schools located within a quarter-mile of the project site. Additionally, the project does not have the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. *Thus, the project will have no impact.*

B.9.d Exposure from Existing Contaminated Sites

A significant impact would be one where a project is located on a listed contamination site and exposes the public or the environment to the hazard. The project site is not listed on the Mariposa County Health Department list of hazardous sites. *Thus, there will be no impact.*

B.9.e Hazards Near Airports and Airstrips

A significant impact would be one that results in a safety hazard for people residing or working in the vicinity of a public airport or private airstrip. The project site is not within two miles of a public airport, and there are no private airstrips known to exist within the area of the project site. *Thus, there will be no impact.*

B.9.f Emergency Response Plans

A significant impact would be one that impairs the implementation of or interferes with an emergency response or evacuation plan. The construction of a hotel/conference center/multi-family residential project on the subject parcels will not interfere with any emergency response or evacuation plan. The project will take direct access from Highway 49N. Encroachments from the highway will be required to be constructed to Caltrans standards. The project will be required to develop an emergency egress in order to comply with state Fire Safe standards. On-site driveways, parking lots, drive aisles, etc. will be constructed to all required standards, including the Mariposa County Road Improvement and Circulation Policy and the county's Improvement Standards. Adherence to these standards will ensure that the on-site infrastructure is sufficient to adequately serve the development in the event of an emergency. Additionally, the project will need to meet all requirements from CAL FIRE and the Fire Department prior to construction and prior to occupancy. *Thus, there will a less than significant impact.*

B.9.g Risk of Wildland Fires

A significant impact would be one that exposes people or structures to a significant risk of wildland fires. The state of California adopted the state Fire Safe Regulations for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Areas (SRA). These regulations, known as SRA Firesafe Regulations, provide basic emergency access and perimeter wildfire protection measures, including clearance around structures. Future building permits for the project parcels also necessitate review by CAL FIRE and onsite inspection prior to permit completion. Finally, future development is subject to continued inspection by CAL FIRE for maintenance of 100' clearance around structures (LE 100). These inspections may be done yearly. The project must also meet all the applicable sections of the California Fire Code. Due to uniformly applied construction and land management standards, *the project will have a less than significant impact on the issue of wildland fires.*

The environmental impact report prepared for the Mariposa Town Planning Area Specific Plan in 1992 found that impacts on hazardous materials from implementation of the Plan would not be significant.

B.10 HYDROLOGY & WATER QUALITY

10. HYDROLOGY AND WATER QUALITY Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			√	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			√	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			√	
i) result in a substantial erosion on- or off-site;			√	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site			√	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			√	
iv) impede or redirect flood flows?			√	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			√	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			√	

B.10.a Water Quality Standards/Waste Discharge Requirements/Water Quality

A significant impact would occur if the project violated a water quality standard or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The project proposes to connect to the Mariposa Public Utility District (MPUD) for water and sewer service. MPUD did not note any concerns with regards to the project affecting water quality. The project does not propose any activities that could affect groundwater quality. The Mariposa County Improvement Standards will apply to any road work done as part of the project proposal.

These adopted policies contain provisions for drainage plans, soil compaction and sediment control during construction, and permanent re-vegetation following construction. The County Engineer typically has the authority to require engineered drainage plans to address any increased water run-off from proposed roads. Onsite inspections are conducted to ensure compliance with these standards.

The 2016 California Code of Regulations Title 24, Parts 1-12 standards, also contain drainage plan requirements to ensure that any changes to existing drainages are done in such a way as to ensure that the function and capacity of the affected drainage course is maintained following construction. Soil compaction standards, provisions for sediment control during construction, and re-vegetation following construction are contained in this ordinance. The 2016 California Code of Regulations Title 24, Parts 1-12 standards will apply to site grading work done for future residential and commercial development. This code contains requirements for soil compaction and sediment control during construction, and permanent re-vegetation following construction. Onsite inspections by the Building Department are conducted to ensure compliance with these requirements.

In addition, if more than one acre of land will be disturbed, the project will be subject to a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity from the Regional Water Quality Control Board. This permitting is part of the existing regulatory environment and is addressed in the standard conditions of approval for projects in Mariposa County.

Additionally, the project will be required to meet all requirements for post-construction storm water runoff and will need to develop on-site storage and treatment prior to release to Mariposa Creek. The project site plan shows a bio-retention basin that will run the length of the southern edge of the project site. The purpose of the basin is to capture and treat stormwater runoff from the project. The bio-retention basin is part of the stormwater drainage plan mandated for all multi-family residential, commercial, and industrial development in the community of Mariposa which have building and parking areas exceeding five thousand (5,000) sq. ft. This required is included in §17.336.080, Mariposa County Zoning Ordinance. Construction of the basin addresses Policy 11-2b in the Conservation and Open Space Element of the General Plan, which states: “*Preserve surface and sub-surface water quality,*” as well as the policy’s Implementation Measure 11-2b(1), which requires review of development designs to ensure compliance with federal and state water quality regulations and to ensure that the project does not discharge contaminated water. It also addresses Policy 16-5c in the Safety Element, which requires construction of water retention facilities to prevent flooding and to ensure that pre-development off- and on-site surface flows are maintained with no net increase. These adopted policies and ordinance requirements, the required permits and onsite inspections, will ensure *a less than significant impact* on water quality from project development.

B.10.b,e Changes in Groundwater Resources

A significant impact would be one that substantially depletes groundwater quantities/interferes with groundwater recharge, impedes sustainable groundwater management of the basin, or conflicts with or obstructs implementation of a water quality control plan or sustainable groundwater management plan. Mariposa County is not located within an area governed by a sustainable groundwater management plan. The project will connect to the existing MPUD water supply and will not use on-site wells to access groundwater. MPUD complies with applicable water quality control plans. While the project will increase impervious surface, the project is not expected to have a significant effect on groundwater recharge in the area. The proposed bio-retention basin will capture and treat stormwater runoff from the project. The project will be subject to all applicable governmental standards for the protection of groundwater. *Impacts on groundwater from the proposed development is less than significant.*

B.10.c Drainage Patterns/Impervious Surfaces; Substantial Erosion; Flooding; Stormwater System Capacity; Polluted Runoff

A significant impact would be one that substantially alters drainage and surface flows through alteration of the course of a stream or river or through the addition of impervious surfaces in a manner that results in substantial erosion or siltation on- or off-site; substantially impacts drainage patterns causing flooding on- or off-site; contributes runoff causing the capacity of drainage systems to be exceeded or provides substantial polluted runoff;

or redirects flood flows. Due to the regulatory standards the project will be subject to, as discussed above in B.10.a, the project will not alter the course of a stream or river; result in substantial erosion on- or off-site; substantially increase the rate of surface runoff, so as to result in flooding; contribute substantial runoff resulting in the exceedance of stormwater drainage system capacity; provide substantial additional sources of polluted runoff; or redirect flood flows. Onsite inspections are conducted to ensure compliance with these standards. The standards of the 2019 California Code of Regulations Title 24, Parts 1-12, will apply to site grading work done for project construction. Any necessary drainage plan requirements will ensure that any changes to existing drainages are done in such a way as to ensure that the function and capacity of the affected drainage course is maintained following construction. As noted above, the proposed bio-retention basis will capture and treat stormwater runoff from the project. These adopted policies and ordinance requirements, the permits required, and the required onsite inspections, *will ensure a less than significant impact from any amendments to drainage courses resulting from future grading activities associated with the project and future operation of the project.*

B.10.d Release of Pollutants in Flood Hazard, Tsunami or Seiche Zones from Project Inundation:

Mariposa County is not subject to tsunamis. The issue of seiche as it may relate to a dam inundation area is addressed by General Plan Policy 16-4c. This project site is not located in such an area. The issue of ground shaking and earthquake faults is addressed in the “Geology and Soils” section above. This issue is addressed during review of individual projects. This hotel/conference center/multi-family project is not of the type or nature that would result in the release of pollutants in a flooding or earthquake event. *Due to these factors, the project will have a less than significant impact.*

The environmental impact report prepared for the Mariposa Town Planning Area Specific Plan in 1992 concluded that impacts associated with issues described above will be reduced to less than significant levels with the implementation of mitigation measures in the form of standards that have been incorporated into the adopted standards for the Town Planning Area. This project will be subject to all applicable standards related to these issues.

B.11 LAND USE & PLANNING

11. LAND USE AND PLANNING Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Physically divide an established community?				√
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				√

B.11.a Physically Divide an Existing Community

A significant impact would occur if the project physically divided an established community. The project proposes a land use and zoning amendment to change the land use and zoning on 7.2 acres from Multi-Family Residential to General Commercial in order to provide sufficient land to construct the hotel/conference center. Roughly 3.8 acres are currently in the General Commercial land use and zone and will retain that classification with project implementation. Roughly 6.8 acres of land will remain in the Multi-Family Residential land use and zone and will be used for the construction of apartment units. Commercial uses such as a hotel/conference center could currently be constructed adjacent to multi-family residential development on the overall project acreage. The compatibility

of these uses was contemplated at the time the Mariposa Town Planning Area Specific Plan was adopted. The 17.97-acre site is undeveloped, except for two older, unoccupied residences, accessory structures, and a pair of outbuildings and the concrete foundation from a prefabricated trailer house, all of which will be removed as part of project implementation. Approval of the land use and zone change and construction of a hotel/conference/multi-family housing project will not physically divide an existing community. *The project would have no impact on this issue.*

B.11.b Conformance with General Plan Designation, Zoning and Other Environmental Policies

A significant impact would occur if the project conflicted with a land use plan, policy or regulation adopted to avoid or mitigate an environmental effect. There are no land use plans, policies, or regulations that were adopted to avoid or mitigate an environmental effect that affect this parcel. The GP/ZA can only be approved if all required findings are made and it does not affect any other policies or regulations. *If these findings are made and the project is approved, the project will not conflict with the Mariposa County General Plan and Mariposa County Zoning Ordinance and will have no impact on this issue.*

B.12 MINERAL RESOURCES

12. MINERAL RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				√
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?				√

B.12.a, b Mineral Resources

A significant impact would occur if the project resulted in the loss of availability of a mineral resource of value to the region and state, or result in the loss of a locally important mineral resource shown on land use planning maps. Although Mariposa Creek has been subject to mining operations in the past, neither the Mariposa County General Plan nor Mariposa Town Planning Area Specific Plan identifies the project area as an important mineral recovery site. The area has historically been used for large- and small-lot residential uses as well as institutional and commercial development. The project will not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. *Thus, the project will have no impact.*

B.13 NOISE

13. NOISE Would the project result in:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		√		
b) Generation of excessive groundborne vibration or groundborne noise levels?			√	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				√

B.13.a Generation of Substantial Noise That Exceeds Established Standards

A significant impact would occur if the project resulted in the generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The Mariposa County General Plan states that the rural lifestyle found in Mariposa County results in a noise environment that is well below 55 dba CNEL standard. The Mariposa County Noise-Land Use Compatibility Chart, shown as Figure 12-1 in Volume III, Technical Background Reports of the Mariposa County General Plan, shows that Ldn or CNEL decibel levels of up to 60 are normally acceptable community noise exposure levels for low density single family, duplex, and mobile home residential development. (Although adjacent properties are zoned either General Commercial or Multi-Family Residential, several of them contain single family residences.) Decibel levels of up to 65 are normally acceptable for multi-family residential uses. Up to 70 decibels is conditionally acceptable in both categories. Noise during construction may exceed these levels but construction is expected to be of limited duration and occur during normal working hours. Mariposa County does not have an adopted noise ordinance. The hotel/conference center portion of the project proposes outdoor uses such as a pool, wedding venue and barbecue area. It is possible that the wedding venue and outdoor event activities will allow music that may be heard by neighboring properties, however no amplification is proposed or reviewed by this document. If amplified music is proposed at some time in the future, supplemental environmental analysis will have to be conducted to address potential noise impacts. There are single family residences located immediately adjacent to the project site that will experience new sources of noise from the development on the site. There were single family residences located in the vicinity of the project site when the Mariposa Town Planning Area Specific Plan was adopted in 1992. Decision-makers at that time

contemplated the eventuality that these single-family residential uses would be commingled with general commercial and multi-family residential uses in this area. The environmental impact report prepared for the Mariposa Town Planning Area Specific Plan in 1992 found that potential noise impacts on land uses from Plan adoption are not significant. The EIR stated the following:

In those areas where there are existing residential uses and where commercial and industrial areas are adjacent to residential areas, new commercial, industrial, and multi-family residential development will be required through the design review process to provide landscaping and screening along streets and adjacent residential uses. The required landscaping and screening will act as a noise buffer with noise being reduced to an acceptable level. The standards of the Specific Plan will provide appropriate buffers and transitions between generators and receptors of noise.

Required screening will act as a noise buffer.

Decision makers also contemplated the text in the EIR that identified outdoor commercial uses as requiring a conditional use permit. Zoning standards for the General Commercial zone state that uses involving outside sales or storage areas are subject to a conditional use permit. While outdoor uses are components of the overall hotel/conference development, they are not sales and storage uses. The outdoor use components of the project that have the potential to generate noise are thus permitted in the General Commercial zone and would not be subject to a separate conditional use permit. Outdoor uses proposed for this project can be reviewed and addressed within the context of the overall project.

The project may also include future use of emergency backup generators. If emergency backup generators are proposed, then there may be intermittent noise impacts to nearby sensitive receptors due to testing and maintenance of the generators. The proximity of residences in the area to the potential future emergency backup generators could produce noise having the potential to significantly impact to nearby residential uses. *The following mitigation is proposed to reduce potential noise impacts to less than significant levels*

Mitigation Measure 13.a.1

The project applicant shall implement the following measures to reduce the effect of noise levels generated by on-site stationary noise sources:

Generators/Mechanical Equipment

Routine testing and preventive maintenance of any emergency backup generator shall be conducted during the less sensitive daytime-business hours (i.e., 7:00 a.m. to 5:00 p.m.). The generator shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications.

Any External mechanical equipment, including any emergency generator that may be included, shall incorporate features designed to reduce noise emissions below the County stationary noise requirements (i.e., 55 dB Leq during daytime hours and 45 dB Leq during nighttime hours). These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors. Prior to building permit issuance, project plans and submittal documents shall include documentation demonstrating the external mechanical equipment, including any emergency generator/s, meets requirements for testing schedule and noise reduction.

Monitoring for Mitigation Measure 13.a.1: This mitigation measure will be monitored by the Mariposa County Planning Department.

B.13.b Groundborne vibration or noise

A significant impact would occur if the project resulted in the generation of excessive ground-borne vibration or ground-borne noise levels. The project is not of such a nature as to generate excessive groundborne vibration or noise. Any such impacts from construction will be of a short-term. *The project will have a less than significant impact on this issue.*

B.13.c Exposure to Airport or Airstrip Noise

A significant impact would occur if there is exposure of people residing or working in the project area to excessive noise from public airports or private airstrips. The project site is not located near an airport or airstrip. Noise from an occasional aircraft flying over Mariposa as it approaches Yosemite-Mariposa Airport may be heard by inhabitants of the project site. This noise would not be excessive. *Due to these factors, the project will have no impact.*

B.14 POPULATION & HOUSING

14. POPULATION AND HOUSING Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			√	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				√

B.14.a Population Growth Inducement

A significant impact would result if the project induces substantial population growth in an area. The change of land use and zoning on 7.2 acres of land from Multi-Family Residential to General Commercial will remove that acreage from being available for multi-family residential use. This would have the effect of reducing the population potential on the overall 17.96-acre site. Just under seven acres of land on the project site zoned Multi-Family Residential would remain available for multi-family residential development. The project includes multifamily residential development of 100-120 units targeting living wage renters and providing employee housing for the project. The project will result in population growth in the area, on property planned for high density housing, as the multi-family component of the project is intended to meet existing housing demands within the town of Mariposa, Mariposa County at large and to provide employee housing for the adjacent hotel component of the project.. It is important to note that the town of Mariposa has not developed anywhere near the potential development projected in the adopted Mariposa Town Planning Area Specific Plan and accompanying certified EIR. *Thus, the project will have a less than significant impact on this issue.*

The environmental impact report prepared for the Mariposa Town Planning Area Specific Plan in 1992 found that potential impacts on the Mariposa Public Utility District’s water delivery services with implementation of the Plan

were significant and unavoidable at that time. The EIR concluded that the short-term and unavoidable impacts on housing and population will be balanced by the long-term benefits of sustainable housing and population growth upon completion of the Saxon Creek (water) Project. The deficit of housing growth in the first few years of the implementation of the Specific Plan should be eliminated by increased housing growth after completion of the Saxon Creek Project, and as such, the deficit of housing in the first years is acceptable. The Saxon Creek project, which draws water from the Merced River, was completed and supplies water to the community of Mariposa through water rights and under agreement with the Merced Irrigation District.

B.14.b Displacement of Housing/People

A significant impact would result if the project displaced substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Two abandoned, derelict houses will be removed to implement the project. The density standard for multi-family residential uses in the Multi-Family Residential zone within the boundaries of the Mariposa Town Planning Area Specific Plan is 4,000 sq. ft. of land area for the first multi-family unit and 1,500 sq. ft. for each additional residential unit, exclusive of road easements. The Mariposa County 2019-2024 Housing Element, adopted in August of 2019 and certified by the State Housing and Community Development Department in October of 2019, uses a dwelling unit per acre density of 26 for the Multi-Family Residential zone in Mariposa. This means that the maximum density for the 7.2 acres that is proposed to be rezoned from Multi-Family Residential to General Commercial would be 187 units. It would be unlikely that any site would support that density due to the placement of parking lots, landscaping, common areas, walkways, etc. However, that is the maximum density. Table 8.4-2 – *Land Suitable for Residential Development/Housing Unit Development Potential* in the Housing Element uses a default density of 10 units per acre in the calculation of lands zoned for multi-family residential development for lower income households in the community of Mariposa, in accordance with State Government Code §65583.2(c)(3)(B). (The Housing Element states: “*In addition, twenty percent (20%) of the developable acreage for sites zoned for Multi-Family Residential uses is assumed to be reserved for setbacks, landscaping, rights-of-way, off-street parking, etc. meaning net acreage was used to calculate assumed housing units.*”) Using the maximum density figure, the maximum multi-family residential development on the subject 7.2 acres would be 187 units as noted above; using a figure of 10 units per acre would yield a total of 72 units. Table 8.4-2 of the Housing Element shows that there are 18 parcels zoned Multi-Family Residential in Mariposa that would yield 1,011 units, using the lower 10 units per acre default density figure. The project site is considered in these figures.

The project applicants propose the development of 100-120 apartment units on 6.77 acres that will remain in the Multi-Family Residential zone. The density of development on that acreage would be roughly 15 units per acre should 100 units be constructed and 18 units per acre should 120 units be constructed. Assuming the 7.2 acres would be developed within that same density range, that property would contain 108 to 119 units. The Housing Element addresses Mariposa County’s requirement to provide its share of the Regional Housing Needs Allocation (RHNA) as calculated by the State Housing Community Development Department. The Housing Element states that Mariposa County must accommodate 195 additional housing units countywide between December 31, 2018 and August 31, 2024, or 39 dwelling units per year. There is sufficient multi-family residential land available in the community of Mariposa to help meet the five-year RHNA mandate. The removal of 7.2 acres of multi-family residential land as proposed by this project, which would remove land that could accommodate between 108 to 119 multi-family units, based on the proposed density of the project’s multi-family component, would not cause a failure by Mariposa County to meet its state mandate. The project will supply between 100 and 120 multi-family units. Thirty-seven of the 195 state-mandated units must be for the moderate-income group and 81 must be for the Above moderate-income group. These are the income groups that the apartments will serve. (The project does not propose that the units will serve lower income groups. The project applicants state that the units will target single and small family housing, living wage earners and will serve both employees of the hotel/conference center and Mariposa and Yosemite employees.) The number of housing units the County must accommodate in the Moderate to Above Moderate groups is 118 over the next five years. At the lower figure of 100 units, the project would supply 85% of the required RHNA five-year mandate for these income groups. At 120, it would exceed the required mandate. Although the project proposes removing 7.2 acres of land from the Multi-Family Residential zone, the overall effect

on the County’s ability to meet its RHNA obligation is not significant. The project will not displace existing housing. The two single family residential units on the site that will be removed to construct the project are in a state of disrepair and are not occupied. The project will increase the housing unit availability in the community of Mariposa and relieve pressure on housing demand. *Thus, the project will have a less than significant impact on the issue of housing*

B.15 PUBLIC SERVICES

15.PUBLIC SERVICES	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?		√		
b) Police protection?			√	
c) Schools?			√	
d) Parks?			√	
e) Other public facilities?			√	

A significant impact would occur if the project would cause substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would significant environment impacts in order to maintain acceptable public services.

B.15.a. Fire Protection

CAL FIRE was provided the opportunity to provide comment on the project. That agency’s comments included the following:

Due to the potential increase demand for fire protection and emergency medical services, implementation of the project would expose people and structures in the area with an increased demand for fire protection and emergency services. Adherence to the California Building Code standards for fire prevention during construction, compliance with regulations for fire protection and emergency access would reduce the fire threat to workers and residents. Nonetheless, introduction of people and structures to the area inherently increases human exposure to fire as well as demand for fire protection and emergency services. This impact would be potentially significant. Prior to issuance of any building or grading permits, the County Fire Chief shall provide the Planning Director with a letter certifying that the permit holder has entered into a written agreement satisfying the requirements of the County Fire Department for fire protection and demonstrates

compliance with the above. The County Fire Chief shall provide a copy of the written agreement with the certification letter. The agreement shall, at a minimum, fulfill the shortfall created by the increased demand on the fire department.

Potential impacts on fire protection services are potentially significant. *The following mitigation measure will reduce potential impacts on fire protection services to less than significant levels.*

Mitigation Measure 15.a.1

Prior to issuance of building permits for the Brown Bear project, the project applicant shall provide for a minimum of two trained and certified emergency staff on premises or in the Mariposa community and available to respond to emergencies at all times. The supplementary staff shall be trained to meet Mariposa County Fire Department Volunteer Fire Service standards. Staffing may be provided by project employees who have completed the required training. The project owner shall provide personal protection equipment (PPE) and positive communication equipment for all firefighting and emergency service personnel provided by the project. PPE and communication equipment shall be stored in a central, secure location. Communication systems shall permit uninterrupted contact between all firefighters at all times and at all locations on or within the property. In addition, there shall be positive communication at all times between a fire officer and recognized Emergency Command Center (ECC). All equipment required shall be approved by and become property of Mariposa County and maintained per manufacturer and National Fire Protection Association (NFPA) standards by DN. The project applicant and Mariposa County shall negotiate a mutually-agreeable project contribution to support the Mariposa County Fire Department apparatus inventory. This shall be included as a condition of permitting for the project. The above requirements, or equivalent as approved by the Mariposa County Fire Department, shall be included in a fully executed agreement between the Fire Department and the project applicant prior to the issuance of grading or building permit for the project.

Monitoring for Mitigation Measure 15.a.1: This mitigation measure will be monitored by the Mariposa County Planning and Fire departments through the project construction permitting process.

B.15.b Police Protection Impacts

Law enforcement is provided to the project site by the Mariposa County Sheriffs Department. This department did not indicate any concerns regarding its ability to provide service to the project. Although the project, as part of the growth of the community of Mariposa, will contribute to cumulative demand on law enforcement services. *However, the project's individual impact is considered to be less than significant.*

B.15.c School Improvement Impacts

The project intends to construct 100 to 120 housing units. This project may result in new students as a result of the new housing. The Mariposa County Unified School District was provided the opportunity to comment on the project and they did not indicate any concerns. However, the project will be required to pay the required school impact fees through the building permit process, which are established to address development project impacts on schools. The environmental impact report prepared for the Mariposa Town Planning Area Specific Plan found that the impact of Plan implementation on schools is not significant. *Thus, the project will have a less than significant impact.*

B.15.d Park Improvement Impacts

The project will not cause a substantial new demand on parks. Existing facilities will provide adequate service to the project; no new facilities are needed. The environmental impact report prepared for the Mariposa Town Planning Area Specific Plan in 1992 found that potential impacts on parks and recreation with implementation of the Plan is not significant with the adoption of mitigation measures at the time of project approval. *Thus, the project's impact on parks facilities is less than significant.*

B.15.e Other Public Facility Impacts, including Road Improvement Impacts

The project will be subject to all Caltrans for the improvements of access roadways onto the project site from Highway 49N, including Brown Bear Lane. All onsite parking lots, driveways and drive aisles will be constructed to all applicable standards and to the mitigation requirements as shown in Mitigation Measure 17.b.1 in Section 17 (Transportation) below.

Water and Sewer Public Facilities/Easements/Utility Infrastructure

The project proposes connect to existing water and sewer service from MPUD. MPUD has not indicated that they do not have the capacity to serve the project

The project has the potential to significantly impact existing easements and utility infrastructure currently located on the project site. Implementation of Mitigation Measure 19.a.1 in Section 19 (Utilities and Service Systems) will reduce the potential impact to a less than significant level.

Due to these factors, and project will have a less than significant impact on other public facilities.

B.16 RECREATION

16. RECREATION	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			√	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				√

B.16.a Use of Existing Recreational Facilities

A significant impact would result if the project substantially increased the use of existing recreational facilities or was accelerated due to the project, and increase in use had the potential to cause substantial physical deterioration. The 100-120 proposed housing units will not result in a significant impact on existing recreation facilities. As noted above, the environmental impact report prepared for the Mariposa Town Planning Area Specific Plan in 1992 found that potential impacts on parks and recreation with implementation of the Plan is not significant with the adoption of mitigation measures at the time of project approval. *The project will have a less than significant impact.*

B.16.b Construction or Expansion of New Recreational Facilities

A significant impact would result if the project included recreational facilities that might adversely affect the physical environment due to construction or expansion. The project does not include construction or expansion of recreational facilities. *Thus, the project will have no impact.*

B.17 TRANSPORTATION

17.TRANSPORTATION Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			√	
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?		√		
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			√	
d) Result in inadequate emergency access?			√	

B.17.a Circulation System

A significant impact would result if the project conflicted with a program, plan ordinance or policy addressing the circulation system. The project will not conflict with any program, plan, ordinance or policy addressing the circulation system. It will be subject to all requirements relating to transit, roadway, bicycle and pedestrian facilities. Yosemite Area Regional Transportation (YARTS) is the transit operator in the Yosemite Area. At present, there is one transit route that operates in the vicinity of the proposed project. YARTS has provided a letter of support for the project and their intention to facilitate a convenient and safe bus stop at the Project site. *The project will have a less than significant impact on the circulation system.*

B.17.b Conflict With CEQA Guidelines §15064.3, Subdivision (b)

A Traffic Impact Analysis (TIA) Report was prepared for the project by JLB Traffic Engineering, Inc. The report is dated June 19, 2020. The TIA was prepared to the standards required by Caltrans and Mariposa County.

The detailed analysis focused on evaluating traffic conditions at study intersections and segments that may potentially be impacted by the proposed project. The TIA includes:

- a) Traffic counts from Friday, September 7, 2018 expanded by an average annual growth rate of 0.83 percent for two (2) years to arrive at base year 2020 traffic volumes.
- b) LOS evaluated using Synchro version 10. In addition to LOS, 95th Queue Length, Delay, and Measure of Effectiveness (MOEs) are provided for all study scenarios. The MOEs include Total Stops, Total Vehicle Hours of Delay, Vehicle Hours of Travel, Vehicle Miles Traveled, Total Vehicle Emissions, Total Fuel Consumption, and Average Speed.
- c) Analysis for the intersections of State Route 140 and State Route 49 and proposed Project driveways to State Route 49.
- d) Analysis for the segment of State Route 49 between Brown Bear Lane and Joe Howard Street.
- e) A figure that illustrates the Project trip distribution to State facilities.
- f) Time-of-day distribution details for the MD peak period trip generation rates.
- g) Near Term Projects: Hampton Inn & Suites and Mariposa Family Apartments (5118 Fournier Road)

The intersections and road segments studied were as follows

Study Intersections

1. Brown Bear Lane/State Route 49
2. Project Driveway/State Route 49
3. State Route 140/State Route 49

Study Segments

1. State Route 49 between Brown Bear Lane and Project Driveway
2. State Route 49 between Project Driveway and Joe Howard Street

(NOTE: Level of Service (LOS) is a qualitative index of the performance of an element of the transportation system. LOS is a rating scale running from “A” to “F”, with “A” indicating no congestion of any kind and “F” indicating unacceptable congestion and delays. LOS in this study describes the operating conditions for signalized and unsignalized intersections.)

The analysis studied project impacts for several different scenarios. The conclusions and recommendations for scenario are as follows:

Existing Traffic Conditions

- At present, all study intersections and segments operate at an acceptable LOS.

Opening Year 2022 plus Project Traffic Conditions

- JLB analyzed the location of the proposed access points relative to the existing local roads and driveways in the Project’s vicinity. Implementation of the recommendations presented in more detail in the Project Access and Queuing Analysis discussions should improve onsite and offsite traffic operations and circulation to less than significant.
- The Caltrans Department of Transportation District 10 Transportation Concept Report for State Route 49 does not recommend a bicycle facility along State Route 49 adjacent to the proposed Project.
- At present, YARTs Merced Highway 140 Route runs on State Route 49 and Joe Howard Street approximately 0.30 miles east of the proposed Project site. YARTS has provided a letter of support for the Project and their intention to facilitate a convenient and safe bus stop at the Project site.
- At buildout, the proposed Project is estimated to generate a maximum of 2,904 daily trips, 156 AM peak hour trips, 148 MD peak hour trips, and 185 PM peak hour trips.
- Under this scenario, all study intersections and segments are projected to operate at an acceptable LOS.

Cumulative Year 2025 plus Project Traffic Conditions

- The total trip generation for the Near Term Projects is 1,444 daily trips, 77 AM peak hour trips, 60 MD peak hour trips and 92 PM peak hour trips.
- Under this scenario, all study intersections and segments are projected to operate at an acceptable LOS.

Cumulative Year 2040 plus Project Traffic Conditions

- Under this scenario, all study intersections and segments are projected to operate at an acceptable LOS.

Queuing Analysis

- It is recommended that the County consider left-turn and right-turn lane storage lengths as indicated in the Queuing Analysis.
- In an effort to improve onsite and offsite traffic operations and circulation, it is recommended that the Project Driveway maintain a minimum throat depth of 75 feet before any vehicular openings to the west side of the parking lot.

JLB analyzed the location of the proposed access points relative to the existing local roads and driveways in the Project's vicinity. Based on this review, it is recommended that access at Brown Bear Lane and the Project Driveway be designed to current Caltrans standards including, but not limited to, Chapter 200 of the Highway Design Manual (HDM). It is also recommended that the Project incorporate the recommendations presented in more detail within the Queuing Analysis for the intersection of Project Driveway and State Route 49. By incorporating these recommendations, onsite and offsite traffic operations and circulation should be improved to less than significant.

The project has the potential to impact onsite and offsite traffic operations and circulation. *The following mitigation measure will reduce potential impacts to a less than significant level.*

Mitigation Measure 17.b.1

The project driveway access onto the project site shall maintain a minimum throat depth of 75 feet before any vehicular openings to the west of the parking lot.

Monitoring for Mitigation Measure 17.b.1: This mitigation measure will be monitored by the Mariposa County Planning and Public Works departments through review of the final engineered site plan and the project construction permitting process.

The project driveway accessing the site from Highway 49 and the access at Brown Bear Lane will be required to meet all Caltrans standards, and improvements to Brown Bear Lane will be required to meet all applicable county requirements. Review and approval by Caltrans of the access points from Highway 49 is part of the existing regulatory environment.

B.17.c Increase Hazards due to Geometric Design Features

A significant impact would result if the project resulted in sharp curves or dangerous intersections or incompatible uses. The issue of project impacts to intersections at the site and in the vicinity is addressed in B.17.b above. The project's parking facilities, driveways and drive aisles will be subject to the standards required by the Mariposa County Road Improvement and Circulation Policy, as well as the Mariposa County Improvement Standards and the Mariposa Town Planning Area Specific Plan. Therefore, the project, upon completion of all onsite improvements, will be consistent with all applicable standards and *will have a less than significant impact on the issue of traffic hazards.*

B.17.d Emergency Access

A significant impact would result if the project resulted in inadequate emergency access. The project will be required to meet all emergency access requirements as required by CAL FIRE and County Fire. In addition, all design features must comply with applicable sections of 2019 California Fire Code Appendix D "Fire Apparatus Roads."

B.18 TRIBAL CULTURAL RESOURCES

18. TRIBAL CULTURAL RESOURCES	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			√	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			√	

B.18.a and b Tribal Cultural Resources

A significant impact would occur if the project caused a substantial adverse change in the significance of a tribal cultural resource as described above.

A Phase I cultural resources survey was conducted for the project site. The results of that study are discussed in detail in Checklist No. B.5 (Cultural Resources). The survey did not find that the project would have an impact on any tribal cultural resource.

This project involves a General Plan/Specific Plan amendment, as well as the processing of a CEQA mitigated negative declaration, and is therefore subject to tribal notification requirements mandated by Senate Bill 18 and Assembly Bill 52. Mariposa County contacted the Native American Heritage Commission (NAHC) to receive the tribal consultation list for this project. NAHC provided the names of three contacts and Mariposa County contacted these tribal organizations to notify them of the project and their right to request a consultation on the project. No responses requesting consultation were received. The three tribes contacted were the North Fork Rancheria of Mono Indians; North Fork Mono Tribe; and the Southern Sierra Miwuk Nation

The study states that it is possible that other archaeological materials lie beneath the vegetation cover or ground surface, where they might be uncovered during future excavation, grading or construction. If that occurs, Mariposa County authorities and/or a qualified archaeologist should be notified immediately.

For projects where construction will occur, a mitigation measure addressing finds of cultural resources and human remains during construction is applied. (Please see Mitigation Measure 5.c.1 in checklist section 18.5 – Cultural Resources above for the precise language of this measure.)

The project will have a less than significant on tribal resources with the implementation of this mitigation measure.

B.19 UTILITIES & SERVICE SYSTEMS

19. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Require or result in the relocation of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?		√		
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			√	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?			√	
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			√	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			√	

B.19.a Water, Wastewater Treatment; Stormwater Drainage; Electric Power, Natural Gas, Telecommunications Facilities

A significant impact would result if the project required or resulted in the relocation or construction of these facilities that would cause significant environmental effects. The project will be served by the Mariposa Public Utility District (MPUD) for wastewater, water and fire protection. MPUD commented on the project and provided a description of its facilities and easements on the project site. The agency stated that an approved water supply,

capable of supplying required fire flow for fire protection as well as domestic uses, shall be provided by the project proponent. The agency described the closest water mains to the project. A water main extension is required for service to the project site. A fire flow analysis will be required to mitigate any fire flow deficiencies. Fire hydrants are to be installed. The agency also addressed issues such as the requirement for backflow prevention devices; water and wastewater assessments; requirements for grease interceptors for the commercial food preparation kitchen; proper abandonment of any septic tanks on the site; and the requirement for Knox boxes containing keys for access to all structures, fire alarms and fire suppression system, to be installed on the exterior of each building. The project will be required to meet all MPUD plan and construction requirements. Sierra Telephone commented that they have multiple easements and cables on the project parcels and that it appears they may need to be relocated to accommodate the project. The company also has underground cables in the existing road right-of-way/public utility easement of Brown Bear Lane. The company has no other objections to the proposed application as long as their rights as granted on recorded easements are not abridged. The project will be required to meet all requirements for the handling of stormwater drainage. The project proposes a bio-retention basin that will run the length of the project site and will capture and treat stormwater runoff from the project.

The project has the potential to significantly impact existing easements and utility infrastructure that are currently located on the project site. Mitigation to reduce the impact to a less than significant level is as follows:

Mitigation Measure 19.a.1

There are existing easements and utility infrastructure that traverse the project site that have the potential to be impacted by the project due to relocation of existing utility infrastructure and need for relocation and/or creation of new easements due to project construction and physical layout.

Therefore, due to the potentially significant impact to existing utility infrastructure and easements, a utility infrastructure, easement and abandonment relocation plan shall be required. The Plan shall at a minimum include:

- 1. Prior to grading or building permit issuance, project construction plans shall include existing and proposed easement and utility infrastructure relocation exhibits.*
- 2. Prior to grading or building permit issuance for the project, applicable utility and easement holders shall approve the construction plans.*
- 3. Any abandonment and/or relocation of easements or offers for dedication that may be required of the project, shall be required to meet County requirements for abandonments. Verification of the project meeting requirements for abandonments and/or relocations shall be required by the County Surveyor prior to grading or building permit issuance and prior to construction completion and/or occupancy of the project or equivalent as determined by the County Surveyor.*
- 4. All costs associated with any utility relocation, easement changes or relocations and abandonments shall be the responsibility of the project applicant.*

The utility infrastructure, easement and abandonment relocation plan (including any offers for dedication) shall be approved by the appropriate utility providers such as MPUD, Sierra Telephone, and PG&E, and the Mariposa County Planning Department prior to issuance of grading and/or building permits for the project.

Monitoring for Mitigation Measure 19.a.1:

This measure will be monitored by the Mariposa County Planning Department through the construction permitting process.

B.19.b,c Water, Wastewater Treatment Capacities

A significant impact would result if water supplies were insufficient to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years or a wastewater treatment provider does not have the capacity to serve the project in addition to its existing commitments. The issue of water and wastewater treatment capacities is addressed in Section 19.a.1 above *Due to these factors, the project will have a less than significant impact.*

B.19.d,e Solid Waste

A significant impact would occur if a project generated solid waste in excess of state or local standards or in excess of local infrastructure or otherwise impair the attainment of solid waste reduction goals or did not comply with reduction statutes related to solid waste. The project will be subject to all applicable regulations and standards relating to solid waste. *Due to these factors, the project will have a less than significant impact.*

B.20 WILDFIRE

20. WILDFIRE If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			√	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			√	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			√	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			√	

B.20.a,b,c,d Emergency Response or Evacuation Plan; Exposure to Pollutant Concentrations; Installation of Infrastructure Exacerbating Fire Risks or Impacts to Environment; Exposure of People or Structures to Risks

A significant impact would result if a project located in or near State Responsibility Areas or very high fire hazard severity zones would result in substantial impacts on the issues described above. A significant impact would be one that impairs the implementation of or interferes with an emergency response or evacuation plan. The

construction of a hotel/conference center/multi-family residential project on the project parcel will not interfere with any emergency response or evacuation plan. Encroachments from Highway 49 onto the project site will be required to meet all Caltrans standards. On-site driveways, parking lots, drive aisles, etc. will be improved to Mariposa County Road Improvement and Circulation Policy standards and the County's Improvement Standards, as well as specific Mariposa Town Planning Area standards, thus ensuring that the on-site facilities will be sufficient to adequately serve the development in the event of an emergency. Additionally, the project will need to meet all requirements from CAL FIRE and the Fire Department prior to construction and prior to occupancy. The project will be required to develop an emergency egress, separate from the two main ingress/egress points, in order to comply with state Fire Safe standards.

The State of California adopted the state Fire Safe Regulations for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Areas (SRA). These regulations, known as SRA Firesafe Regulations provide for basic emergency access and perimeter wildfire protection measures, including clearance around structures. Future building permits for the project also necessitate review by CAL FIRE and onsite inspection prior to permit completion. Finally, future development is subject to continued inspection by CAL FIRE for maintenance of 100' clearance around structures (LE 100). These inspections may be done yearly.

The project must also meet all the applicable sections of the California Fire Code. Due to uniformly applied construction and land management standards, *the project will have a less than significant impact.*

Section C

MANDATORY FINDINGS OF SIGNIFICANCE

<i>Finding:</i>	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion & Conclusions:

1. The project has the potential to impact biological and cultural resources. Potential impacts to biological resources are impacts to listed species and nesting birds. This study also found that project implementation has the potential to impact cultural resources. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels.
2. The project will result in increased air emissions, water use, noise and traffic, demand for public services and need to relocate utility facilities and easements. However, with the exception of impacts on fire protection services, these impacts are not considered to be significant, are individually limited, and not cumulatively considerable. The project has the potential to significantly impact fire protection services. Mitigation is proposed to reduce this potentially significant impact to a less than significant level.
3. The project has the potential to cause direct substantial adverse air quality, noise and traffic effects on human beings. Potential impacts on air quality are associated with reactive organic gas emissions and the potential for asbestos-containing rock being found on the site during project construction. The project has the potential to have significant noise impacts on neighboring properties. The project has the potential to impact offsite traffic operations and circulation. Mitigation is proposed to reduce these potentially significant impacts to less than significant levels.

Based upon the environmental review conducted within this Initial Study, and the anticipated level of impact as a result of the project, a mitigated negative declaration will be adopted for the project.

Section D

MITIGATION MONITORING

Mitigation Measure No.	Mitigation Measure	Mitigation Monitoring
3.c.1	<i>Painting contractors employed during project construction shall use low-volatile organic compound (low-VOC) architectural coatings that comply with San Joaquin Valley Air Pollution Control District Rule 4601 – Architectural Coatings for application on project buildings. The current standard for flat paints is 50 grams per liter (g/l) and gloss paints is 100 g/l. Specialty coatings range from 100 g/l to 500 g/l.</i>	This mitigation measure will be monitored by the Mariposa County Planning Department prior to permit issuance and construction commencement.
3.c.2	<i>Prior to commencement of construction activities on the project site, the project developer shall obtain soil tests to determine if naturally occurring asbestos-containing rock exists on the site. If asbestos-containing materials are present in any of the soils tests, the developer shall notify Mariposa County. Once discovered, the applicant shall identify control measures to reduce potential exposure to asbestos for approval by Mariposa County. The applicant shall implement the approved control measures during earth-disturbing construction activities.</i>	This mitigation measure will be monitored by the Mariposa County Health Department prior to permit issuance and construction commencement.
4.a.1	<i>A pre-construction clearance survey shall be conducted by a qualified biologist to ensure that the northwestern pond turtle will not be impacted during Project construction. The pre-construction survey shall be conducted no more than 14 days prior to the start of construction activities, including demolition and site clearing. During this survey, the qualified biologist shall search all potential nesting habitat on the Project site for active turtle nests. If an active turtle nest is found, the qualified biologist shall determine the extent of a construction-free buffer to be established and maintained around the nest for the duration of the nesting cycle. The biologist shall then work with construction personnel to install wildlife exclusion fencing along the buffer. This fencing should be a minimum of 36 inches tall and toed-in 6 inches below ground prior to construction activities. If fencing cannot be toed-in, the bottom of the fence will be weighted down with a continuous line of long, narrow sand bags or similar material, to ensure there are no gaps under the fencing where wildlife could enter. One-way exit funnels directed away from construction activities will be installed to allow turtles and other small wildlife to exit the fenced enclosure. Reports and evidence of mitigation installation shall be provided to the Planning Department prior to commencing construction activities.</i>	This mitigation measure will be monitored by the Mariposa County Planning Department prior to permit issuance and construction commencement.

<p>4.a.2</p>	<p><i>A pre-construction clearance survey shall be conducted by a qualified biologist to ensure that no roosting special-status bats will be disturbed during the implementation of the project. A pre-construction clearance survey shall be conducted no more than 14 days prior to initiation of construction activities, including demolition and site clearing. During this survey, the qualified biologist shall inspect all potential roosting habitat in and immediately adjacent to the impact areas, including tree snags and outbuildings. If an active roost is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the roost. If work cannot proceed without disturbing roosting bats, work may need to be halted or redirected to other areas until the roost is no longer in use. Reports and evidence of mitigation installation shall be provided to the Planning Department prior to commencing construction activities.</i></p>	<p>This mitigation measure will be monitored by the Mariposa County Planning Department prior to permit issuance and construction commencement.</p>
<p>4.d.1</p>	<p><i>To the extent practicable, construction, including demolition and site clearing, shall be scheduled to avoid the nesting season, which extends from February through August.</i></p> <p><i>If it is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.</i></p>	<p>This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.</p>
<p>5.c.1</p>	<p><i>In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning</i></p>	<p>The applicant or his on-site designee shall be responsible for ensuring compliance with this mitigation and the Mariposa County Planning Department will monitor the measure through the project</p>

	<p><i>Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.</i></p>	<p>construction permitting process.</p>
<p>13.a.1</p>	<p><i>The project applicant shall implement the following measures to reduce the effect of noise levels generated by on-site stationary noise sources:</i></p> <p><i>Generators/Mechanical Equipment</i></p> <p><i>Routine testing and preventive maintenance of any emergency backup generator shall be conducted during the less sensitive daytime-business hours (i.e., 7:00 a.m. to 5:00 p.m.). The generator shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications.</i></p> <p><i>Any External mechanical equipment, including any emergency generator that may be included, shall incorporate features designed to reduce noise emissions below the County stationary noise requirements (i.e., 55 dB Leq during daytime hours and 45 dB Leq during nighttime hours). These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors. Prior to building permit issuance, project plans and submittal documents shall include documentation demonstrating the external mechanical equipment, including any emergency generator/s, meets requirements for testing schedule and noise reduction.</i></p>	<p>This mitigation measure will be monitored by the Mariposa County Planning Department.</p>

<p>15.a.1</p>	<p><i>Prior to issuance of building permits for the Brown Bear project, the project applicant shall provide for a minimum of two trained and certified emergency staff on premises or in the Mariposa community and available to respond to emergencies at all times. The supplementary staff shall be trained to meet Mariposa County Fire Department Volunteer Fire Service standards . Staffing may be provided by project employees who have completed the required training. The project owner shall provide personal protection equipment (PPE) and positive communication equipment for all firefighting and emergency service personnel provided by the project. PPE and communication equipment shall be stored in a central, secure location. Communication systems shall permit uninterrupted contact between all firefighters at all times and at all locations on or within the property. In addition, there shall be positive communication at all times between a fire officer and recognized Emergency Command Center (ECC). All equipment required shall be approved by and become property of Mariposa County and maintained per manufacturer and National Fire Protection Association (NFPA) standards by DN. The project applicant and Mariposa County shall negotiate a mutually-agreeable project contribution to support the Mariposa County Fire Department apparatus inventory. This shall be included as a condition of permitting for the project. The above requirements, or equivalent as approved by the Mariposa County Fire Department, shall be included in a fully executed agreement between the Fire Department and the project applicant prior to the issuance of grading or building permit for the project.</i></p>	<p>This mitigation measure will be monitored by the Mariposa County Planning and Fire departments through the project construction permitting process.</p>
<p>17.b.1</p>	<p><i>The project driveway access onto the project site shall maintain a minimum throat depth of 75 feet before any vehicular openings to the west of the parking lot.</i></p>	<p>This mitigation measure will be monitored by the Mariposa County Planning and Public Works departments through review of the final engineered site plan and the project construction permitting process.</p>
<p>19.a.1.</p>	<p><i>There are existing easements and utility infrastructure that traverse the project site that have the potential to be impacted by the project due to relocation of existing utility infrastructure and need for relocation and/or creation of new easements due to project construction and physical layout.</i></p>	<p>This measure will be monitored by the Mariposa County Planning Department through the construction permitting process.</p>

	<p><i>Therefore, due to the potentially significant impact to existing utility infrastructure and easements, a utility infrastructure, easement and abandonment relocation plan shall be required. The Plan shall at a minimum include:</i></p> <ol style="list-style-type: none"><i>1. Prior to grading or building permit issuance, project construction plans shall include existing and proposed easement and utility infrastructure relocation exhibits.</i><i>2. Prior to grading or building permit issuance for the project, applicable utility and easement holders shall approve the construction plans.</i><i>3. Any abandonment and/or relocation of easements or offers for dedication that may be required of the project, shall be required to meet County requirements for abandonments. Verification of the project meeting requirements for abandonments and/or relocations shall be required by the County Surveyor prior to grading or building permit issuance and prior to construction completion and/or occupancy of the project or equivalent as determined by the County Surveyor.</i><i>4. All costs associated with any utility relocation, easement changes or relocations and abandonments shall be the responsibility of the project applicant.</i> <p><i>The utility infrastructure, easement and abandonment relocation plan (including any offers for dedication) shall be approved by the appropriate utility providers such as MPUD, Sierra Telephone, and PG&E, and the Mariposa County Planning Department prior to issuance of grading and/or building permits for the project.</i></p>	
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