

FINAL ENVIRONMENTAL IMPACT REPORT

MAMMOTH CROSSING PROJECT

Lead Agency:

Town of Mammoth Lakes
Community Development Department
PO Box 1609
Mammoth Lakes, CA 93546

SCH # 2007112002

April 17, 2009

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Submitted to:

Town of Mammoth Lakes
Community Development Department
PO Box 1609
Mammoth Lakes, CA 93546

Attn: Ellen Clark
Senior Planner

Submitted by:



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

In association with:

SWCA Environmental Consultants

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I. INTRODUCTION

In accordance with Sections 15088, 15089, and 15132 of the State *CEQA Guidelines*, the Town of Mammoth Lakes has prepared this Final Environmental Impact Report (“Final EIR”) for the Mammoth Crossing Project. This Final EIR includes the following sections: 1) Introduction; 2) Response to Comments; 3) Corrections and Additions to the Draft EIR; and 4) Mitigation Monitoring Program. Comment letters on the Draft Environmental Impact Report (“Draft EIR”) are provided in Appendix A.

A. LOCATION

The Project site is located in the Town of Mammoth Lakes (“Town”), Mono County, California. The Town is located on the eastern slopes of the Sierra Nevada at an elevation of approximately 7,900 feet above sea level within Section 34, Township 3 South, and Range 27 East Mt. Diablo Base (“MDB”) and Meridian (“M”). The Town is located approximately 168 miles south of Reno, Nevada, and approximately 310 miles north of Los Angeles, California. Neighboring communities of the Town of Mammoth Lakes include June Lake to the northwest, Benton to the east, and Crowley Lake to the southeast. Regional access is provided by U.S. Highway 395 and California State Route 203 (“SR 203”). Local roadways that provide access to the Project site include Minaret Road, Main Street, Lake Mary Road and Canyon Boulevard. SR 203 is known as Main Street throughout the Town up to the Main Street-Lake Mary Road/Minaret Road intersection and then continues north through the North Village along Minaret Road to connect to Mammoth Mountain Lodge.

B. SUMMARY OF THE PROPOSED PROJECT

The Project proposes redevelopment of three of the four corners that comprise the Main Street-Lake Mary Road/Minaret Road intersection with a combination of resort accommodations, retail uses, and public plazas. The Project is located within the North Village Specific Plan area, and includes a series of amendments to the *North Village Specific Plan* (“Specific Plan”) as originally adopted in 2000 and amended in 2008, as well as amendments to the Town of Mammoth Lakes’ General Plan (“General Plan”), which would be required to accommodate the Project’s proposed land uses.

Environmental impacts as a result of construction on the Project’s three development areas were analyzed in the Draft EIR. The three development areas, which include parcels at the northwest, southwest and southeast corners of the Main Street-Lake Mary Road/Minaret Road intersection, total approximately nine acres. Overall the Project would include the construction of up to 742 condominium/hotel rooms, up to approximately 69,150 square feet of hotel amenities and operations and general retail uses, 40,500 square feet of retail development, and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing would be required to be provided as part of the Project, some of which would be constructed off site. Proposed development at the three development areas would involve multiple buildings ranging in height from one to approximately seven stories.

C. ENVIRONMENTAL REVIEW PROCESS

California Environmental Quality Act (“CEQA”) does not require formal hearings at any stage of the environmental review process (Section 15202(a) of the *CEQA Guidelines*). However, it does encourage “wide public involvement, formal and informal... in order to receive and evaluate public reactions to environmental issues...” (Section 15201 of the *CEQA Guidelines*).

Pursuant to State *CEQA Guidelines* Section 15063, the Town prepared a preliminary Initial Study which concluded that the proposed Project could result in potentially significant environmental impacts and an EIR would be required. The Town circulated a Notice of Preparation (“NOP”) of a Draft EIR for the proposed Project to the State Clearinghouse, and interested agencies and persons on November 5, 2007 for a 30-day review period and a public scoping meeting was held November 13, 2007. Comments received on the NOP and comments received at the public scoping meeting were both considered in the preparation of the Draft EIR.

Pursuant to State *CEQA Guidelines* Section 15087, a Notice of Availability (“NOA”) and the Draft EIR was distributed to various public agencies, citizen groups, and interested individuals for a 45-day public review period from August 1, 2008 through September 17, 2008. A Planning Commission meeting was held on September 10, 2008 to gather public comments on the Draft EIR. Due to requests from the public at the Scoping Meeting the comment period was extended for an additional seven days. The Draft EIR was also circulated to state agencies for review through the State Clearinghouse of the Governor’s Office of Planning and Research. The NOA was published in the Mammoth Times and copies of the Draft EIR were available for review at the Town of Mammoth Lakes Community Development Department, Mono County Library, and via internet at www.ci.mammoth-lakes.ca.us.

The purpose of the review period is to provide interested public agencies, groups and individuals the opportunity to comment on the adequacy of the Draft EIR and to submit testimony on the possible environmental effects of the proposed Project. This document, together with the Draft EIR, makes up the Final EIR as defined in the State *CEQA Guidelines* Section 15132 as follows:

The Final EIR shall consist of:

- a) The Draft EIR or a revision of the draft.
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the Lead Agency.

As Lead Agency under CEQA, the Town must provide each public agency that commented on the Draft EIR with a copy of its responses to comments at least ten days before certifying the Final EIR. In addition, the Lead Agency may also provide an opportunity for members of the public to review the Final EIR before certification, although this is not a requirement of CEQA.

D. USE OF THIS DOCUMENT

The Final EIR allows the public and Lead Agency to review revisions to the Draft EIR, comments, and responses to comments before approval of a project. This Final EIR (which includes the Draft EIR, incorporated by reference) will serve as the environmental document used by the Town when considering approval of a project. After completing the Final EIR and before approving a project, the Lead Agency must make the following three certifications (*CEQA Guidelines* Section 15090).

- The Final EIR has been completed in compliance with CEQA;
- The Final EIR was presented to the decision-making body of the Lead Agency, and the decision making body reviewed and considered the information in the Final EIR prior to approving the project; and
- The Final EIR reflects the Lead Agency's independent judgment and analysis.

In addition, if an EIR that has been certified for a project identifies one or more significant environmental impacts, the Lead Agency must adopt findings of fact (*CEQA Guidelines* Section 15091[a]). For each significant impact, the Lead Agency must make one of the following findings.

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, the Lead Agency must adopt, in conjunction with the findings, a program for reporting or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen impacts (*CEQA Guidelines* Section 15091[d]). These measures must be fully enforceable through permit conditions, agreements, or other measures. This program is referred to as the Mitigation Monitoring Program (MMP).

In addition, when a Lead Agency approves a project that would result in significant and unavoidable impacts that are disclosed in the EIR, the agency must state in writing its reasons for supporting the approved action (*CEQA Guidelines* Section 15093[b]). This statement of overriding considerations must be supported by substantial information in the record, including the EIR.

The proposed Project would result in significant and unavoidable impacts related to the following:

- **Aesthetics.** The Project would result in significant and unavoidable impacts to public views of scenic vistas. The Project would result in significant impacts to scenic vistas by substantially blocking public views of the Mammoth Knolls from Lake Mary Road looking east and Minaret Road looking north. In addition, the Project would result in significant and unavoidable temporary aesthetic construction impacts. During the construction period, there would be temporary construction fencing to screen most activities from surrounding uses. However, it is likely that construction vehicles and activities would still be visible. These temporary aesthetics construction impacts cannot be reduced to a less-than-significant level with implementation of mitigation measures.
- **Air Quality.** The Project would result in significant and unavoidable impacts to air quality from Project construction generated PM₁₀ emissions as well as cumulative impacts from construction generated PM₁₀ emissions. These PM₁₀ emissions cannot be reduced to zero with the implementation of the recommended mitigation.
- **Noise.** The Project would result in significant and unavoidable impacts due to temporary construction noise. The Project is located in an urbanized setting with nearby residents as close as 25 feet. Compliance with the provisions of the Town Municipal Code and Noise Ordinance would ensure construction activities associated with the Project would only occur within the hours permitted for construction within the Town. While the Project would comply with the construction hours of the Town Municipal Code, construction noise levels experienced by off-site residential uses in the surrounding area could exceed the maximum exterior noise level standards allowed for mobile and stationary construction equipment under the Town Noise Ordinance. In addition, due to the close proximity of proposed future developments cumulative construction noise levels could continue to exceed the Town's maximum exterior noise standards resulting in significant and unavoidable cumulative construction noise impacts.

Due to these findings the Town would be required to adopt a statement of overriding considerations if it approves the Project. The statement of overriding considerations is not a substitute for the findings of fact described above.

These certifications, the findings of fact, and the statement of overriding considerations are included in one or more separate documents prepared by the Town. The Draft EIR (incorporated by reference), Final EIR, findings of fact, and statement of overriding considerations are submitted to the Lead Agency for consideration of the Project.

II. RESPONSE TO COMMENTS

A. OVERVIEW

The purpose of the public review of the Draft Environmental Impact Report (“Draft EIR” or “DEIR”) is to evaluate the adequacy of the environmental analysis in terms of compliance with the California Environmental Quality Act (“CEQA”). Section 15151 of the *CEQA Guidelines* states the following regarding standards from which adequacy is judged:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

The purpose of each response to a comment on the Draft EIR is to address the significant environmental issue(s) raised by each comment. This typically requires clarification of points contained in the Draft EIR. Section 15088 (b) of the *CEQA Guidelines* describes the evaluation that CEQA requires in the response to comments by stating:

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency’s position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

Section 15204(a) (Focus of Review) of the *CEQA Guidelines* helps the public and public agencies to focus their review of environmental documents and their comments to lead agencies. Case law has held that the Lead Agency is not obligated to undertake every suggestion given them, provided that the agency responds to significant environmental issues and makes a good faith effort at disclosure. Section 15204.5(a) of the *CEQA Guidelines* clarifies this for reviewers by stating:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant

environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a Lead Agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

This guideline encourages reviewers to examine the sufficiency of the environmental document, particularly in regard to significant effects, and to suggest specific mitigation measures and project alternatives. Given that an effect is not considered significant in the absence of substantial evidence, subsection (c) advises reviewers that comments should be accompanied by factual support. Section 15204(c) of the *CEQA Guidelines* states:

Reviewers should explain the basis for their comments, and, should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

B. LIST OF THOSE WHO COMMENTED ON THE DRAFT EIR

The Town of Mammoth Lakes (Town) received a total of 28 comment letters on the Draft EIR not including attachments. All 28 comment letters and the State Clearinghouse letter are provided in Appendix A, Bracketed Comment Letters & Attachments on the Draft EIR, of this Final EIR. Comment letters were divided into two categories; those submitted by public agencies and governments were assigned the letter “A” and those submitted by private organizations, companies, and individuals were assigned the letter “B.” Comment letters in each category were numbered according to the date they were received by the Town. Individual comments within each comment letter were numbered. Thus, for example, the comment letter from the Great Basin Unified Air Pollution Control District is numbered “A1” and individual comments in that letter are numbered “A1-1”, “A1-2”, “A1-3”, etc.

Written comments made during the public review of the Draft EIR intermixed points and opinions relevant to the Project’s merits with points and opinions relevant to the potentially significant environmental effects of the Project. The responses acknowledge comments addressing points and opinions relevant to the Project’s merits, and discuss as necessary the points relevant to the environmental review required by CEQA.

Table FEIR-1, Inventory of Comment Letters Received on the Draft EIR, lists the organizations and persons who provided written comments on the Draft EIR to the Town during the 45-day public review period.

Table FEIR-1
Inventory of Comment Letters Received on the Draft EIR

Correspondence Number	Date of Correspondence	Commenter
Public Agencies and Governments		
A1	September 15, 2008	Great Basin Unified Air Pollution Control District, Duane Ono
A2	September 18, 2008	Governor's Office of Planning & Research, State Clearinghouse and Planning Unit, Terry Roberts
A3	September 23, 2008	Mammoth Lakes Fire Protection District, Thomas A. Heller
A4	September 24, 2008	Department of Transportation, District 9, Gayle Rosander
A5	February 4, 2009	Mammoth Community Water District, Irene Yamashita
A6	February 25, 2009	Mammoth Community Water District, Irene Yamashita
Private Organizations, Companies and Individuals		
B1	September 9, 2008	Phyllis St. George
B2	September 10, 2008	Tracy Spencer
B3	September 10, 2008	Mammoth Lakes Trails and Public Access Foundation, John Wentworth
B4	September 23, 2008	Bob and Tina Szpila
B5	September 23, 2008	Robert and Rebecca Hinkle
B6	September 23, 2008	Clare Kellett
B7	September 23, 2008	Gerald E. Hefferly
B8	September 24, 2008	Sallee Leslie and Steve Webb
B9	September 24, 2008	Debra Lewin
B10	September 24, 2008	Dave Margolin
B11	September 24, 2008	Kurt and Tracy Olson
B12	September 24, 2008	Rachel Hanlon
B13	September 24, 2008	Tracy Spencer and Chris Ricketts
B14	September 24, 2008	Annette Oltmans
B15	September 24, 2008	C.E. Mammoth, LLC and Styx Partners, L.P.
B16	September 24, 2008	John Walters, Advocates for Mammoth
B17	September 24, 2008	Heidi Wagner
B18	September 24, 2008	Mildred Harley
B19	September 24, 2008	Sam Walker
B20	September 24, 2008	David Zigrang
B21	September 24, 2008	Shute, Mihaly and Weinberger LLP
B22	October 1, 2008	Tracy Spencer

C. TOPICAL RESPONSES

Certain topics were raised repeatedly, albeit in slightly different forms, in comments on the Draft EIR. In order to minimize duplication and to provide a more comprehensive discussion, “Topical Responses” have been prepared for some of these issues, and responses to individual comments reference these topical responses as appropriate. Each topical response is intended to provide a general response to several comments on the given subject. A particular topical response may provide more information than requested by any individual comment. Conversely, the topical response may not provide a complete response to a given comment, and additional information may be contained in the individual response to that comment.

Topical responses in this Final EIR address the following issues:

1. Standards for Responses to Comments and Focus of Review of Commenters
2. Project Description
3. View Analysis
4. Alternatives
5. Shading/Shadows
6. Water Service

Topical Response 1: Standards for Responses to Comments and Focus of Review of Commenters

Various comments request additional analysis, mitigation measures, or revisions that are not provided in the Final EIR for reasons more specifically addressed in the individual comments. Section 15204(a) of the State *CEQA Guidelines* (“*CEQA Guidelines*”) (Focus of Review) provides basic guidance regarding this issue.

Section 15204(a) states:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only

respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Section 15003 also explains the emphasis of CEQA upon good-faith efforts at full disclosure rather than technical perfection:

(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692).

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553).

Sections 15204(a) and 15003 reflect judicial interpretation of CEQA. Reviewers are encouraged to focus on the sufficiency of the environmental document's analysis, mitigation measures, and project alternatives. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. CEQA requires that lead agencies need only respond to significant environmental issues, and do not need to provide all information requested by reviewers, so long as a good faith effort at full disclosure is made in the EIR.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” In addition, various comments assert or request that impacts should be considered significant or that significance conclusions of the EIR should be revised but fail to provide substantial evidence in support of their assertion. Section 21080(e) of CEQA defines the type of evidence required to support a conclusion of significant effect on the environment. It provides that:

(1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative,

evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

Section 15204(c) of CEQA advises reviewers that comments should be accompanied by factual support:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Finally, various comments request that the EIR analyze the potential impacts of scenarios that require significant speculation. CEQA does not require such analysis. *CEQA Guidelines* Section 15145 provides that:

If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

Topical Response 2: Project Description

Since publication of the Draft EIR, a series of minor revisions and clarifications have been made to the project description, which are described below. None of these changes constitute new significant information that would result in a new significant impact, or require new mitigation measures. As noted in the Draft EIR, the Mammoth Crossing Project is a series of amendments to the *North Village Specific Plan* (“Specific Plan”) as originally adopted and as amended in 2008, as well as amendments to the *Town of Mammoth Lakes General Plan* (“General Plan”).

Amendments to the General Plan would include text changes to the “North Village Specific Plan (NVSP)” land use designation, included on page 36 of the General Plan within the Land Use Element, as follows:

North Village Specific Plan (NVSP) *This designation is intended to create a visitor-oriented entertainment retail and lodging district anchored by a pedestrian plaza and a gondola connection to Mammoth Mountain Ski Area. Uses include hotels and similar visitor accommodations along with supporting restaurants, retail, and services. Development projects will provide a wide range of amenities and services that enhance the visitor experience. Maximum overall density is ~~3,020~~ 3,317 rooms and 135,000 square feet of commercial. The specific allocation of density, location of uses, and development standards are contained in the Specific Plan.*

Based on a review of the proposed Specific Plan amendments with the 2007 General Plan, no other changes or amendments to the 2007 General Plan would be required.

Since the distribution of the Draft EIR, the Project Applicant has decided not to include Site 4 as part of the proposed Mammoth Crossing Project. Therefore, the Project Applicant is no longer requesting a boundary change to the Specific Plan to incorporate the approximate one acre Site 4 parcel into the Specific Plan area from the *Lodestar Master Plan* area.

The Project's proposed setback, height, density, and policy amendments to the Specific Plan for Sites 1-3 as they were presented in Section III, Project Description, of the Draft EIR would remain the maximum amount that could be developed on each site. However, some modifications to the amendments have been made to accommodate the current conditions, integrate the proposed Plan changes with the existing Plan's regulatory framework, and to more clearly articulate the proposed changes. The modifications to the proposed Specific Plan amendments as they were presented in Appendix N, North Village Specific Plan Amendments, of the Draft EIR are as follows:

- A Table of Contents has been added.
- Text on Specific Plan Page 9 has been amended to reflect the amended Exhibit A, which shows current road configurations and parcelization.
- Text on Page 11 has been amended to note the existence of the Village at Mammoth.
- Text on Page 13 has been amended to reflect Mammoth Crossing in the overall NVSP "Concept" description.
- Rather than integrating the Mammoth Crossing sites into the Plaza Resort Zone, the Mammoth Crossing District would be defined as its own land use district, and acreage from the Resort General and Specialty Lodging districts re-designated accordingly. Text on various pages has been amended to reflect these changes, including addition of a description of the Mammoth Crossing (MC) land use district and description on Pages 15-16; addition of Land Use Objectives for the MC District on Page 18; and addition of policies for the district on Page 23.
- The description of maximum number of building levels associated with Mammoth Crossing on page 20 has been corrected from seven, to eight, and clarified to reference Tower features. All maximum building heights described in the amendments would be consistent with those analyzed in the Draft EIR.
- The Conceptual Site Plan for Mammoth Crossing has been added as new Figure 2, on Page 27.
- Exhibit A has been updated and amended to reflect the Mammoth Crossing District, and to show the inclusion of the Mammoth Crossing sites within the Pedestrian Core overlay area.
- Minor revisions have been made to the site description of Mammoth Crossing Sites 1, 2, and 3, and incorporate them in the list of sites described as numbered Sites 14, 15 and 16.

- Table 2: Land Use Matrix has been amended to show permitted land uses for Mammoth Crossing District. Uses are either the same as or more restrictive than those allowed within Plaza Resort district, as analyzed in the Draft EIR.
- Density description (Page 35) has been amended to clearly articulate maximum densities for each Mammoth Crossing Site (maximum of 110, 81 and 61 rooms per acre for sites 1, 2 and 3 respectively, not to exceed an aggregate density of 80 rooms per acre maximum).
- A new section f) “Mammoth Crossing Community Benefits and Density” has been added on Page 35, to articulate requirements that would allow development on Mammoth Crossing site to achieve 80 rooms per acre, in accordance with Town policy currently under development.
- Table 3: Density Summary has been amended to reflect Mammoth Crossing among list of zones, acreage, and resultant density calculation.
- Pages 39-42 have been amended to clarify development standards related to Mammoth Crossing, including a clear statement of allowed setbacks and maximum heights. All standards shown in the text amendments remain consistent with those analyzed in Draft EIR.
- Exhibits E and F have been amended to show Mammoth Crossing, and amended Ped/Bikeway Diagram

See Appendix C, Revised North Village Specific Plan Amendments, to this Final EIR.

The proposed Project is conceptual and represents the maximum amount that could be developed once the proposed amendments have been approved and adopted by the Town, and thus represents a worst-case impact scenario. The Town has commissioned this EIR on the proposed Project for the following purposes:

- To satisfy CEQA requirements.
- To inform the general public; the local community; and responsible, trustee, and state and federal agencies of the nature of the Project, its potentially significant environmental effects, feasible mitigation measures to mitigate those effects, and its reasonable and feasible alternatives.
- To enable the Town to consider the environmental consequences of approving the Project.
- For consideration by responsible agencies in issuing permits and approvals for the Project.

Although the Project proposes land use and development standards for each of the Project’s three sites, the detailed plans and designs have not been proposed at the time of this EIR. Illustrated conceptual site plans, maximum building heights and setback standards for each of the Project’s three sites are shown in Figure III-3 through Figure III-11 in the Draft EIR. Following the Town of Mammoth Lakes’ adoption of the revised *North Village Specific Plan*, the Project would require the approval of Use Permits, Tentative Tract Maps, Grading and Building permits, and construction safety and staging plans, and would undergo

Design Review. During approval of Grading and Building permits, the Town would review all Project plans for consistency with Town grading regulations, Regional Water Quality Control Board regulations, the amended Specific Plan and any other applicable regulations. During Design Review, the Town would review all final proposed building designs for consistency with the Town's design standards, Zoning Ordinance, and consistency with development standards in the adopted Specific Plan. As such, once the Project reaches the Final Development Plan stage, the conceptual details of the Project as presented may be subject to change. However, any changes shall be consistent with the analysis and maximum envelope defined in this EIR, and shall not increase or worsen any environmental impact.

Certain Project details, by necessity would be determined during site-specific design. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur "before a project gains irreversible momentum" (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334). In other words, CEQA requires agencies to prepare EIRs "as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment" (see *CEQA Guidelines* Section 15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358). However, despite such Project details not being required at this juncture in the application process or for CEQA analysis, the Project Applicant has provided conceptual diagramming of such site-specific details as building placement, parking configurations, trails and internal bicycle paths and pedestrian pathways, etc., and will provide additional details pursuant to approval of the Use Permit and Tentative Map at the appropriate time.

A description of the Project, as proposed by the Project Applicant, is set forth in Section III, Project Description, of the Draft EIR. As there are numerous design options that have been thoughtfully contemplated for a period exceeding five years with the Project Applicant and the Town, the Draft EIR uses Section III's project description as the basis for its analysis of the Project's potentially significant environmental effects. As identified, discussed, and analyzed in the Draft EIR, the proposed Project, as analyzed, represents the maximum possible environmental impact, and could result in various potentially significant effects on the environment. Any configuration of the Project proposed during the use permit and tentative map process would be consistent with the maximum envelope analyzed in this Draft EIR.

As required by CEQA and *CEQA Guidelines* Section 15126.4, the Draft EIR also proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact. *CEQA Guidelines* Section 15370 defines "mitigation" as including: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of an action and its implementation; (3) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (5) compensating for the impact by replacing or providing substitute resources or environments. While, by definition, mitigation may require that changes be made to the project proposed by an applicant for purposes of minimizing environmental impacts, the Draft EIR's

proposed mitigation measures do not alter the fundamental description of the Project contained in Section III, Project Description, of the Draft EIR or the actual Project analyzed. Any mitigation measures which would result in changes to the proposed Project's density, height, and setback orientation that are germane to accommodating the Project's habitable areas were considered and ruled out as infeasible because doing so would introduce greater impacts with regards to preserving the maximum amount of open space, trees and natural features, and would result in loss of density (a fundamental Project component).

Consistent with CEQA's definition of mitigation, the Draft EIR relies on various approaches and measures designed to alleviate specific Project-related impacts. Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, of the Draft EIR identifies all mitigation measures included in the Draft EIR. CEQA policy requires comprehensive environmental review at the earliest feasible stage in the planning process, and that mitigation be adequately identified in the EIR and not be deferred to the future. As noted above, CEQA does not require a project to mature to its precise final form before it is studied, as such certain mitigation measures in the referenced areas do require that future studies and investigations, and plans be prepared so that the extent of the mitigation required can be accurately and precisely determined once the specific Project designs are presented to the Town. The content and standards of future investigations (e.g., tree survey, geotechnical study, Phase I) and plans (e.g., snow plowing and cindering plan, construction management, etc.) identified in Table I-1 are required by local, state and federal law and do not constitute deferred mitigation under CEQA.

Mitigation can be considered "deferred" when essential environmental studies are deferred to the future rather than conducting them during the preparation of the EIR; when environmental documentation only describes a mitigation measure in a very general, conceptual way, and the details are deferred to the future; and when the agency identifies a menu of possible mitigation measures, but defers the selection of preferred ones to the future. However, preliminary environmental studies were conducted and relied upon to conservatively analyze the environmental impacts of the proposed Project. All preliminary studies were included in the technical appendices of the Draft EIR. The Town may properly rely on these future studies and plans to address actual environmental conditions at the time of development. Each plan required for Project approval by the Town is prepared project-by-project; thus, the plans for the proposed Project would include requirements specific to its location and development type.

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a "reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment" (Mitigation Monitoring Program, Section 15097 of the State *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting). The Town of Mammoth Lakes ("Town") is the Lead Agency for the Mammoth Crossing Project and is therefore responsible for enforcing and monitoring the mitigation measures in this Mitigation Monitoring Program ("MMP").

Topical Response 3: View Analysis

Throughout the Project site vicinity, there are several locations from which views of scenic resources are publicly accessible. Viewpoints were specifically chosen to provide representative views of the Project site from publicly accessible areas. The following ten view locations were analyzed in Section IV.B, Aesthetics, beginning on page IV.B-3 of the Draft EIR.

- View 1: Mammoth Knolls Drive/Minaret Road Intersection Looking South
- View 2: Forest Trail/Minaret Road Intersection Looking South
- View 3: Northeast of the Lake Mary Road-Main Street/Minaret Road Intersection Looking Southwest
- View 4: Canyon Boulevard Looking South
- View 5: Main Street Near the Project Site Looking West
- View 6: Lake Mary Road Near the Project Site Looking East
- View 7: Main Street Commercial Corridor Looking West
- View 8: Minaret Road Looking North
- View 9: Lake Mary Road West of View 6 Looking Northeast
- View 10: Lake Mary Road West of View 9 Looking Northeast

In response to comments made on the Draft EIR, four new viewpoint locations were added to the ten view locations analyzed in the Draft EIR. These include:

- View 11: Minaret Road Adjacent to Fireside Condominiums Looking South
- View 12: Lake Mary Road-Main Street/Minaret Road Intersection Looking South
- View 13: Northeast Corner of Lake Mary Road-Main Street/Minaret Road Intersection Looking Southwest
- View 14: Main Street Near the Project Site Looking West Adjacent to the Holiday Haus Inn

Through the Town, State Route 203 (“SR 203”) is known as Main Street and as Minaret Road north of the Lake Mary Road-Main Street/Minaret Road intersection. SR 203 is an eligible State Scenic Highway (not officially designated) and U.S. Highway 395 is an officially designated State Scenic Highway.¹ Visual impacts on SR 203 are included in the four new viewpoints and significant visual resources that are visible from these represented viewpoints include Mammoth Mountain and the Sherwin Range.

The following discussion addresses the subject of aesthetics with respect to the four new viewpoints and includes a description of existing visual conditions and an evaluation of potential aesthetic effects associated with implementing the Project. Computer-generated visual simulations illustrating “before” and conceptual “after” visual conditions at the Project site as seen from four representative, public vantage points are presented as part of the analysis. Digitized photographs and computer modeling and rendering techniques were used to prepare the simulation images.

The policies in the General Plan support the retention of major landscape characteristics and unique natural features such as large trees, Mammoth Mountain, Mammoth Rock, Crystal Crag, the Bluffs, the Sherwin Range, Long Valley, Mammoth Knolls, and Mammoth Crest. Major view corridors and vistas toward these important landscape features are identified in the General Plan, and are shown in Figure IV.B-1, Major View Corridors and Vistas, and Figure IV.B-2 Vistas and Landmarks, in Section IV.B, Aesthetics, of the Draft EIR.

In the area surrounding the Project site, the existing viewsheds are defined primarily by major view corridors and vistas (refer to Figures IV.B-1 and IV.B-2) as well as the nearby roadways (e.g., Lake Mary Road, Main Street and Minaret Road). The major view corridors and vistas that could be potentially affected by the development of the Project as well as other viewpoints of interest are identified above and discussed in detail below. The locations of these viewpoints are depicted in Figure II-1, Viewpoint Location Map, of this Final EIR. Public views are those which can be seen from vantage points that are publicly accessible, such as those from streets, public sidewalks/trails, parks, and vista points. These views are generally available to a greater number of persons than are private views. As identified in Figures IV.B-1 and IV.B-2, the Town has identified public view and public view corridors that visually connect the community to its surroundings (General Plan Policy C.2.W). Private views are those which can be seen from vantage points located on private property. Private views are not considered to be impacted when interrupted by land uses on adjacent blocks.

The aesthetics section in the Draft EIR occurs in the context of a CEQA analysis, and under CEQA the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The Town, acting as the lead agency, does not recognize a private view as a significant view. The Project site is located in an urbanized

¹ California Department of Transportation California Scenic Highway Mapping System, website: http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm, June 12, 2006.

area surrounded by existing residential, resort, recreation and retail developments, and it would not be practical or feasible to analyze every possible private view of or across the Project site. The Mammoth Crossing site design has been thoughtfully considered by the Project Applicant in consultation with the Town. The Project-specific plans and designs for redevelopment of the site will comply with the Development and Design Standards set forth in the Specific Plan, new design or development standards adopted as part of the proposed Specific Plan amendment (applicable to the proposed Mammoth Crossing District), and the Town's Design Guidelines as approved by the Planning Commission.

As described in Section IV.B, Aesthetics, of the Draft EIR, under the heading "Impact AES-1 Public Views of Scenic Vistas," a significant impact would occur if the Project substantially blocks public views of a scenic vista. The following discussion provides a comparison of "before" views and "after" views of the Project site which are publically accessible and of scenic resources which are publically accessible from areas near the Project site. A total of four new photo simulations depicting views after the Project is constructed are presented below. The locations from which the view photographs were taken and the direction of each view is indicated on Figure II-1. The "before" and "after" views are presented in Figures II-2 through II-4.

Minaret Road Adjacent to Fireside Condominiums Looking South (View 11)

View 11 is located on Minaret Road adjacent to the Fireside Condominiums looking south in the direction of the Project site. Public views from this area include the Sherwin Range. As shown on Figure II-2, the existing buildings on Site 1 and Site 3 are visible from this viewpoint and do not block views of the Sherwin Range. Figure II-3 illustrates that the proposed development on all three Project sites would be visible from this viewpoint. However, due to the curves, natural topography, and trees along Minaret Road the proposed development after Project build-out would not substantially block views of a scenic vista (i.e., Sherwin Range) from View 11. Therefore, public views of scenic vistas from View 11 would not be significantly altered with the development of the Project and impacts would be ***less than significant***.

Lake Mary Road-Main Street/Minaret Road Intersection Looking South (View 12)

View 12 is located on Minaret Road at the Lake Mary Road-Main Street/Minaret Road Intersection looking south in the direction of the Project site. Public views from this area include the Sherwin Range and tree-lined Minaret Road. As shown on Figure II-4, the existing buildings on Site 2 and Site 3 are slightly visible from this viewpoint and do not block views of the Sherwin Range. Figure II-5 illustrates that the proposed development on Site 2 and 3 would be visible from this viewpoint. However, due to the natural topography along Minaret Road, the proposed development after Project build-out would not substantially block views of a scenic vista (i.e., the Sherwin Range) from View 12. Therefore, public views of scenic vistas from View 12 would not be significantly altered with the development of the Project and impacts would be ***less than significant***.

Northeast Corner of Lake Mary Road-Main Street/Minaret Road Intersection Looking Southwest (View 13)

View 13 is located on the northwest corner of the Lake Mary Road-Main Street/Minaret Road Intersection looking southwest in the direction of Project Site 2. Public views from this area include the pine trees in the foreground and Mammoth Mountain in the background. As shown in Figure II-6, the existing buildings and pine trees on Site 2 are visible from this viewpoint and views toward the Sherwin Range are significantly blocked by the pine trees located on Site 2. Figure II-7 illustrates that the proposed development on Site 2 would be visible from this viewpoint. However, the proposed development after Project build-out would not substantially block views of a scenic vista (i.e., Mammoth Mountain) from View 13. Therefore, public views of scenic vistas from View 13 would not be significantly altered with the development of the Project and impacts would be ***less than significant***.

Main Street Near the Project Site Looking West Adjacent to the Holiday Haus Inn (View 14)

View 14 is located on Main Street looking west toward the Lake Mary Road-Main Street/Minaret Road intersection in the direction of the Project Site. Public views from this area include the pine trees in the foreground and Mammoth Mountain in the background just above the tree line. As shown in Figure II-8, the existing buildings and pine trees on the Project's three sites are visible from this viewpoint. Figure II-9 illustrates that the proposed development on the Project's three sites would be visible from this viewpoint. However, the proposed development after Project build-out would not substantially block views of a scenic vista (i.e., Mammoth Mountain) from View 13. Therefore, public views of scenic vistas from View 13 would not be significantly altered with the development of the Project and impacts would be ***less than significant***.

View Impact Summary

The Project would not obscure public views of scenic vistas from Views 11 through 14. However, as identified in Section IV.B, Aesthetics, on page IV.B-19, of the Draft EIR, views of the scenic Mammoth Knolls from Views 6 and 8 would be partially obscured. The Project would result in substantial changes to views of surrounding scenic Mammoth Knolls, resulting in impacts to public views of scenic vistas. As discussed under Topical Response 2, Project Description, changes to the proposed project's density, height, and setback orientation are not considered to qualify as mitigation as they would fundamentally alter the Project Applicant's proposal. Such alterations are more appropriately considered under the Alternatives analysis.

Mitigation measures to setback or stepback buildings on Site 1 from Lake Mary Road and Site 3 from Minaret Road to reduce aesthetics impacts to public views of the scenic Mammoth Knolls from Viewpoint 6 (Lake Mary Road Near the Project Site Looking East) and View 8 (Minaret Road Looking North) were considered and ruled out as infeasible because doing so would result in changing the Project, and would potentially result in greater impacts with regards to preserving the maximum amount of open

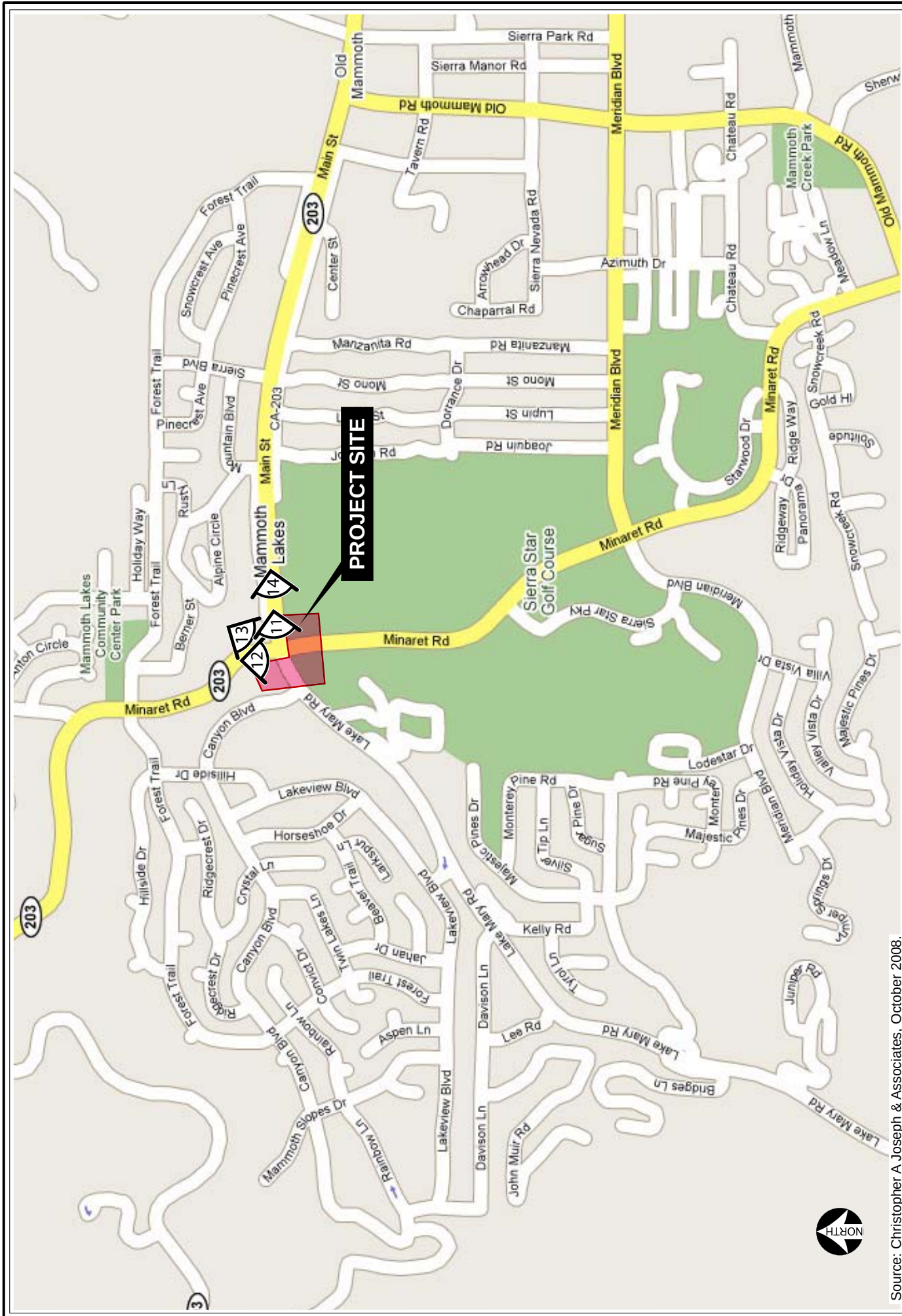
space, trees and natural features, loss of density, and related changes to aspects of the Project program that relate directly to its key objectives (fundamental Project component). Such alterations are more appropriately considered under the Alternatives analysis. Two additional alternatives that discuss reduced density are identified in Topical Response 4, Alternatives, below. However, the following mitigation measure would lessen the significant public view impacts to the scenic Mammoth Knolls from View 6 (Lake Mary Road Near the Project Site Looking East) and is therefore required.

Mitigation Measure AES-1 Public Views of Scenic Vistas

The uninhabited 89 foot tall "Tower" component of the development shall be limited to 73 feet above the 8,035 feet elevation location in the southeast portion of Site 1.

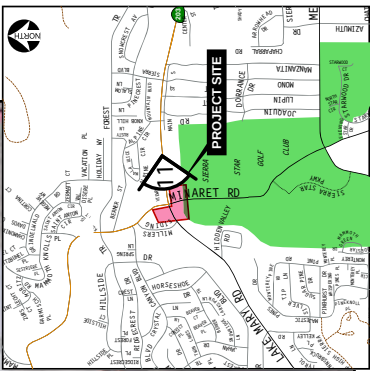
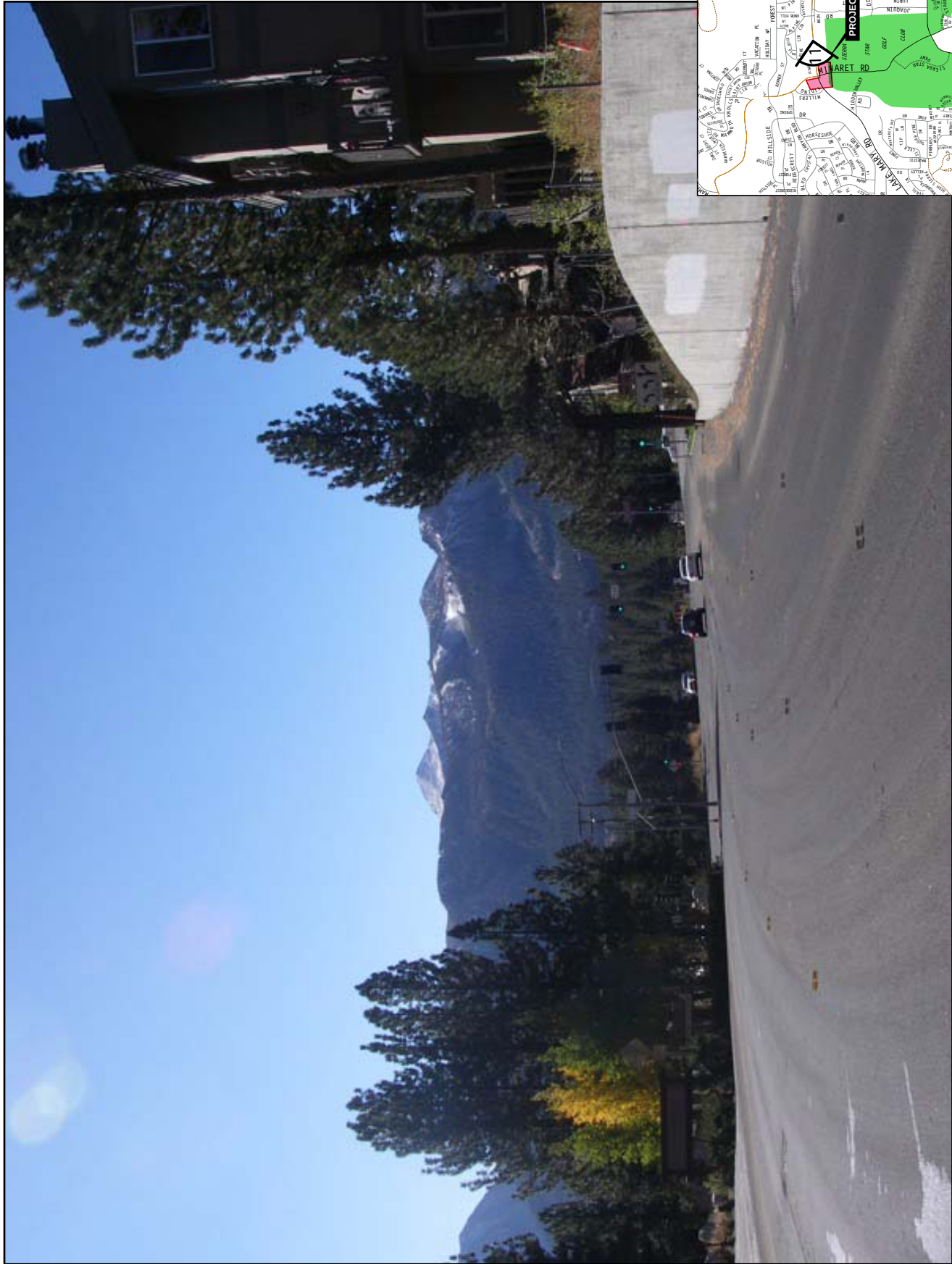
However, even with implementation of Mitigation Measure AES-1 Public Views of Scenic Vistas, public view impacts to the scenic Mammoth Knolls would remain significant. Thus, no mitigation measures are available to fully mitigate the identified visual impacts. Therefore, impacts to public views of scenic vistas would remain **significant and unavoidable**.

As discussed above, through the Town, SR 203 is known as Main Street and Minaret Road north of the Lake Mary Road-Main Street/Minaret Road intersection and the potential impact on views would be **less than significant** with the development of the Project. With respect to U.S. Highway 395, the Project would not be visible from any vantage point along its route due to intervening topography and **no impact** would occur.



Source: Christopher A Joseph & Associates, October 2008.

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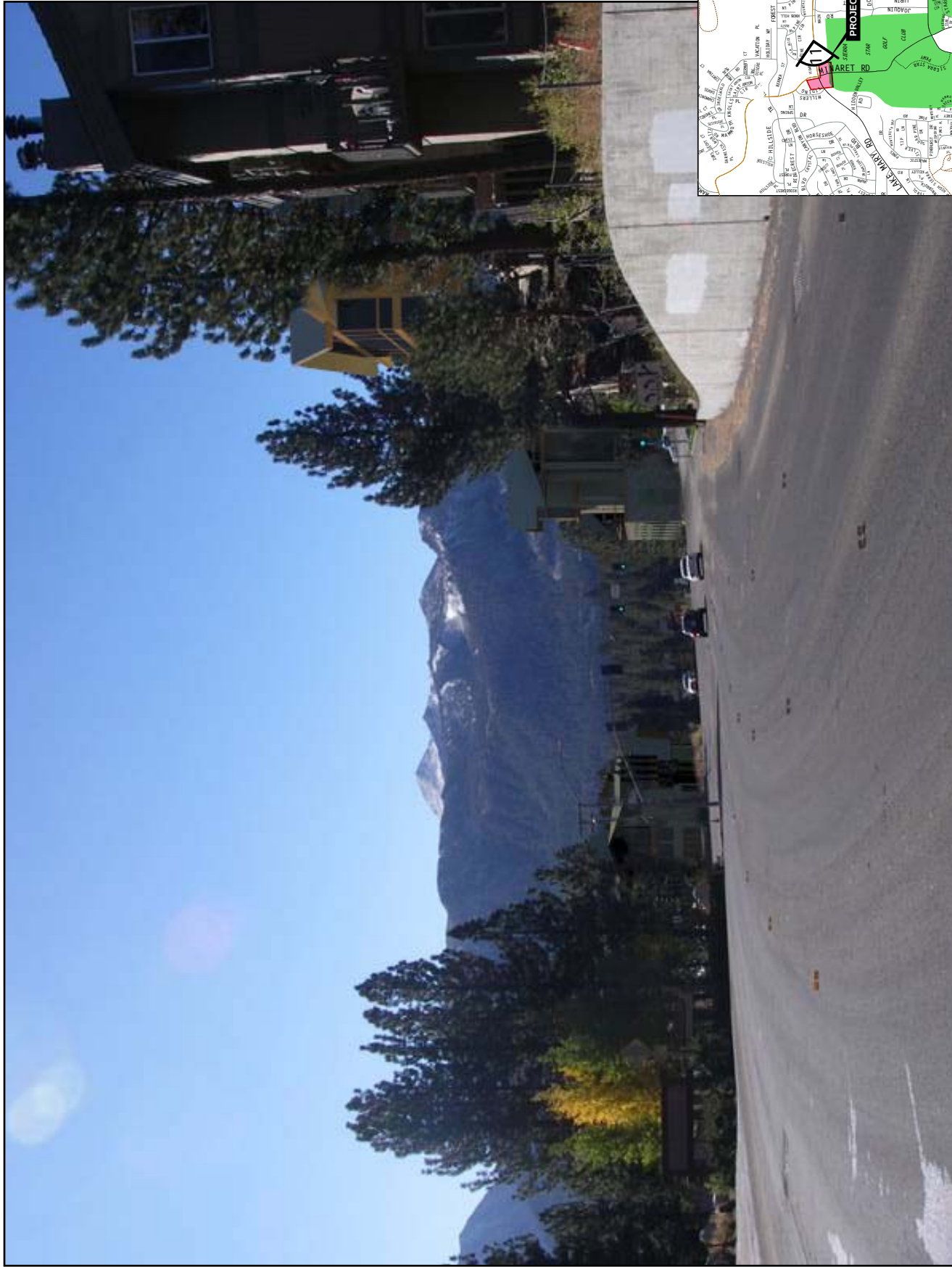


Source: Merrick Architecture, Christopher A. Joseph & Associates, September 2008.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure II-2
View 11: Minaret Road Adjacent to Fireside
Condominiums Looking South (Before)

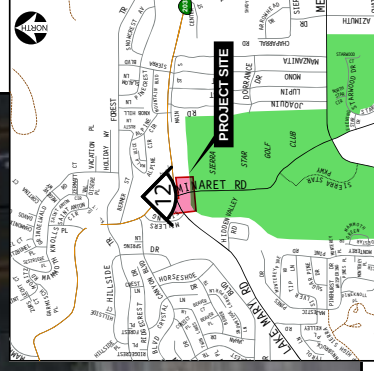


Source: Merrick Architecture, Christopher A. Joseph & Associates, September 2008.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure II-3
View 11: Minaret Road Adjacent to Fireside
Condominiums Looking South (After)



Source: Merrick Architecture, Christopher A. Joseph & Associates, September 2008.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure II-5
View 12: Lake Mary Road-Main Street & Minaret Road
Intersection Looking South (After)



Source: Merrick Architecture, Christopher A. Joseph & Associates, September 2008.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure II-6
View 13: Northeast Corner of Lake Mary Road &
Minaret Road Intersection Looking Southwest (Before)

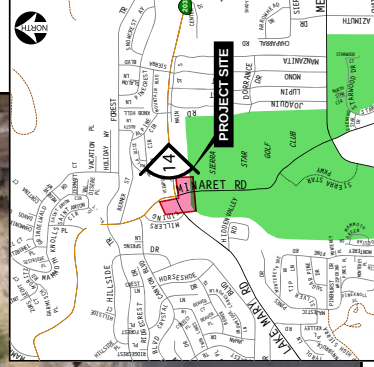
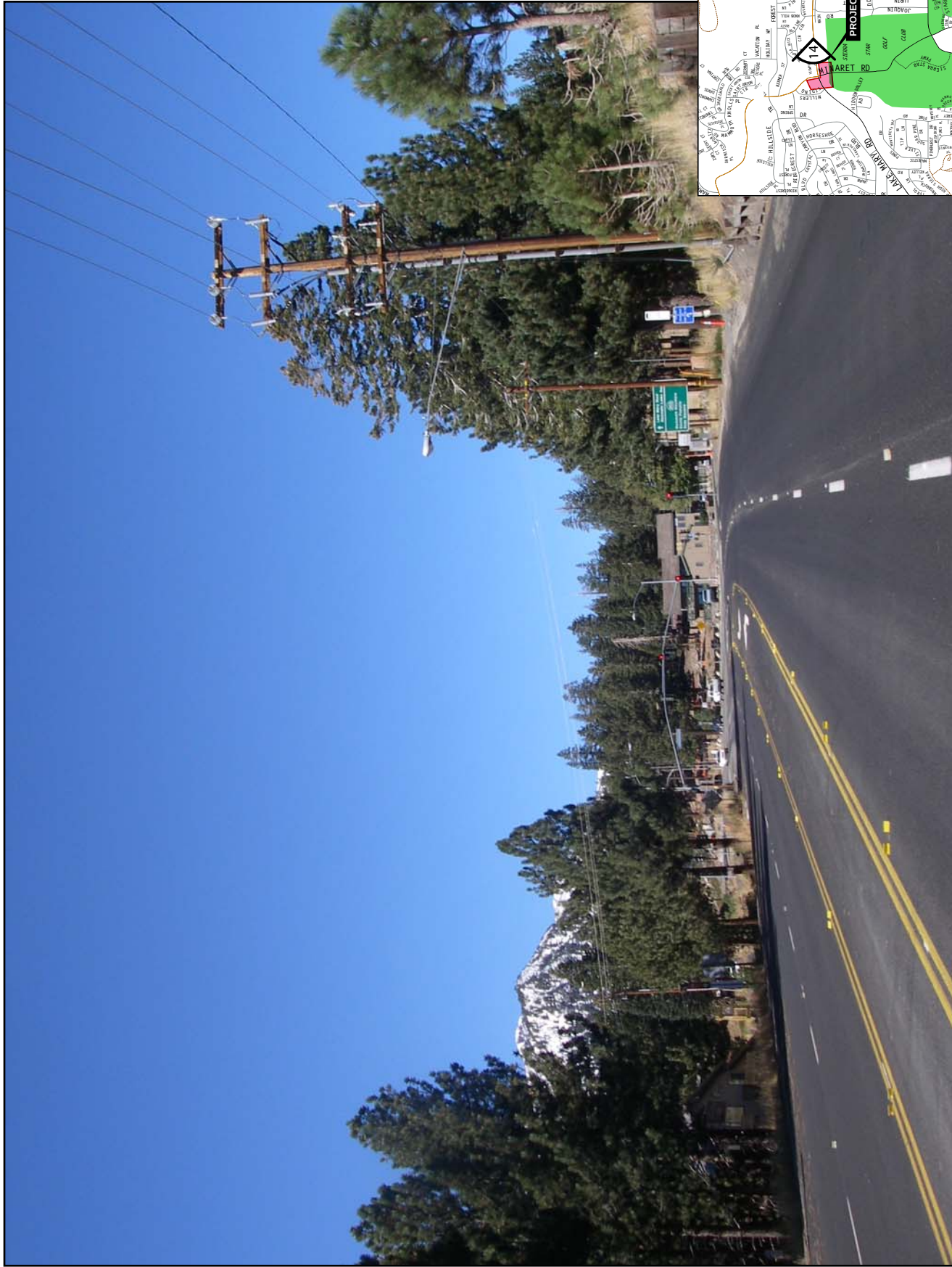


Source: Merrick Architecture, Christopher A. Joseph & Associates, September 2008.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure II-7
View 13: Northeast Corner of Lake Mary Road &
Minaret Road Intersection Looking Southwest (After)

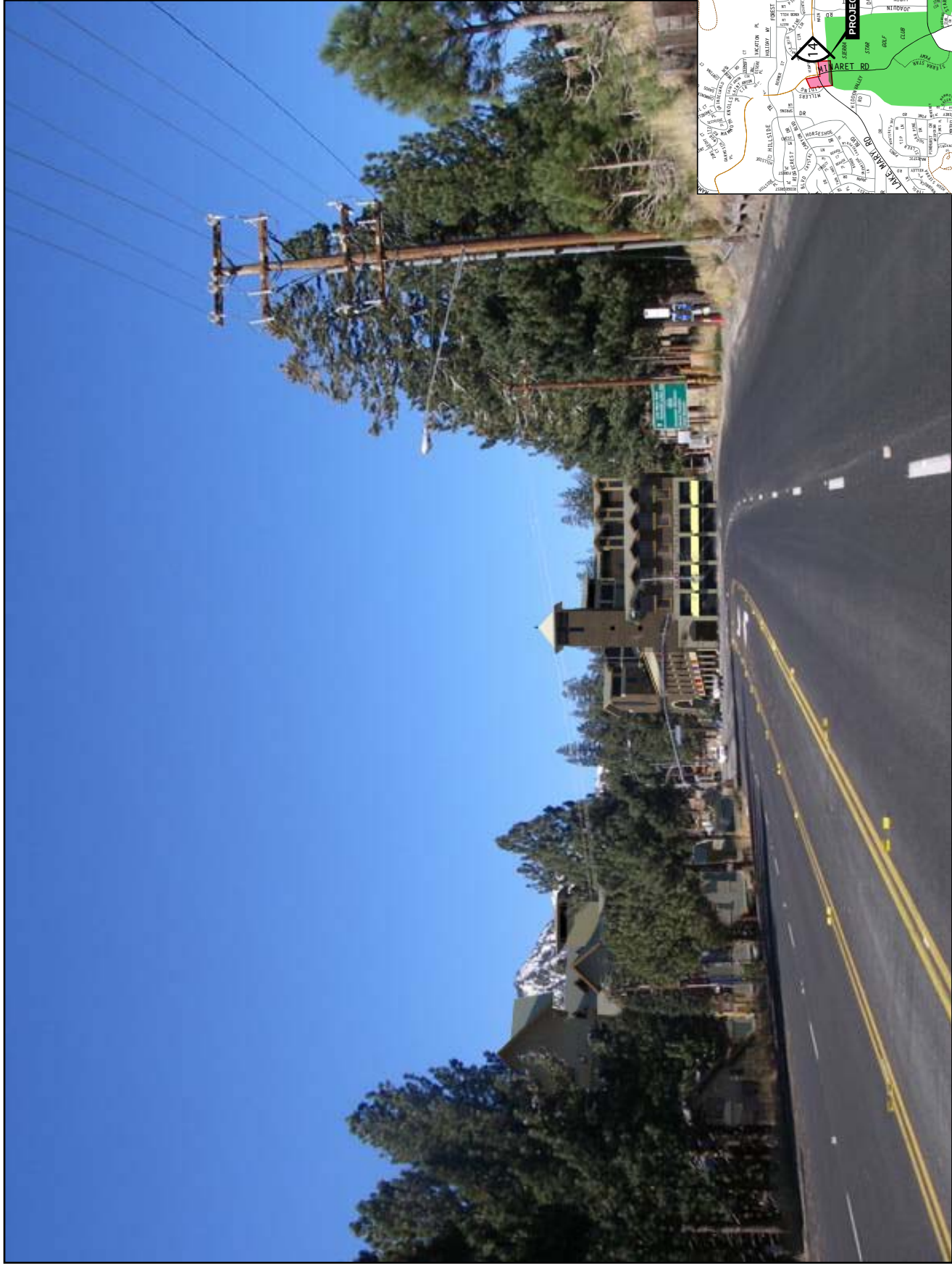


Source: Merrick Architecture, Christopher A. Joseph & Associates, September 2008.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure II-8
View 14: Main Street near the Project Site Looking West
Adjacent to the Holiday Haus Inn (Before)



Source: Merrick Architecture, Christopher A. Joseph & Associates, September 2008.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure II-9
View 14: Main Street near the Project Site Looking West
Adjacent to the Holiday Haus Inn (After)

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Topical Response 4: Alternatives

The State *CEQA Guidelines* require that EIRs include the identification and evaluation of a reasonable range of alternatives that are designed to reduce the significant environmental impacts of the Project while still meeting the general Project objectives. The State *CEQA Guidelines* also set forth the intent and extent of the alternatives analysis to be provided in an EIR.

Section 15126.6(a) of the State *CEQA Guidelines* states: “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

Section 15126.6(b) of the State *CEQA Guidelines* states: “Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.”

Section 15126.6(c) of the State *CEQA Guidelines* states: “The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.”

The lead agency selected four alternatives for analysis in the Draft EIR to constitute a reasonable range of potentially feasible alternatives that would foster informed decision making and public participation. CEQA does not preclude the inclusion of alternatives that show alternative designs to the proposed Project. The alternatives analysis was presented as a comparative analysis to the proposed Project. Differences between the alternatives included changes to the site plan, number of the residential units, density, building height and setbacks, and the amount of affordable housing. A thorough description of

each of the alternatives is provided in Section VI, Alternatives to the Proposed Project, of the Draft EIR. The alternatives that were analyzed in comparison to the proposed Project include:

Alternative A: No Project No Build

Alternative B: No Public Parking

Alternative C: On-site Affordable Housing

Alternative D: Existing North Village Specific Plan Build-Out Condominium Only

Of the four alternatives presented in Section VI, Alternatives to the Proposed Project, of the Draft EIR, two were determined to be consistent with the existing *North Village Specific Plan*: 1) Alternative A, No Project No Build and 2) Alternative D, Existing North Village Specific Plan Build-Out Condominium Only. The existing *North Village Specific Plan* (“Specific Plan”) does not restrict development to one type, but rather allows for a range of development scenarios.

In response to comments on the Draft EIR, which requested that a greater range of potentially feasible alternatives be provided in order to foster informed decision making and public participation, two additional alternatives have been prepared. Because the Project would generate significant impacts, considerations in Project design may afford the opportunity to avoid or reduce such impacts. As such, a reduced density alternative is presented below. The following alternative analysis compares the potential significant environmental impacts of Alternative E (Reduced Density: 65 RPA) and Alternative F (Reduced Density: 48 RPA) with those of the proposed Project for each of the environmental topics analyzed in detail in Section IV, Environmental Impact Analysis (IV.A through IV.N), of the Draft EIR.

Alternative E (Reduced Density: 65 RPA)

Description

Under the Reduced Density 65 RPA Alternative (“Alternative E”) for the Mammoth Crossing development, the number of residential rooms, density (rooms per acre), all non-residential uses and square footage, and parking requirements would be reduced from those of the proposed Project. Under Alternative E, the Project would include the construction of up to 603 condominium rooms at 65 rooms per acre (RPA) and up to approximately 10,000 square feet of retail, which would include one restaurant. This alternative would result in a similar building footprint as the proposed Project. Affordable housing, totaling 54,000 square feet, would be required to be provided as part of the Project, some of which could be constructed off site. The 603 condominium rooms together with the 88.5 affordable housing rooms would result in the addition of the equivalent of 346 two-bedroom, permanent year-round housing units in the Town.

Alternative E would constitute an overall reduction in residential density as compared to the Project, with approximately 19 percent fewer condominium rooms (603 rooms as opposed to 742). However, as noted

above, Alternative E would continue to exceed the existing maximum allowed density of 48 RPA for the Resort General (RG) zone, and the 48 RPA for the Specialty Lodging (SL) zone required under the current Specific Plan. Under Alternative E, proposed development would involve multiple buildings ranging in height from one to approximately five stories. As such, building heights and setbacks in Alternative E would exceed the maximum requirements identified in the existing Specific Plan. While the reduced density facilitates a reduction in building height as the additional height would no longer be needed to accommodate the additional 139 rooms proposed under the Project, building heights would continue to exceed the Specific Plan's maximum height requirement of 50 feet.

Similar to the Project, Alternative E would be organized so that it could be developed in several phases. Each phase would stand alone and operate successfully as a complete entity. Construction activities are proposed to be completed by 2020. The demolition of existing structures, construction of understructure parking, establishment of recreation opportunities, creation of new pedestrian and bike systems, as well as implementation of connections to existing pedestrian and bike systems, would occur at a reduced scale from that of the proposed Project. All roadway alignments and associated grading and drainage improvements would be the similar to those of the Project and parking would be provided under the same ratios as required by the existing Specific Plan that the Project would be subject to. As a benefit to the community, 50 of the allowed on-site parking spaces would be provided for public use. Other characteristics (e.g., lighting, landscaping, and utility connections) would also be generally similar to those of the proposed Project.

The analysis of Alternative E assumes development of the related projects described in Table II-1, Related Projects, in Section II, Environmental Setting, of the Draft EIR. The related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved. The potential environmental impacts associated with this alternative are described below and are compared to the potentially significant environmental impacts associated with the Project.

Aesthetics

Similar to the Project, Alternative E would result in development on the site. Under Alternative E, fewer condominium rooms and less retail would be constructed than under the Project, however building heights would still exceed the existing Specific Plan's existing 50-foot maximum height requirement.

Similar to the Project, building design and materials under Alternative E would be consistent with the requirements of the Specific Plan and would be reviewed by the Town to ensure that the buildings would be responsive and complement the existing alpine architectural character of nearby development and the design of the existing Specific Plan area. Similar to the Project, all signage and lighting would be designed in a style that reflects mountain resort community character with regard to materials, form and use. Lighting would comply with the applicable requirements of the Town of Mammoth Lakes' Outdoor Lighting Ordinance, in accordance with Mammoth Lakes Municipal Code Chapter 17.34.

Because building heights would be continue to exceed the maximum 50-foot height requirement when measured from above the underside of the parking garage ceiling as required in the existing Specific Plan, impacts to public views of scenic vistas would be the same as those under the Project as the views of the Mammoth Knolls would continue to be partially obstructed. Therefore, overall impacts to aesthetics would be the same under Alternative E than those of the proposed Project.

Air Quality

Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. Alternative E would result in construction activities on the site and would generate a similar amount of construction equipment emissions as under the Project. Similar to the Project, Alternative E would result in significant and unavoidable construction related respirable particulate matter (PM₁₀) emissions. Operational emissions from stationary sources (propane for space and water heating devices, and cooking appliances) would be reduced from that of the Project. Therefore, operational emissions of ozone (O₃), PM₁₀ and carbon monoxide (CO) would be less than that of the Project due to the reduction in the number of residential units. Impacts from odors would be the same as under the Project. Overall impacts to air quality would be less under Alternative E than the Project due to the reduction in the number of hotel/condominium rooms.

Biological Resources

Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. However, this would not result in fewer disturbances to the area because the reduction of residential rooms would not result in a reduction of the development footprint. Therefore, the same amount of biological resources could potentially be impacted. Although impacts to special-status plant and animal species would be reduced to less than significant under the Project, the potential for impacts would be the same as that of the Project under Alternative E. Overall impacts to biological resources would be the same as that of the proposed Project under Alternative E.

Cultural Resources

Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. However, this would not result in fewer disturbances to the area because the reduction of residential rooms would not result in a reduction in the development footprint. Therefore, implementation of Alternative E would result in the same amount of construction-related earthmoving activities as those of the proposed Project with the potential to impact cultural resources. Overall impacts to cultural resources would be the same as those of the proposed Project under Alternative E.

Geology and Soils

Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. However, this would not result in a reduction of the development footprint. Under Alternative E, impacts from strong seismic ground shaking, soil erosion/loss of topsoil and volcanic activity would be the same as the Project. Overall impacts to geology and soils would be the same as the proposed Project under Alternative E.

Hazards and Hazardous Materials

Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. Development of Alternative E would require the demolition of all existing buildings on site and therefore the potential upset and accidental release of hazardous materials would be the same of that of the proposed Project. In addition, the proposed development would be required to comply with the standards relevant to construction within a wildland fire hazard zone. Overall hazards and hazardous materials impact would be the same as the proposed Project under Alternative E.

Hydrology and Water Quality

Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. Alternative E would not reduce the overall development footprint; therefore, development of Alternative E would result in the same amount of construction earthmoving activities and would not decrease the potential for construction impacts to significantly affect the attainment of water quality standards. Operation impacts of the Project would likewise be the same compared to the Project due to the same development footprint. Impacts associated with groundwater depletion or recharge and drainage system capacity would also be the same as that of the proposed Project. Similar to the Project, Alternative E would be located entirely outside the 100-year flood zone. Overall impacts to hydrology and water quality would be the same as the proposed Project under Alternative E.

Land Use

Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms, affordable housing rooms, and non-residential land uses. Similar to the Project, Alternative E would not be consistent with the existing Specific Plan density, height, and setback requirements. Alternative E would not introduce an incompatible land use in the Specific Plan area. Under Alternative E, density would be 65 RPA for the Resort General (RG) zone, and the 65 RPA for the Specialty Lodging (SL) zone.

Similar to the proposed Project, development under Alternative E would be generally consistent with land use plans, policies and programs. Alternative E would require approval of certain discretionary actions

by the Town, and amendments to the Specific Plan. Overall impacts to land use under Alternative E would be similar to those of the proposed Project.

Noise

Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. Alternative E would result in construction activities on the site and would generate less temporary construction equipment noise and groundborne vibration than the Project. However, due to the close proximity of adjacent land uses, development of Alternative E would result in significant and unavoidable temporary construction impacts similar to the proposed Project. Operational impacts resulting from traffic-generated noise would be reduced over the Project due to the decrease in vehicle trips resulting from the decrease in the number of residential rooms and retail development on the site. Similar to the Project, Alternative E would not be subject to excessive operational groundborne vibration. Overall impacts to noise under Alternative E would be less than under the Project.

Population and Housing

Alternative E would result in the construction of residential rooms and non-residential land uses. Similar to the Project, construction of Alternative E would result in the creation of temporary construction jobs and the creation of permanent jobs. Under Alternative E, full-time employee equivalents (FTEE) would be reduced and affordable housing would be reduced from that of the proposed Project.

Under Alternative E, as with the proposed Project, 18 existing residential units located on Site 2 in the North Village Inn would be removed and would be replaced with up to 603 permanent year-round condominium rooms and 108 affordable housing rooms to realize a total of 346 two-bedroom permanent year-round equivalent housing units. In addition, Alternative E would comply with Town Municipal Code 17.52 "Conversion of Existing Residential Facilities."

Affordable housing would be comprised of 108 rooms. The 19.5 affordable units associated with development on Site 1 would be constructed off-site. The 64 affordable units required by Site 2 development and 24.5 affordable units required by Site 3 development would be built on each site, respectively.

Alternative E would result in permanent and seasonal/visitor serving housing that, when considered cumulatively, would increase the Persons At One Time population of the Town ("PAOT"). The PAOT is used as the Town's threshold to measure population intensity or total peak population, which represents an average winter Saturday and does not reflect the permanent population in the Town. Similar to the proposed Project, the Town would monitor the overall PAOT through the project approval process, and would consider project approvals in the light of existing and projected PAOT and the other considerations set forth in the General Plan that are intended to limit total population. Therefore, the cumulative

population generation under Alternative E would not exceed the anticipated PAOT of 52,000 and would be less than that of the proposed Project.

Under Alternative E, overall impacts to population and housing would be less than those under the Project.

Public Services

Police Service

Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. Alternative E would reduce the temporary increase in population in the Town which results from the influx of construction workers and would also reduce the permanent increase in the population of the Town resulting from the construction of hotel/condominium rooms, which would attract new visitors and residents requiring police services, than that of the Project. As stated above under heading “Population and Housing,” the overall PAOT would be reduced from that of the proposed Project. As a result, implementation of this alternative would reduce the Project’s significant but mitigable impacts to police protection services. Overall impacts to police services would be less under Alternative E than under the Project.

Fire Protection

Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. Alternative E would reduce the temporary increase in population in the Town which results from the influx of construction workers and would also reduce the permanent increase in the population of the Town resulting from the construction of residential rooms, which would attract new visitors and residents requiring additional demand for fire protection services, than that of the Project. As stated above under the heading “Population and Housing,” the overall PAOT would be reduced from that of the proposed Project. As a result, implementation of this alternative would create less demand for fire protection services than that of the proposed Project. Overall impacts to fire protection services would be less under Alternative E than under the Project.

School Service

Under Alternative E, there would be more permanent year-round residential land uses on the Project site, and thus, this alternative would increase the additional demand for school services from that of the proposed Project. The number of students generated would be less than under the Project due to decrease in permanent year-round residential rooms and this impact would be less than those of the Project.

However, similar to the proposed Project, the development under Alternative E would be required to pay the developer impact fees established by the Mammoth Lakes Unified School District (\$2.63 per square foot of residential development). Pursuant to California Government Code provided in Section 65996,

the payment of such fees is deemed to fully mitigate the impacts of new development on school services. Therefore, with payment of these required developer fees, overall impacts to school services would be the same under Alternative E as under the Project.

Parks and Recreation

Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. The reduction in residential development would reduce the additional demand for park services from that of the proposed Project. In addition, the overall PAOT generated by the development of Alternative E would be less than that of the proposed Project; therefore, the demand for parks and recreational services would be reduced. In addition, similar to the proposed Project under Alternative E, on-site permanent residents would be provided private recreational amenities. Overall impacts to park services would be less under Alternative E than under the Project.

Snow Removal Services

Under Alternative E, development on the Project site would result in fewer residential rooms and retail land uses. Similar to the Project, the internal roadway system under Alternative E would be privately owned and maintained. The management of snow at the site would be the sole responsibility of Mammoth Crossing property owners or their designated representative association. In addition, the development under Alternative E would be subject to the same standards of the proposed Project and would be required to submit a Snow Management Plan (“SMP”) for approval by the Town and the Mammoth Lakes Fire Protection District. Therefore, implementation of this alternative would result in the same impacts to snow removal services. Overall impacts to snow removal services would be the same under Alternative E as those of the Project.

Traffic and Circulation

Alternative E would result in construction of fewer residential rooms (603 as opposed to 742) and less retail development. The reduced rooms would subsequently reduce the full-time equivalent employees generated, and thus reduce the required affordable housing units required to be developed. Therefore, the number of vehicle trips created under Alternative E would be the less than the Project.

Alternative E would be accessed at the same points and would have a similar roadway configuration and emergency access as the Project. Parking under Alternative E would be provided under the same ratios as required by the Town Code that the Project would be subject to. Bicycle and pedestrian facilities and transit facilities would be similar to the Project. However, overall impacts to transportation and circulation would be less than the Project due to the decrease in vehicle trips created by the reduced number of residential rooms and retail land uses developed under this alternative.

Utilities

Wastewater

Alternative E would result in the generation of wastewater from residential and non-residential land uses. Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. Therefore, Alternative E would generate less wastewater than the Project due to the reduction in residential and retail uses, and impacts from wastewater generation would be less than under the Project. Similar to the Project, Alternative E would require installation of wastewater infrastructure and impacts to wastewater infrastructure would be the same as under the Project. Overall impacts to water wastewater generation and infrastructure would be less than under the Project.

Water Service

Alternative E would result in demand for water supply from residential and non-residential land uses. Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. While the overall number of residential rooms would be reduced, the demand for water due to the change in room status (from hotel to condominium) would be greater since condominiums use more water than hotel rooms. However, the water demand generated by the reduced retail development (from 40,500 square feet to 10,000 square feet) and the elimination of hotel/visitor serving (69,150 square feet) amenities would result in an overall decrease in demand for water supply as compared to the Project and impacts to water supply would be less than under the Project. Therefore, Alternative E would result in decreased demand for water supply than the Project due to the reduction in residential and retail uses and impacts to water supply would be less than under the Project. Similar to the Project, Alternative E would require installation of water supply infrastructure and impacts to water supply infrastructure would be the similar to the proposed Project. Overall impacts to water supply and infrastructure would be less than under the Project.

Electricity

Alternative E would result in demand for electricity from residential and non-residential land uses. Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. While the overall number of residential rooms would be reduced, the demand for electricity due to the change in room status (from hotel to condominium) would be greater since condominiums use more electricity than hotel rooms. However, the electricity demand generated by the reduced retail development (from 40,500 square feet to 10,000 square feet) and the elimination of hotel/visitor serving (69,150 square feet) amenities would result in an overall decrease in demand for electricity as compared to the Project and impacts to electricity demand would be less than under the Project. Therefore, Alternative E would result in decreased demand for electricity than the Project due to the reduction in residential and retail uses and impacts to electricity supply would be less than under the Project. Similar to the Project, Alternative E would require installation of electricity supply infrastructure

and impacts to electricity supply infrastructure would be the similar to the proposed Project. Overall impacts to electricity supply and infrastructure would be less than under the Project.

Propane

Alternative E would result in demand for propane supply from residential and non-residential land uses. Similar to the Project, Alternative E would result in development on the site but with fewer residential rooms and retail land uses. While the overall number of residential rooms would be reduced, the demand for propane due to the change in room status (from hotel to condominium) would be greater since condominiums use more propane than hotel rooms. However, the propane demand generated by the reduced retail development (from 40,500 square feet to 10,000 square feet) and the elimination of hotel/visitor serving (69,150 square feet) amenities would result in an overall decrease in demand for propane than the Project and impacts to propane use would be less than under the Project. Therefore, Alternative E would result in decreased demand for propane than the Project due to the reduction in residential and retail uses and impacts to propane supply would be less than under the Project. Similar to the Project, Alternative E would require installation of propane supply infrastructure and impacts to propane supply infrastructure would be the similar to the proposed Project. Overall impacts to propane supply and infrastructure would be less than under the Project.

Relationship of the Alternative to the Proposed Project Objectives

Alternative E would meet some of the Project objectives by creating a developed “Town Visitor Core” through redevelopment of the underdeveloped parcels within the Specific Plan area and completion of North Village development consistent with the overall intent of the current Specific Plan. Alternative E would produce a design that is appropriate to the character of the Mammoth Lakes region and provide bicycle and pedestrian trail connections to existing trails and other town-wide circulation systems so as to complement and enhance the town-wide trails network. Under Alternative E the number of affordable housing and visitor accommodations would be reduced from those of the proposed Project. Furthermore, under Alternative E the retail and visitor serving amenities, and affordable housing would be reduced and no public plaza space would be developed. Alternative E would not provide development that is responsive to the existing and expected future hotel demand within the Town.

Alternative F (Reduced Density: 48 RPA)

Description

Under Alternative F the Mammoth Crossing development would be constructed according to the existing regulations in the Specific Plan. Under the current Specific Plan Alternative F would not exceed maximum allowed density (i.e., rooms per acre) 48 RPA density for the Resort General (RG) zone, and the 48 RPA for the Specialty Lodging (SL) zone. In addition, the proposed buildings heights and setbacks would not exceed those required in the existing Specific Plan.

Under Alternative F the Mammoth Crossing development would be comprised of 445 condominium rooms at 48 rooms per acre (RPA) and up to approximately 10,000 square feet of retail, which would include one restaurant. This alternative would result in a similar building footprint as the proposed Project. Affordable housing, totaling 50,750 square feet, would be required to be provided as part of the Project, some of which could be constructed off site. The 445 condominium rooms together with the 88.5 affordable housing rooms would result in the addition of the equivalent of 267 permanent year-round housing units in the Town. This alternative would not require a General Plan amendment.

Alternative E would constitute an overall reduction in residential density as compared to the Project, with approximately 40 percent fewer condominium rooms (445 rooms as opposed to 742). As stated above, building heights in Alternative F would be reduced from that of the proposed Project and would not exceed 50 feet as measured from above the underside of the parking garage ceiling as required in the existing Specific Plan. The reduced density facilitates the reduction in building height as the additional height would no longer be needed to accommodate the additional 297 rooms proposed under the Project.

Similar to the Project, Alternative F would be organized so that it could be developed in several phases. Each phase would stand alone and operate successfully as a complete entity. Construction activities are proposed to be completed by 2020. The demolition of existing structures, construction of understructure parking, establishment of recreation opportunities, creation of new pedestrian and bike systems, as well as implementation of connections to existing pedestrian and bike systems, would occur at a reduced scale from that of the proposed Project. All roadway alignments and associated grading and drainage improvements would be the similar to those of the Project and parking would be provided under the same ratios as required by the existing Specific Plan that the Project would be subject to. Other characteristics (e.g., lighting, landscaping, and utility connections) would also be generally similar to those of the proposed Project.

The analysis of Alternative F assumes development of the related projects described in Table II-1, Related Projects, in Section II, Environmental Setting, of the Draft EIR. The related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved. The potential environmental impacts associated with this alternative are described below and are compared to the potentially significant environmental impacts associated with the Project.

Aesthetics

Similar to the Project, Alternative F would result in development on the site. Under Alternative F, fewer condominium rooms and less retail would be constructed than under the Project resulting in buildings of reduced height.

Similar to the Project, building design and materials under Alternative F would be consistent with the requirements of the Specific Plan and would be reviewed by the Town to ensure that the buildings would be responsive and complement the existing alpine architectural character of nearby development and the

design of the existing Specific Plan area. Similar to the Project, all signage and lighting would be designed in a style that reflects mountain resort community character with regard to materials, form and use. Lighting would comply with the applicable requirements of the Town of Mammoth Lakes' Outdoor Lighting Ordinance, in accordance with Mammoth Lakes Municipal Code Chapter 17.34.

Because building heights would be limited to 50 feet measured from above the underside of the parking garage ceiling as required in the existing Specific Plan, impacts to public views of scenic vistas would be less than under the Project as the views of the Mammoth Knolls would no longer be partially obstructed. Therefore, overall impacts to aesthetics would be less under Alternative F than under the Project.

Air Quality

Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. Alternative F would result in construction activities on the site and would generate a similar amount of construction equipment emissions as under the Project. Similar to the Project, Alternative F would result in significant and unavoidable construction related respirable particulate matter (PM₁₀) emissions. Operational emissions from stationary sources (propane for space and water heating devices, and cooking appliances) would be reduced from that of the Project. Therefore, operational emissions of ozone (O₃), PM₁₀ and carbon monoxide (CO) would be less than that of the Project due to the reduction in the number of residential units. Impacts from odors would be the same as under the Project. Overall impacts to air quality would be less under Alternative F than the Project due to the reduction in the number of hotel/condominium rooms.

Biological Resources

Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. However, this would not result in fewer disturbances to the area because the reduction of residential rooms would not result in a reduction of the development footprint. Therefore, the same amount of biological resources could potentially be impacted. Although impacts to special-status plant and animal species would be reduced to less than significant under the Project, the potential for impacts would be the same as that of the Project under Alternative F. Overall impacts to biological resources would be the same as that of the proposed Project under Alternative F.

Cultural Resources

Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. However, this would not result in fewer disturbances to the area because the reduction of residential rooms would not result in a reduction in the development footprint. Therefore, implementation of Alternative F would result in the same amount of construction-related earthmoving activities as those of the proposed Project with the potential to impact cultural resources. Overall impacts to cultural resources would be the same as those of the proposed Project under Alternative F.

Geology and Soils

Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. However, this would not result in a reduction of the development footprint. Under Alternative F, impacts from strong seismic ground shaking, soil erosion/loss of topsoil and volcanic activity would be the same as the Project. Overall impacts to geology and soils would be the same as the proposed Project under Alternative F.

Hazards and Hazardous Materials

Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. Development of Alternative F would require the demolition of all existing buildings on site and therefore the potential upset and accidental release of hazardous materials would be the same of that of the proposed Project. In addition, the proposed development would be required to comply with the standards relevant to construction within a wildland fire hazard zone. Overall hazards and hazardous materials impact would be the same as the proposed Project under Alternative F.

Hydrology and Water Quality

Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. Alternative F would not reduce the overall development footprint; therefore, development of Alternative F would result in the same amount of construction earthmoving activities and would not decrease the potential for construction impacts to significantly affect the attainment of water quality standards. Operation impacts of the Project would likewise be the same compared to the Project due to the same development footprint. Impacts associated with groundwater depletion or recharge and drainage system capacity would also be the same as that of the proposed Project. Similar to the Project, Alternative F would be located entirely outside the 100-year flood zone. Overall impacts to hydrology and water quality would be the same as the proposed Project under Alternative F.

Land Use

Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms, affordable housing rooms, and non-residential land uses. Unlike the proposed Project, Alternative F proposes that the development of the Project be within the guidelines of the Specific Plan. Therefore the Project would not exceed the required density, building heights or setbacks. Under Alternative F, density would be 48 RPA for the Resort General (RG) zone, and the 48 RPA for the Specialty Lodging (SL) zone. In addition, the Project's proposed buildings heights would not exceed 50-feet measured from above the underside of the parking garage ceiling and setbacks would not exceed those of the Specific Plan. This alternative would not require an amendment to the General Plan to increase the amount of density assigned to the North Village Specific Plan Area.

Similar to the proposed Project, development under Alternative F would be generally consistent with land use plans, policies and programs. Alternative F would require approval of certain discretionary actions by the Town, same as the Project with the exception of requiring any amendments to the Specific Plan. Overall impacts to land use under Alternative F would be similar to those of the proposed Project.

Noise

Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. Alternative F would result in construction activities on the site and would generate less temporary construction equipment noise and groundborne vibration than the Project. However, due to the close proximity of adjacent land uses, development of Alternative F would result in significant and unavoidable temporary construction impacts similar to the proposed Project. Operational impacts resulting from traffic-generated noise would be reduced over the Project due to the decrease in vehicle trips resulting from the decrease in the number of residential rooms and retail development on the site. Similar to the Project, Alternative F would not be subject to excessive operational groundborne vibration. Overall impacts to noise under Alternative F would be less than under the Project.

Population and Housing

Alternative F would result in the construction of residential rooms and non-residential land uses. Similar to the Project, construction of Alternative F would result in the creation of temporary construction jobs and the creation of permanent jobs. Under Alternative F, full-time employee equivalents (FTEE) would be reduced and affordable housing would be reduced from that of the proposed Project.

Under Alternative F, as with the proposed Project, 18 existing residential units located on Site 2 in the North Village Inn would be removed and would be replaced with up to 445 permanent year-round condominium rooms and 88.5 affordable housing rooms to realize a total of 267 permanent year-round equivalent housing units. In addition, Alternative F would comply with Town Municipal Code 17.52 “Conversion of Existing Residential Facilities.”

Affordable housing would be comprised of 99 rooms. The 13 affordable units associated with development on Site 1 would be constructed off-site. The 64 affordable units required by Site 2 and 24.5 affordable units required by Site 3 development would be built on each site, respectively.

Alternative F would result in permanent and seasonal/visitor serving housing that, when considered cumulatively, would increase the Persons At One Time population of the Town (“PAOT”). The PAOT is used as the Town’s threshold to measure population intensity or total peak population, which represents an average winter Saturday and does not reflect the permanent population in the Town. Similar to the proposed Project, the Town would monitor the overall PAOT through the project approval process, and would consider project approvals in the light of existing and projected PAOT and the other considerations set forth in the General Plan that are intended to limit total population. Therefore, the cumulative

population generation under Alternative F would not exceed the anticipated PAOT of 52,000 and would be less than that of the proposed Project.

Under Alternative F, overall impacts to population and housing would be less than those under the Project.

Public Services

Police Service

Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. Alternative F would reduce the temporary increase in population in the Town which results from the influx of construction workers and would also reduce the permanent increase in the population of the Town resulting from the construction of hotel/condominium rooms, which would attract new visitors and residents requiring police services, than that of the Project. As stated above under heading “Population and Housing,” the overall PAOT would be reduced from that of the proposed Project. As a result, implementation of this alternative would reduce the Project’s significant but mitigable impacts to police protection services. Overall impacts to police services would be less under Alternative F than under the Project.

Fire Protection

Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. Alternative F would reduce the temporary increase in population in the Town which results from the influx of construction workers and would also reduce the permanent increase in the population of the Town resulting from the construction of residential rooms, which would attract new visitors and residents requiring additional demand for fire protection services, than that of the Project. As stated above under the heading “Population and Housing,” the overall PAOT would be reduced from that of the proposed Project. As a result, implementation of this alternative would create less demand for fire protection services than that of the proposed Project. Overall impacts to fire protection services would be less under Alternative F than under the Project.

School Service

Under Alternative F, there would be more permanent year-round residential land uses on the Project site, and thus, this alternative would increase the additional demand for school services from that of the proposed Project. The number of students generated would be less than under the Project due to decrease in permanent year-round residential rooms and this impact would be less than those of the Project.

However, similar to the proposed Project, the development under Alternative F would be required to pay the developer impact fees established by the Mammoth Lakes Unified School District (\$2.63 per square foot of residential development). Pursuant to California Government Code provided in Section 65996,

the payment of such fees is deemed to fully mitigate the impacts of new development on school services. Therefore, with payment of these required developer fees, overall impacts to school services would be the same under Alternative F as under the Project.

Parks and Recreation

Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. The reduction in residential development would reduce the additional demand for park services from that of the proposed Project. In addition, the overall PAOT generated by the development of Alternative F would be less than that of the proposed Project; therefore, the demand for parks and recreational services would be reduced. In addition, similar to the proposed Project under Alternative F, on-site permanent residents would be provided private recreational amenities. Overall impacts to park services would be less under Alternative F than under the Project.

Snow Removal Services

Under Alternative F, development on the Project site would result in fewer residential rooms and retail land uses. Similar to the Project, the internal roadway system under Alternative F would be privately owned and maintained. The management of snow at the site would be the sole responsibility of Mammoth Crossing property owners or their designated representative association. In addition, the development under Alternative F would be subject to the same standards of the proposed Project and would be required to submit a Snow Management Plan (“SMP”) for approval by the Town and the Mammoth Lakes Fire Protection District. Therefore, implementation of this alternative would result in the same impacts to snow removal services. Overall impacts to snow removal services would be the same under Alternative F as those of the Project.

Traffic and Circulation

Alternative F would result in construction of fewer residential rooms (445 as opposed to 742) and less retail development. The reduced rooms would subsequently reduce the full-time equivalent employees generated, and thus reduce the required affordable housing units required to be developed. Therefore, the number of vehicle trips created under Alternative F would be the less than the Project.

Alternative F would be accessed at the same points and would have a similar roadway configuration and emergency access as the Project. Parking under Alternative F would be provided under the same ratios as required by the Town Code that the Project would be subject to. Bicycle and pedestrian facilities and transit facilities would be similar to the Project. However, overall impacts to transportation and circulation would be less than the Project due to the decrease in vehicle trips created by the reduced number of residential rooms and retail land uses developed under this alternative.

Utilities

Wastewater

Alternative F would result in the generation of wastewater from residential and non-residential land uses. Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. Therefore, Alternative F would generate less wastewater than the Project due to the reduction in residential and retail uses, and impacts from wastewater generation would be less than under the Project. Similar to the Project, Alternative F would require installation of wastewater infrastructure and impacts to wastewater infrastructure would be the same as under the Project. Overall impacts to water wastewater generation and infrastructure would be less than under the Project.

Water Service

Alternative F would result in demand for water supply from residential and non-residential land uses. Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. While the overall number of residential rooms would be reduced, the demand for water due to the change in room status (from hotel to condominium) would be greater since condominiums use more water than hotel rooms. However, the water demand generated by the reduced retail development (from 40,500 square feet to 10,000 square feet) and the elimination of hotel/visitor serving (69,150 square feet) amenities would result in an overall decrease in demand for water supply as compared to the Project and impacts to water supply would be less than under the Project. Therefore, Alternative F would result in decreased demand for water supply than the Project due to the reduction in residential and retail uses and impacts to water supply would be less than under the Project. Similar to the Project, Alternative F would require installation of water supply infrastructure and impacts to water supply infrastructure would be the similar to the proposed Project. Overall impacts to water supply and infrastructure would be less than under the Project.

Electricity

Alternative F would result in demand for electricity from residential and non-residential land uses. Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. While the overall number of residential rooms would be reduced, the demand for electricity due to the change in room status (from hotel to condominium) would be greater since condominiums use more electricity than hotel rooms. However, the electricity demand generated by the reduced retail development (from 40,500 square feet to 10,000 square feet) and the elimination of hotel/visitor serving (69,150 square feet) amenities would result in an overall decrease in demand for electricity as compared to the Project and impacts to electricity demand would be less than under the Project. Therefore, Alternative F would result in decreased demand for electricity than the Project due to the reduction in residential and retail uses and impacts to electricity supply would be less than under the Project. Similar to the Project, Alternative F would require installation of electricity supply infrastructure

and impacts to electricity supply infrastructure would be the similar to the proposed Project. Overall impacts to electricity supply and infrastructure would be less than under the Project.

Propane

Alternative F would result in demand for propane supply from residential and non-residential land uses. Similar to the Project, Alternative F would result in development on the site but with fewer residential rooms and retail land uses. While the overall number of residential rooms would be reduced, the demand for propane due to the change in room status (from hotel to condominium) would be greater since condominiums use more propane than hotel rooms. However, the propane demand generated by the reduced retail development (from 40,500 square feet to 10,000 square feet) and the elimination of hotel/visitor serving (69,150 square feet) amenities would result in an overall decrease in demand for propane than the Project and impacts to propane use would be less than under the Project. Therefore, Alternative F would result in decreased demand for propane than the Project due to the reduction in residential and retail uses and impacts to propane supply would be less than under the Project. Similar to the Project, Alternative F would require installation of propane supply infrastructure and impacts to propane supply infrastructure would be the similar to the proposed Project. Overall impacts to propane supply and infrastructure would be less than under the Project.

Relationship of the Alternative to the Proposed Project Objectives

Alternative F would meet some of the Project objectives by creating a developed “Town Visitor Core” through redevelopment of the underdeveloped parcels within the Specific Plan area and completion of North Village development consistent with the overall intent of the current Specific Plan. Alternative F would produce a design that is appropriate to the character of the Mammoth Lakes region and provide bicycle and pedestrian trail connections to existing trails and other town-wide circulation systems so as to complement and enhance the town-wide trails network. Furthermore, under Alternative F the retail and visitor serving amenities, and affordable housing would be reduced and no public plaza space would be developed. Alternative F would not provide development that is responsive to the existing and expected future hotel demand within the Town.

Environmentally Superior Alternative

As discussed in Section VI, Alternatives to the Proposed Project, in the Draft EIR, Alternative D (Existing North Village Specific Plan Build-Out Condominium Only) was determined to be the Environmentally Superior Alternative because it would reduce impacts from those of the proposed Project with regards to aesthetics, air quality, biological resources, cultural resources, noise, population and housing, public services, traffic and circulation and utilities. Similar to Alternative D, Alternative E and Alternative F would reduce impacts from those of the proposed Project with regards to air quality, noise, population and housing, public services, traffic and circulation, and utilities. However, unlike Alternative D, impacts to aesthetics, biological resources, and cultural resources would not be reduced from those of

the proposed Project under Alternative E and Alternative F; therefore, Alternative D would remain the Environmentally Superior Alternative.

Topical Response 5: Shading/Shadow

The issue of shade and shadow pertains to the blockage of direct sunlight by project structures, which may affect adjacent properties. Shading is an important environmental issue because the users or occupants of certain land uses, such as residential, recreational/parks, churches, schools, outdoor restaurants, and pedestrian areas have some reasonable expectations for direct sunlight and warmth from the sun. These land uses are termed “shadow-sensitive.”

Shadow lengths are dependent on the height and size of the building from which they are cast and the angle of the sun. The angle of the sun varies with respect to the rotation of the earth (i.e., time of day) and elliptical orbit (i.e., change in seasons). The longest shadows are cast during the winter months and the shortest shadows are cast during the summer months.

“Solstice” is defined as either of the two points on the ecliptic (i.e., the path of the earth around the sun) that lie midway between the equinoxes (separated from them by an angular distance of 90 degrees). At the solstices, the sun’s apparent position on the celestial sphere reaches its greatest distance above or below the celestial equator, about 23 ½ degrees of the arc. At winter solstice, about December 22, the sun is overhead at noon at the Tropic of Capricorn; this marks the beginning of winter in the Northern Hemisphere. At the time of summer solstice, about June 22, the sun is directly overhead at noon at the Tropic of Cancer. In the Northern Hemisphere, the longest day and shortest night of the year occur on this date, marking the beginning of summer. Measuring shadow lengths for the winter and summer solstices represents the extremes of the shadow patterns that occur throughout the year. Shadows cast on the summer solstice are the shortest shadows during the year, becoming progressively longer until the winter solstice when the shadows are the longest of each year.

“Equinox” is defined as either of two points of intersection of the sun’s apparent annual path and the plane of the earth’s equator, that is, a point of intersection of the ecliptic and the celestial equator. Shadows cast on the equinoxes are intermediary between those cast on the solstices.

Shadows expected to be cast by the proposed Project at maximum potential buildout are shown for both solstices and equinoxes in Section IV.B, Aesthetics, of the Draft EIR, on Figure IV.B-24, Summer Solstice Shading, Figure IV.B-25, Winter Solstice Shading, and Figure IV.B-26, Fall Equinox Shading. A significant shade/shadow impact could occur if shadow-sensitive uses would be shaded by Project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (winter months between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (summer months between early April and late October). The winter solstice figure displays shading for three-hour periods between 9:00 a.m. and 3:00 p.m. Pacific Standard Time. The summer solstice and fall equinox figures display shading for four-hour periods between

9:00 a.m. and 5:00 p.m. Pacific Daylight Time. In addition, a significant impact could occur if the Project would require an exception (i.e., variance) to the policies and regulations in the General Plan, Planning Code, or California Building Code, and if the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and California Building Code pertaining to the provision of adequate light for appropriate uses. In addition, the shading of roadways or public walkways for extended periods of time could lead to hazardous roadway conditions such as black ice and would also be considered a significant impact.

As described in Section II, Environmental Setting of the Draft EIR, the Project site is in a highly urbanized area of Mammoth Lakes at the busy Minaret Road/Lake Mary Road-Main Street intersection and there are no significant public open spaces or recreational areas in the immediate vicinity. As noted in Section IV.B, Aesthetics of the Draft EIR, the shading impacts to adjacent land uses surrounding the Project's three sites were found to be less than significant during summer months as no adjacent land uses were projected to be shaded for over a period of four hours. Conversely, during the winter months, the Project would shade adjacent land uses in excess of three hours, thus creating a potentially significant shading impact. This impact would also have the potential to create hazardous conditions due to ice buildup on adjacent roadways and public walkways. However, with implementation of Mitigation Measure AES-5, Shading/Shadows, in the Draft EIR, hazardous impacts associated with ice buildup on roadways and public walkways adjacent to the Project would be reduced to a less-than-significant level.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The Town, acting as the lead agency, has determined that, while the private outdoor spaces at the Project site-adjacent Fireside Condominiums would be shaded by the proposed Project in excess of three hours during the winter months, shading impacts associated with the Project would be less than significant based on the fact that these small outdoor spaces associated with the condominium balconies are primarily used during the summer months and substantially less so during the winter. This is not intended to imply that these areas are never used in the winter, but simply to recognize that normal winter conditions in Mammoth Lakes typically restrict outdoor patio use and that, due to this usage pattern, the seasonal shading impacts are not considered to be significant. In Mammoth Lakes during winter (i.e., the ski season), the majority of outdoor recreational activities include snow skiing, snowshoeing, and snowmobiling, none of which occur at the land uses adjacent to the Project site. In addition, it is important to understand that it is not the proposed additional height of the Project or the reduced setback from 10 to eight feet at the property line between Site 1 and the Fireside Condominiums compared to current North Village Specific Plan limits that would create the shading impact. Due to the close proximity between Site 1 and the Fireside Condominiums, any development on Site 1 at the currently permitted height of 40 feet with a 10-foot setback would result in similar shading impacts to that which would be created by the proposed Project.

Additionally, in response to comments on the Draft EIR, a supplementary analysis was performed which determined that up to 13 existing trees ranging in height from 40 to 50 feet located along the property

boundary between the Project site and the Fireside Condominium property currently shade the Fireside Condominiums and associated private outdoor locations including the existing private walkway from 11 a.m. throughout the remainder of the day during the winter months.² As such, while shading from the Project would increase the amount of time snow and ice would take to melt from the private walkways; the development of the proposed Project would not substantially alter existing shade/shadow conditions experienced at the Fireside Condominiums.

Regarding potential safety impacts associated with snow melt, the Project Applicant would be required to submit a Snow Management Plan for approval by the Town and the Mammoth Lakes Fire Protection District once the Project reaches the Final Development Plan stage. This is discussed in more detail on page III-31, under subheading “Snow Management,” in Section III, Project Description, and page IV.L-22 under subheading “Impact PS-9 Snow Removal Services” in Section IV.L, Public Services, of the Draft EIR. The management of snow at the Project site would be the sole responsibility of Mammoth Crossing property owners or their designated representative association. Snow management would be addressed with each building to ensure that residents and visitors are provided safe and convenient access to and from lodging and within the public use areas throughout the winter season. Ground and roof level snow storage areas would be provided on each of the three Project sites. Snow management would be designed in accordance with Town Municipal Code Chapter 12.16 “Snow Removal” regulations. As noted above, the Fireside Condominium’s private walkways, patios and outdoor use areas currently experience shading from existing landscaping and buildings within the complex. Therefore, similar to the proposed Project, the Fireside Condominiums’ snow removal and ice hazard prevention on its private property is the responsibility of the property owner or its representative.

Regarding energy loss as a result of shading, the Fireside Condominiums were not sited for solar access and do not rely on solar panels or energy from the sun as a primary source of energy. As previously described, the Fireside Condominiums currently experience shading from existing landscaping and buildings within the complex. Therefore, limited shading during winter months would not constitute a significant loss of energy and no additional analysis is warranted.

Thus, in consideration of the above, the project would not significantly shade any shadow-sensitive land uses, create any health hazards, or cause substantial increases in energy use to the Town due to the loss of sunlight during winter months.

Topical Response 6: Water Services

Section IV.N, Utilities, on pages IV.N-12 through IV.N-40 of the Draft EIR, includes an analysis of the environmental impacts to water supply as a result of the development of the Mammoth Crossing Project.

² Site visit, tree and measurement count, and shade monitoring performed by CAJA staff, Scott Johnson, on November 5, 2008 and Town Staff, Peter Bernasconi, January 5, 2009.

As discussed under Impact UTIL-6, Water Supply, and Impact UTIL-8, Cumulative Water Supply, development of the Project as well as of the related projects would result in an increased demand for domestic water in the Town under both existing conditions and projected Town build-out.

As a result of the comments made on the Draft EIR and in order to be consistent with the Town of Mammoth Lakes' 2005 General Plan Update Final Program Environmental Impact Report, the water supply analysis has been revised. The revisions to the Draft EIR's water supply analysis are described in this Topical Response 6, Water Services, and are shown in Section III, Corrections and Additions to the Final EIR, of this Final EIR.

Water supply is an important component of any environmental review document. A careful analysis of the subject is necessary to determine whether sufficient water supplies would be available to serve a proposed project. Under *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (40 Cal. 4th 412), the California Supreme Court identified four general principles needed to ensure analytical adequacy under CEQA:

1. Decision-making bodies and the public must be presented with sufficient facts to evaluate the pros and cons of supplying the amount of water that the project will need;
2. The environmental analysis for a planned project must assume all phases of the project will eventually be built and will need water, and must analyze, to the extent reasonably possible, the impacts of providing water to the entire project;
3. The environmental analysis for a planned project must address the impacts of likely future water sources, and the discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability; and
4. Even if a full discussion leaves some uncertainty regarding actual availability of the anticipated future water sources, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies.

The ultimate question under CEQA is not whether the environmental analysis actually establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project. Therefore, even in the face of uncertainties regarding long-term land use and water planning, the environmental analysis will satisfy CEQA if it: acknowledges the degree of uncertainty involved; discusses the reasonably foreseeable alternatives, including alternative water sources; discusses the option of curtailing development if sufficient water is not available for later phases; discloses the

significant foreseeable environmental effects of each alternative; and identifies mitigation measures that minimize each adverse impact.³

The Mammoth Community Water District (“MCWD”) provides water services to the Town and portions of United States Forest Service (“USFS”) lands. As noted on page IV.N-12 of the Draft EIR, the amount of water available to the MCWD in any given year is linked to the precipitation (snowfall) received during the season of October through March as measured at Mammoth Pass. In the past thirty years, below average precipitation conditions have been experienced for 50 percent of those years. In 30 percent of the years, seasons with less than 70 percent of average precipitation have been experienced. Surface water availability is directly impacted by the amount of precipitation received in a season whereas impacts to groundwater sources are more gradual over a period of years. The greatest demand for water service occurs during the summer months when irrigation of residential landscaping takes place. October and November represent the lowest period of demand for service from the MCWD. The majority of the water demand on MCWD’s system comes from residential uses.

The MCWD has water entitlements from Mammoth Creek for domestic uses, storage rights in Lake Mary, and operates eight groundwater production wells within the MCWD service area. The Town receives domestic water from MCWD from two primary sources: 50 percent from local surface water supplied by snowmelt water diverted from the Mammoth Creek watershed and 50 percent from Mammoth Basin watershed groundwater pumped from wells within the Town’s boundaries.⁴ The MCWD monitors its surface and groundwater sources to ensure water supplies are not over-drafted. Surface water levels and flow rates are monitored at 12 locations throughout the Mammoth Basin watershed. Groundwater levels are monitored in the MCWD’s eight production wells, as well as 15 shallow and deep monitoring wells. Production from the eight wells varies considerably in response to drought conditions and cycling of customer water demand, but overall trends show increased production over time.⁵ The MCWD prepares an annual groundwater monitoring report that evaluates groundwater levels, surface flow and water quality. There is no claim or evidence the groundwater basin is being over drafted.⁶

Under California Water Code 10911, a public water system such as the MCWD is required to provide to the cities and/or counties they serve its plans for acquiring additional water supplies whenever its assessment indicates that existing supplies are, or will be, insufficient. As noted on pages IV.N-20 through 24 of the Draft EIR, since existing MCWD supplies are insufficient and result in a shortfall in

³ Bass, Ronald, J.D., AICP, Jones & Stokes, *The Impact Report, Addressing Water Supply in CEQA Documents: Coping with Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, Accessed by CAJA staff at http://www.jonesandstokes.com/index.php?option=com_docman&task=doc_download&gid=39 on March 2, 2009.

⁴ *Town of Mammoth Lakes 2005 General Plan Update Revised Draft Program Environmental Impact Report*, website: <http://www.ci.mammoth-lakes.ca.us/General%20Plan/DEIR.htm>, CAJA staff, March 4, 2006.

⁵ *MCWD Recycled Water Project Final EIR, certified, March 15, 2007.*

⁶ *Ibid.*

single dry years, MCWD has begun implementation of water conservation measures, use of recycled water, and development of new supplies. In comparing projected future water use data with current supply reliability data (which does not assume any additional supply beyond that which is available today), the third and fourth years of multiple dry years would result in a supply deficiency as the community nears projected build-out. A deficiency would also occur in an extreme single dry year condition. Deficiencies in an extreme single dry year would require restrictions on irrigation.⁷ As noted in the MCWD's Urban Water Management Plan (UWMP), a single dry year is considered an extreme condition and should not be the baseline for determining impacts to water supply. According to the UWMP, implementation of landscape conservation measures has historically resulted in a 25 to 35 percent reduction in water demand during such extreme conditions.⁸ It is understood precise details regarding water availability and water demand are dynamic and therefore subject to change overtime. Section 15151 of the *CEQA Guidelines* states the following regarding standards from which adequacy is judged:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Accordingly, the water supply analysis relies on the factual information available at the time of the preparation of the Draft EIR and subsequently, this Final EIR.

CEQA requires an analysis of consistency with plans and policies as part of the environmental setting (see State *CEQA Guidelines* Section 15125). The Project is currently governed by the land use policies and regulations set forth in the 2005 adopted *Groundwater Management Plan* ("GWMP") and the 2005 adopted *Mammoth Community Water District's Urban Water Management Plan* ("UWMP"). As discussed in Section IV.N, Utilities, of the Draft EIR, information and analysis contained within the 2005 GWMP is based on previously published reports, conclusions of recent research and MCWD's data compilations on hydrologic conditions, facility locations, and water production for the Mammoth Basin watershed.

The Town's 2007 General Plan has established policies to conserve and enhance the quality and quantity of Mammoth Lakes' water resources. The greatest demand for water service occurs during the summer

⁷ 2005 *Urban Water Management Plan*, page 18 and 19.

⁸ 2005 *Urban Water Management Plan*, page 25.

months when irrigation of residential landscaping takes place. As noted in Section IV.I, Land Use and Planning, of the Draft EIR, on page IV.I-30 in Table IV.I-2, Comparison of Project Characteristics to Applicable Policies in the General Plan, the Project would be consistent with water resources policies by adhering to the Town's adopted water-efficient landscape regulations and the MCWD's water conservation policies. In addition, General Plan policy R.4.A requires the Town to work with MCWD to ensure land use approvals are phased so the development of necessary water supply sources is established prior to development approvals. The Town has the ability to impose additional requirements or conditions of approval on a project, at the time of its approval, to bring a project into more complete conformance with existing policies.

Senate Bill ("SB") 610 and SB 221 amended State law in January 2002 to facilitate the exchange of water supply availability information during the planning processes of certain developments. SB 610, which requires water supply assessments ("WSAs") to be furnished to local governments for inclusion in the environmental documentation for certain projects, primarily relates to the California Water Code. SB 221 requires an affirmative written verification of sufficient water supply when a tentative map, parcel map or development agreement for a project is submitted to a land use agency for approval; or if such written verification is not received, then the local agency may make a finding, based on substantial evidence and after consideration of the written verification, additional water supplies not accounted for by the public water system are, or will be, available prior to completion of the subdivision.

SB 610 requires a WSA be prepared by the local water agency in conjunction with the preparation of the required CEQA document for proposed projects of a certain size. Section 10912(a) of the California Water Code defines seven types of projects which are subject to the mandates of SB 610, including: (1) residential subdivisions of 500 or more units; (2) a shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space; (3) a commercial office building employing more than 1,000 persons or having more than 250,00 square feet of floor space; (4) a hotel or motel having more than 500 rooms; (5) an industrial, manufacturing, or processing plant or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor space; (6) a mixed-use project including one or more of the referenced projects; and (7) a project demanding an amount of water equivalent to or greater than the water requirements of a 500 dwelling unit project. Additionally, a project is subject to the provisions of SB 610 if the project will be served by a public water system that has fewer than 5,000 connections and will account for an increase of 10 percent or more in the number of service connections. Section 15155 of the *CEQA Guidelines* establishes guidelines for city or county consultation with water agencies.

Because the proposed Project would include a total of 742 hotel rooms, the Project would be subject to the provisions of SB 610. Pursuant to SB 610, as noted on page IV.N-14, the Town formally requested a Water Supply Assessment ("WSA") for the Project on October 30, 2007. The MCWD released a WSA for the Project on March 25, 2008, herein referred to as "Project WSA." In both its Project WSA and in the WSA for the Town of Mammoth Lakes 2005 General Plan Update, MCWD relied solely on existing

water supplies as its basis for analysis and conclusions water supplies may be inadequate under certain conditions. Those WSA's also discount the availability of surface water, which the 2005 UWMP demonstrates has historically been available even in below normal precipitation years, although severe drought years have occurred where zero surface water diversions have been possible. However, such years are infrequent and rare and it is not reasonable to determine future water availability on infrequent extreme events and ignoring other actions currently being taken to help ensure water supply would be available even during those extreme situations. As stated previously, CEQA requires reasonably feasible analysis.) The Mammoth Crossing WSA also notes, with implementation of planned projects, including the recycled water project, pipeline replacement project, and conservation measures, adequate future supplies would be available. The Recycled Water Project is anticipated to be complete by the summer of 2010. The MCWD has been implementing an aggressive main water pipeline replacement program to replace old leaking water pipes since 2001. Over the past several years, an average of 10,000 feet of pipeline per year has been replaced. This project is budgeted for approximately \$950,000 each year for the next two years and then \$1,900,000 per year until 2015. During the summer of 2007, the Board of Directors implemented a revised set of water restrictions, which may be utilized during times of drought of water shortage. At build-out of the community under the 2005 General Plan, with the addition of increased demands from the Mammoth Crossing Project, the projected savings from implementation of the same water conservation measures amounts to about 500 acre-feet annually. Since the MCWD is currently working to implement those projects, and has shown significant progress towards their completion, and in light of the availability of a proportion of MCWD's total water supply entitlements in all but extremely rare circumstances, the Town concludes there is sufficient evidence there would be adequate supply available for the Project.

MCWD updated its 2005 UWMP to include proposed development associated with the 2005 General Plan Update. The Town adopted the revisions contained in the 2005 General Plan Update on August 15, 2007, including Policy L.1.A to limit overall population to 52,000 persons at one time ("PAOT"). While the Project WSA found the site-specific density proposed by the Project was only partially accounted for in the 2005 General Plan Update, and thus, the 2005 UWMP, the DEIR found the Project to be consistent with the General Plan's overall density. Hence, higher site-specific density is being proposed for the Project site through the proposed amendment to the *North Village Specific Plan* (and related amendment to the General Plan), the overall build-out would not exceed General Plan Land Use Policy L.1.A, which limits total peak population of permanent and seasonal residents and visitors to 52,000 PAOT. In May 2007, the Town certified the 2005 General Plan Update Final Program EIR (SCH #2003042155), which analyzed the environmental impacts of the update of the Town's General Plan.

To address the significant cumulative impact on water supply found in the General Plan Final EIR, the Town adopted a specific mitigation measure in its General Plan. Mitigation Measure 4.11-1 of the General Plan Update Final Program EIR states:

The Town shall not approve new development applications that would result in a new water demand in excess of available supplies as determined by the MCWD. The Town shall work with MCWD to ensure that land use approvals are phased so that the development of necessary water supply sources is established prior to respective development approvals. This shall be made a policy of the Updated General Plan.

The Town then found, with the implementation of Mitigation Measure 4.11-1, the cumulative impact on water supply would be mitigated to a less than significant level. The General Plan Update Final Program EIR states:

Implementation of the mitigation measures outlined above would reduce potential impacts associated with development of water supply sources sufficient to meet demands associated with the implementation of the Updated Plan. Mitigation Measure 4.11.1 would ensure that development does not occur without available water supply.

In reviewing the foregoing analysis and CEQA *Guidelines* Section 15064(h)(3), the Town has determined that the Project falls within a “previously approved plan or mitigation program” which will manage a cumulative problem within the geographic area where the Project is located. CEQA *Guidelines* Section 15064(h)(3) states:

A lead agency may determine that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located.

The General Plan Update Final Program EIR found, with implementation of Mitigation Measure 4.11.1, the allowable densities studied as part of the General Plan would have a less than significant cumulative impact on the Town’s water supply. Among the Statements of Overriding Consideration adopted by the Town in conjunction with the General Plan EIR was a determination, in addition to the mitigation measures adopted in the EIR, that the General Plan should include a lowered PAOT estimate of 52,000 which would further reduce cumulative water supply impacts associated with the Project. As noted on page IV.K-15, in Section IV.K, Population and Housing, of the Draft EIR, the Project is consistent with the General Plan’s overall density, and although higher site-specific density is proposed through the proposed amendment to the *North Village Specific Plan* (and related amendment to the General Plan), the overall build-out analyzed in the General Plan Final EIR (60,700 PAOT) would not be exceeded by those amendments, nor would General Plan Land Use Policy L.1.A, which limits total peak population of permanent and seasonal residents and visitors to 52,000 PAOT. In addition, the Town has determined the General Plan EIR adequately analyzed the cumulative water supply impacts of the allowable overall General Plan density, as defined by CEQA *Guidelines* Section 15152(f).

Therefore, the General Plan Final Program EIR has already found the Project's potential cumulative impact on water supply to be less than significant with implementation of Mitigation Measure 4.11-1, as established in the General Plan Final Program EIR. The Draft EIR's analysis of the cumulative impacts on water supply reached a conclusion inconsistent with the Final Program EIR that was certified by the Town for the General Plan. The Draft EIR can, and should rely upon this previous analysis for purposes of the Project's specific and cumulative water supply analysis.

Based on the above assessment, the Project's specific and cumulative water supply impacts have been accounted for in the General Plan Update Final Program EIR, which determined water supply impacts at Town build-out to be less than significant with implementation of mitigation. Accordingly, the significance finding for cumulative water supply for the Mammoth Crossing Project has been revised to "less than significant" and no mitigation measures are warranted. The text of the Draft EIR has been revised to be consistent with this assessment. These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment.

D. RESPONSES TO INDIVIDUAL COMMENT LETTERS

Response to Comment Letter A1

Great Basin Unified Air Pollution Control District (GBUAPCD) (Ono, Duane)

Comment A1-1

The Great Basin Unified Air Pollution Control District would like to submit comments on the Mammoth Crossing Project Draft Environmental Impact Report. All of the comments regard Section IV.C – Air Quality.

Response to Comment A1-1

This comment confirms that the Great Basin Unified Air Pollution Control District has reviewed the Draft EIR and introduces ensuing comments. No response is required.

Comment A1-2

1. At the bottom of page IV.C-4, it states, "Although the Air District is responsible for regional air quality planning efforts, it does not have the authority to directly regulate the air quality issues associated with plans and new development projects within the Air Basin."

The District does regulate development under the enclosed Secondary Source Rule 216-A. For details, also see the enclosed brochure of the program.

Subject to permitting would be:

- 742 condominium/hotel rooms,
- 69,150 square feet of hotel amenities and operations and general retail uses,
- 40,500 square feet of retail development, and
- 711 parking spaces plus 9 spaces for hotel guest check in.

Response to Comment A1-2

The commenter identifies the Great Basin Unified Air Pollution Control District does regulate development under the enclosed Secondary Source Rule 216-A and provides a copy of the regulation, which is listed below under Comment A1-4. The Project would comply with all applicable local, state federal regulations, which includes those of the Great Basin Unified Air Pollution Control District.

In response to this comment, the paragraph under the regional regulatory setting on page IV.C-4 of Section IV.C, Air Quality, of the Draft EIR, has been revised as follows:

Regional***Great Basin Unified Air Pollution Control District***

The Great Basin Unified Air Pollution Control District ("Air District") is the agency principally responsible for comprehensive air pollution control in the Great Basin Valley Air Basin ("Air Basin"). To that end, the Air District, a regional agency, works directly with county transportation commissions, and local governments, and cooperates actively with all State and federal government agencies. The Air District develops rules and regulations, establishes permitting requirements, inspects emissions sources, and provides regulatory enforcement through such measures as educational programs or fines, when necessary. ~~Although the Air District is responsible for regional air quality planning efforts, it does not have the authority to directly regulate the air quality issues associated with plans and new development projects within the Air Basin.~~

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A1-3

2. Table IV.C-2 on page IV.C-18 and Table IV.C-4 on page IV.C-20 each list the Federal ozone 8-hour standard as 0.08 ppm. It is actually 0.075 ppm (this should not be rounded up). In the same tables, the ".0"s should be dropped from the carbon monoxide standards.

Response to Comment A1-3

In response to this comment, Table IV.C-2, Ambient Air Quality Standards, on page IV.C-18 in Section IV.C, Air Quality, of this Draft EIR, has been revised to reflect the correct Federal ozone 8-hour standard of 0.075 ppm. In addition, the “.0”s have been removed from the carbon monoxide standards with the exception of the 8-hour State carbon monoxide standard, consistent with ambient air quality standards listed in CARB.⁹ In addition, the nitrogen dioxide standard has been corrected to 0.18 ppm.

Table IV.C-2
Ambient Air Quality Standards

<i>Air Pollutant</i>	<i>Averaging Time</i>	<i>State Standard</i>	<i>Federal Standard</i>
<i>Ozone</i>	<i>1 Hour</i>	<i>0.09 ppm</i>	—
	<i>8 Hour</i>	<i>0.07 ppm</i>	<i>0.0875 ppm</i>
<i>Carbon Monoxide</i>	<i>1 Hour</i>	<i>20.0 ppm</i>	<i>35.0 ppm</i>
	<i>8 Hour</i>	<i>9.0 ppm</i>	<i>9.0 ppm</i>
<i>Nitrogen Dioxide</i>	<i>1 Hour</i>	<i>0.18 ppm</i>	—
<i>Sulfur Dioxide</i>	<i>1 Hour</i>	<i>0.25 ppm</i>	—
	<i>24 Hour</i>	<i>0.04 ppm</i>	<i>0.14 ppm</i>
<i>PM₁₀</i>	<i>24 Hour</i>	<i>50 µg/m³</i>	<i>150 µg/m³</i>
<i>PM_{2.5}</i>	<i>24 Hour</i>	—	<i>35 µg/m³</i>
<i>Notes:</i> <i>ppm = parts per million by volume</i> <i>µg/m³ = micrograms per cubic meter</i> — = no standard exists for this category (1) The lead standard is not listed because of the phase-out of leaded gasoline. Atmospheric lead remains a toxic air contaminant, but unless there is reason to suspect lead in the source emissions there is no reason to analyze for it. <i>Source: California Air Resources Board, Ambient Air Quality Standards, website:</i> http://www.arb.ca.gov/research/aaqs/aaqs2.pdf, November 2, 2007.			

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A1-4

3. Table IV.C-3 on page IV.C-19 lists the 24-hour national PM_{2.5} standard as 65 µg/m³. It is actually 35 µg/m³.

⁹ California Air Resources Board, Ambient Air Quality Standards, website: <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>, November 2, 2007.

Response to Comment A1-4

The National PM_{2.5} standard was lowered from 65 µg/m³ to 35 µg/m³ in 2006. The former 24-hour National PM_{2.5} standard (65 µg/m³) was presented in Table IV.C-3, PM₁₀ and PM_{2.5} Concentrations in the Mammoth Lakes Region, to compare to measurements taken prior to the change to the updated value (35 µg/m³). However, to avoid confusion, Table IV.C-3, PM₁₀ and PM_{2.5} Concentrations in the Mammoth Lakes Region, has been revised to present the current PM_{2.5} standard (35 µg/m³) and the following text has been included as a footnote, “In 2006, the National PM_{2.5} standard was lowered from 65 µg/m³ to 35 µg/m³. Exceedances prior to this change were compared to the older standard, 65 µg/m³.” In response to this comment, Table IV.C-3, PM₁₀ and PM_{2.5} Concentrations in the Mammoth Lakes Region, on page IV.C-19 in Section IV.C, Air Quality, of this Draft EIR has been revised as follows:

Table IV.C-3
PM₁₀ and PM_{2.5} Concentrations in the Mammoth Lakes Region

	24-Hour Maximum Concentration		Annual Average Concentration		Days Above National/State Standard	
	PM _{2.5}	PM ₁₀	PM _{2.5}	PM ₁₀	PM _{2.5}	PM ₁₀
Regulatory Standards						
California	N/A	50	12	20	N/A	N/A
National	~~65~~ 35	150	15	50	N/A	N/A
Monitoring Data						
2003: Gateway Home Center	34	74	N/A	N/A	0	0/1
2004: Gateway Home Center	27	86	N/A	24.1	0	0/3
2005: Gateway Home Center	27	85	N/A	24.7	0	0/6
2006: Gateway Home Center	N/A	78	N/A	20.2	N/A	0/3
2007: Gateway Home Center	N/A	67	N/A	17.8	N/A	0/3
Notes: (1) All concentrations in µg/m ³ = micrograms per cubic meter (2) N/A = there was insufficient (or no) data available to determine the value (3) <u>In 2006, the National PM_{2.5} standard was lowered from 65 µg/m³ to 35 µg/m³. Exceedances prior to this change were compared to the older standard, 65 µg/m³.</u>						
Source: CARB, 2006.						

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A1-5**RULE 216-A. NEW SOURCE REVIEW REQUIREMENTS FOR DETERMINING IMPACT ON
AIR QUALITY SECONDARY SOURCES**

Adopted: 10/15/79 Revised: 07/07/05

A. GENERAL

1. A person shall not initiate, modify, construct or operate any secondary source which will cause the emission of any manmade air pollutant for which there is a state or national ambient air quality standard without first obtaining a permit from the Air Pollution Control Officer.
2. The Air Pollution Control Officer shall deny a permit for any new secondary source or modification which he determines will cause a violation or contribute to the continued violation of any state or national ambient air quality standard.

B. EXEMPTIONS

1. The Air Pollution Control Officer may exempt from the provisions of this rule any new secondary source or modification which includes:
 - a. Vehicular parking facilities without dust retardant agents and which have a parking capacity of less than 50 vehicles.
 - b. Unpaved roads having less than 100 vehicle trip-ends in any one hour period, or less than 300 vehicle trip-ends in an eight hour period per a 20 mile continuous road length.
 - c. Unpaved runways and airports having less than 60 operations per month.
 - d. [Deleted: 07/07/05]
 - e. Other secondary sources deemed by the Air Pollution Control Officer that emit insignificant amounts of air contaminants.

C. APPLICATIONS

1. Before granting or denying a permit for any new secondary source or modification, subject to the requirements of this rule, the Air Pollution Control Officer shall:
 - a. Require the applicant to submit information sufficient to describe the nature and amounts of emissions, location, design, construction, and operation of the secondary source; and to submit any additional information required by the Air Pollution Control Officer to make the analysis.
 - b. Require the applicant to submit the projected expansion plans for the secondary source for the ten-year period subsequent to the date of application for the permit.
 - c. Analyze the effect of the new secondary source or modification on air quality. Such analysis shall consider expected air contaminant emissions

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and air quality in the vicinity of the new secondary source or modification, within the Air Basin and within adjoining air basins at the time the secondary source or modification is proposed to commence operation.

- d. Make available for public inspection at the Air Pollution Control District office, the information submitted by the applicant, the Air Pollution Control Officer's analysis of the effect on air quality, and the preliminary decision to grant or deny the permit.
- e. Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required in subparagraph (d) of this paragraph. The notice shall provide 30 days, beginning on the date of publication, for the public to submit comments on the application.
- f. Forward copies of the notice required in sub-paragraph (e) of this paragraph to the U.S. Environmental Protection Agency, the California Air Resources Board, all counties within the air basin and all adjoining Air Pollution Control Districts in other air basins.
- g. Consider public comments submitted.

D. CONDITIONAL APPROVAL

The Air Pollution Control Officer shall impose conditions on the permit as he deems necessary to ensure the secondary source or modification will be operated in such a manner assumed in making the analysis required by this rule.

E. EFFECTIVE DATE

This rule shall become effective upon adoption. All new secondary sources or modifications pending on the date of adoption of this rule are subject to its provisions.

F. DEFINITIONS

1. "Secondary Source" includes any structure, building, facility, equipment, installation or operation (or aggregation thereof) which is located on one or more bordering properties within the District and which is owned, operated or under shared entitlement to use by the same person.
2. "Manmade air pollutant" means air pollution which results directly or indirectly from human activities.
3. "Modification" means any physical change in, change in method of, or addition to an existing secondary source, except that routine maintenance or repair shall not be considered to be a physical change.

G. SEVERABILITY

If any portion of this rule is found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule which shall continue to be in full force and effect.

Response to Comment A1-5

The attachment above is in reference to Comment A1-2 and no response is required.

RESPONSE TO COMMENT LETTER A2

State Clearinghouse and Planning Unit (Roberts, Terry)

Comment A2-1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on September 17, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Response to Comment A2-1

This comment informs the Lead Agency that no state agencies had submitted comments by the end of the public review period and confirms that the Lead Agency has complied with the review requirements of the State Clearinghouse pursuant to CEQA. No response is required.

Comment A2-2

**Document Details Report
State Clearinghouse Data Base**

SCH#	2007112002		
Project Title	Mammoth Crossing Project		
Lead Agency	Mammoth Lakes, City of		
Type	EIR	Draft EIR	
Description	The Project proposes redevelopment of three of the four corners that comprise the Main Street-Lake Mary Road/Minaret Road intersection with a combination of resort accommodations, retail uses, and public spaces. The Project is located within the North Village Specific Plan Area, and includes a series of amendments to the North Village Specific Plan ("Specific Plan"), amendments to the Town of Mammoth Lakes' General Plan, Use Permit (including Design Review), and a Tentative Tract Map. Proposed development at Site 1-3 would involve multiple buildings ranging in height from one to approximately seven stories. The Project's fourth site proposes no new development as part of this Project.		
Lead Agency Contact			
Name	Sandra Moberly		
Agency	Town of Mammoth Lakes Community Development Department		
Phone	(760) 934-8608	Fax	
email			
Address	P.O. Box 1609		
City	Mammoth Lakes	State	CA Zip 93546
Project Location			
County	Mono		
City	Mammoth Lakes		
Region			
Lat / Long	37° 38' 54" N / 118° 58' 59" W		
Cross Streets	Main Street, Lake Mary Road, Minaret Road, Canyon Boulevard, Joaquin Road		
Parcel No.			
Township	3S	Range 27E	Section 34 Base MDB&M
Proximity to:			
Highways	203		
Airports			
Railways			
Waterways	Mammoth Creek/Hot Creek		
Schools			
Land Use	Commercial / Specialty Lodging (SL) or Resort General (RG) / North Village Specific Plan or Resort (R)		
Project Issues	Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Economics/Jobs; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects		
Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Game, Region 6 (Inyo & Mono Region); Cal Fire; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 9; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 6 (Victorville); Department of Toxic Substances Control; Native American Heritage Commission		
Date Received	08/01/2008	Start of Review	08/01/2008 End of Review 09/17/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Comment A2-2

This comment is an attachment to the above letter. No response is required.

RESPONSE TO COMMENT LETTER A3

Mammoth Lakes Fire Protection District (Heller, Thomas A.)

Comment A3-1

Thank you for the opportunity to comment on the draft document. The Fire District has the following comments on this project.

Project: The project consists of construction of up to 742 condominium/hotel rooms, up to 69,150 square feet of hotel amenities, operations, and general retail uses, 40,500 square feet of retail development, and 711 parking spaces and nine for hotel guest check-in. Workforce housing, totaling 45,991 square feet, would be required to be provided, some of which will be provided off site. The project will result in an increase of 139 permanent residents and a seasonal/visitor population increase of 1,388 persons when all facilities are constructed and filled.

Response to Comment A3-1

This comment confirms that the Mammoth Lakes Fire Protection District has reviewed the Draft EIR and introduces ensuing comments. Additionally, this comment correctly reiterates general information on the proposed Project. No response is required.

Comment A3-2

Page 1-5, Impact AES-5 Shading/Shadows: Makes reference to the policies and regulations of the General Plan, Planning Code, or Uniform Building Code.... The Uniform Building Code has been replaced by the 2007 California Amended International Codes for all of the construction trades and for fire related issues.

Response to Comment A3-2

This comment addresses a reference made in regards to the Uniform Building Code (“UBC”) on page I-5 in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, under the heading “Impact AES-5 Shading/Shadows”, in Section I, Introduction and Summary, of this Draft EIR.

According to the commenter, the UBC has been replaced by the 2007 California Amended International Codes. However, while the 2000 International Building Code (“IBC”) is the successor of the 1997 UBC, the IBC does not form the basis of the California Building Code (“CBC”); a model code, such as the UBC or IBC, is not directly adopted by local jurisdictions in California. The CBC applies to all occupancies throughout the State of California; however, city, county, or city and county may establish more restrictive building standards reasonably necessary because of local climatic, geological, or topographic

conditions. The 2007 CBC, based on the 2006 IBC, replaces the 2001 CBC, which was based on the 1997 UBC.¹⁰

In response to this comment, all sections of the Draft EIR which erroneously referenced the UBC have been revised to reference the 2007 CBC as follows:

Section I (Introduction and Summary)

First paragraph of “Impact AES-5 Shading/Shadows” included in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-5:

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
AESTHETICS (AES)		
Impact AES-5 Shading/Shadows	Mitigation Measure AES-5 Shading/Shadows	
A significant shade/shadow impact could occur if shadow-sensitive uses would be shaded by Project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October). A significant impact could also occur if the Project required an exception (variance) to the policies and regulations in the General Plan, Planning Code, or ~~Uniform Building Code~~ 2007 California Building Code (“CBC”), and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and ~~Uniform Building Code~~ CBC addressing the provision of adequate light related to appropriate uses. In addition, the shading of roadways for extended periods of time could lead to hazardous roadway conditions such as black ice. Winter Solstice The Project’s winter solstice shadows would cast onto a portion of the adjacent residential land use north of Project Site 1 in the morning and throughout the afternoon. Winter solstice shadows would cast onto portions of Lake Mary Road, Main Street and Minaret Street for more than three hours.	The Project Applicant shall implement a snow plowing and cindering plan during the three worst-case shadow months of the year at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week. The Community Development Director shall review the methodology and effectiveness of the plan during its implementation. If it is determined by the Town that the plan does not adequately reduce hazards resulting from shadows (i.e. black ice), the Town shall require the Project Applicant to install heat traced pavement at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week.	Less Than Significant

¹⁰ Ghosh, S. K., Ph.D., FPCI, “2007 California Building Code,” PCI Journal (July – August 2007), pp. 94 – 97.

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
Shading of these roadways for extended periods of time could lead to hazardous roadway conditions such as black ice.		

Second paragraph of "Impact GEO-2 Strong Seismic Ground Shaking" included in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-13:

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
GEOLOGY AND SOILS (GEO)		
Impact GEO-2 Strong Seismic Ground Shaking	Mitigation Measure GEO-2 Strong Seismic Ground Shaking	
The California Division of Mines and Geology (CDMG) has included the Town within Seismic Zone III in the Urban Geology Master Plan with an expected modified Mercalli Rating of "IX" or "X" at maximum earthquake intensities. [The "IX" Mercalli rating indicates that heavy damage to unreinforced structures would result and some structures would collapse. The "X" rating indicates that masonry structures would be destroyed, some well built wooden structures would be destroyed, and public facilities would be damaged.] The Project site is located in a Seismic Zone 4 based on ~~1997 Uniform Building Code (UBC)~~ and ~~2001~~2007 California Building Code ("CBC"). Chapter 15 of the Town Municipal Code requires that all structures within the boundaries of the Town shall be designed to the requirements of Seismic Zone 4 as defined in ~~UBC/CBC~~. Conformance with current ~~UBC/CBC~~ requirements, as well as the Town's seismic design requirements would most likely reduce the potential for structures on the Project site to sustain damage during an earthquake event. However, Project impacts related to ground shaking would still be considered significant.	Mitigation Measure GEO-2a Prior to issuance of building permits and grading activities, a design level geotechnical report shall be prepared for each of the Project's three development sites and all recommendations in the report shall be adhered to. The design-level geotechnical report shall include foundation design criteria as well as earthwork and grading recommendations. Mitigation Measure GEO-2b Implement all recommendations contained within these site-specific geotechnical reports, including those pertaining to site preparation, excavation, fill placement and compaction; foundations; concrete slabs-on-grade; pavement design; lateral earth pressures and resistance; and surface drainage control. Mitigation Measure GEO-2c The final grading, drainage, and foundation plans and specifications shall be prepared and/or reviewed and approved by a Registered Geotechnical Engineer and Registered Engineering Geologist. In addition, upon completion of construction activities, the Project Applicant shall provide a final statement indicating whether the work was performed in accordance with Project plans and specifications and with the recommendations of the Registered Geotechnical Engineer and Registered Engineering Geologist.	Less Than Significant

Section IV.B (Aesthetics)

Second bullet point on page IV.B-15:

- *Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or ~~Uniform Building Code~~ 2007 California Building Code (“CBC”), and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and ~~Uniform Building Code~~ CBC addressing the provision of adequate light related to appropriate uses.*

First paragraph under “Impact AES-5 Shading/Shadows” on page IV.B-53:

A significant shade/shadow impact could occur if shadow-sensitive uses would be shaded by Project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October). In addition, a significant impact could occur if the Project required an exception (variance) to the policies and regulations in the General Plan, Planning Code, or ~~Uniform Building Code~~ 2007 California Building Code (“CBC”), and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and ~~Uniform Building Code~~ CBC addressing the provision of adequate light related to appropriate uses. In addition, the shading of roadways for extended periods of time could lead to hazardous roadway conditions such as black ice.

Section IV.C (Air Quality)

Page IV.C-40, within Table IV.C-14, Project Compliance with 2006 CAT Report Greenhouse Gas Emission Reduction Strategies, under subheading “Department of Water Resources”:

Table IV.C-14
Project Compliance with 2006 CAT Report Greenhouse Gas Emission Reduction Strategies

STRATEGY	PROJECT COMPLIANCE
Department of Water Resources	
Water Use Efficiency. Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.	Consistent. The Project does not include any major source of water consumption. However, the Project would be required to adhere to the ~~Uniform Building Code (UBC)~~ 2007 California Building Code (“CBC”) which requires the installation of low flow water devices in new commercial development. In addition, the Project would include landscaping that is consistent with Town Municipal Code Chapter 15.36 “Water-Efficient Landscape” regulations.

Section IV.F (Geology and Soils)

Second and third paragraphs under “Impact GEO-2 Strong Seismic Ground Shaking” on page IV.F-13:

The Project site is located in a Seismic Zone 4 based on ~~1997 Uniform Building Code (“UBC”)~~ and ~~2001~~2007 California Building Code (“CBC”). Chapter 15 of the Town Municipal Code requires that all structures within the boundaries of the Town shall be designed to the requirements of Seismic Zone 4 as defined in ~~UBC/CBC~~. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the ~~UBC and the CBC as well~~. The ~~UBC/CBC~~ identifies seismic factors that must be considered in structural design. One-third of the design snow load shall be added to the deadload for seismic design. In addition, a building permit is required for retaining walls exceeding four feet in height or retaining walls supporting any surcharge or special loads. Such walls are to be designed by a professional engineer licensed in the state.¹¹

*The State earthquake protection law (California Health and Safety Code 19100 et seq.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. While there are no absolute guarantees when considering acts of nature such as earthquakes, the building requirements previously discussed have been designed to reduce the likelihood of damage as a result of ground shaking. Conformance with current ~~UBC/CBC~~ requirements, as well as the Town’s seismic design requirements would most likely reduce the potential for structures on the Project site to sustain damage during an earthquake event. However, Project impacts related to ground shaking would still be considered **significant**. Compliance with the following mitigation measures is required to reduce the impacts resulting from strong ground shaking to a less-than-significant level.*

Section IV.I (Land Use and Planning)

Policy 5 on page IV.I-36 in Table IV.I-3, Consistency with Specific Plan Applicable Land Use Policies, under subheading “Overall Land Use Policies”:

Table IV.I-3
Consistency with Specific Plan Applicable Land Use Policies

Policy		Consistency Analysis
Overall Land Use Policies		
5	<i>All development projects shall adhere to proper construction procedures concerning grading and revegetation.</i>	Consistent. <i>The Project site is located in a Seismic Zone 4 based on ~~1997 Uniform Building Code (“UBC”)~~ and ~~2001~~2007 California Building Code (“CBC”). Chapter 15 of the Town Municipal Code requires that all structures within the boundaries of the</i>

¹¹ Town of Mammoth Lakes 2005 General Plan Update Final Program Environmental Impact Report, May 2007.

Table IV.I-3
Consistency with Specific Plan Applicable Land Use Policies

Policy	Consistency Analysis
	Town shall be designed to the requirements of Seismic Zone 4 as defined in ~~UBC/CBC~~. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the ~~UBC~~ and the ~~CBC~~ as well. The ~~UBC/CBC~~ identifies seismic factors that must be considered in structural design. The Project would comply with Town Municipal Code Chapter 17.16.050 "Grading and Clearing" which requires the preservation of existing trees and vegetation. In addition, the Project Applicant would submit a Vegetative Hazard Management Plan ("VHMP") for approval by the Mammoth Lakes Fire Protection District.

Policy 2 on page IV.I-42 in Table IV.I-3, Consistency with Specific Plan Applicable Land Use Policies, under subheading "Safety Policies":

Table IV.I-3
Consistency with Specific Plan Applicable Land Use Policies

Policy	Consistency Analysis
Safety Policies	
2 Construct all buildings to minimize potential damage from earthquakes	Consistent. The Project site is located in a Seismic Zone 4 based on ~~1997 Uniform Building Code ("UBC") and 2001~~ 2007 California Building Code ("CBC"). Chapter 15 of the Town Municipal Code requires that all structures within the boundaries of the Town shall be designed to the requirements of Seismic Zone 4 as defined in ~~UBC/CBC~~. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the ~~UBC~~ and the ~~CBC~~ as well. The ~~UBC/CBC~~ identifies seismic factors that must be considered in structural design. See response to General Plan Policy S.3.I.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A3-3

The mitigation measure for this impact needs to be addressed in the air quality evaluation pertaining to cumulative PM₁₀ emissions. Additional drainage features may also need to be incorporated into the road design.

Response to Comment A3-3

This comment addresses Mitigation Measure AES-5 Shading/Shadows on page I-5 in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, under the heading “Impact AES-5 Shading/Shadows”, in Section I, Introduction and Summary, of this Draft EIR. Mitigation Measure AES-5 requires the implementation of a snow plowing and cindering plan for portions of pedestrian or vehicular travel-ways that receive less than two hours of mid-day sun for more than a week.

It is the commenter’s request that the implementation of this mitigation measure be included in the cumulative PM₁₀ emissions air quality analysis portion of the Draft EIR. As noted on page IV.C-31, of Section IV.C, Air Quality, of the Draft EIR, the impacts of PM₁₀ emissions as a result of Project operations were evaluated based on the Project’s compliance with the Town of Mammoth Lakes’ AQMP. The AQMP identifies exceedances of the PM₁₀ standard that occur predominantly in the winter due to increased emissions from wood stoves, fire places, and traffic related road dust and cinders used for de-icing roads. The significance determination for cumulative impacts from PM₁₀ emissions is based on the significance determination of the Project-specific emissions associated with operation, which was determined to be less than significant. The snow plowing and cindering plan implemented under Mitigation Measure AES-5 Shading/Shadows would be restricted to the Lake Mary Road-Main Street/Minaret Road intersection and as such would not create a significant increase to PM₁₀ emissions and therefore would not impact the significance determination and does not need to be discussed further.

In addition, the commenter suggests that additional drainage features may also need to be incorporated in the road design as a result of additional development on Project Site 1. As noted in Section IV.H, Hydrology and Water Quality, of the Draft EIR, Triad/Holmes Associates prepared a Preliminary Drainage Study for the Project. The commenter is referred to page IV.H-16 and -17 for a discussion on drainage patterns as a result of the Project. After construction of the Project, proposed conditions would be similar to existing conditions. Runoff would be conveyed through the sites to existing and proposed drainage facilities and then allowed to continue downslope under as close to historic conditions as practicable. The Project would have no significant impact on the immediate neighboring properties with respect to stormwater runoff.

The commenter’s suggestion for additional drainage features may also need to be incorporated into the road design is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A3-4

Page 1-13, Impact GEO-2 Strong Seismic Ground Shaking: Makes reference to the UBC/CBC.... The Uniform Building Code has been replaced by the 2007 California Amended International Codes.

Response to Comment A3-4

This comment refers to Impact GEO-2 Strong Seismic Ground Shaking on page I-13 in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, under the heading “Geology and Soils (GEO)”, in Section I, Introduction and Summary, of this Draft EIR. See Response to Comment A3-2.

Comment A3-5

Page 1-15, HAZ-1 Upset and Accidental Release of Hazardous Materials: Mitigation Measures need to include obtaining a permit from the Fire District and following all local policies and procedural requirements.

Response to Comment A3-5

This comment refers to Impact HAZ-1 Upset and Accidental Release of Hazardous Materials on page I-15 in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, under the heading “Hazards and Hazardous Materials (HAZ)”, in Section I, Introduction and Summary, of this Draft EIR. It is unclear what the commenter is suggesting the Project Applicant acquire a permit for from the Mammoth Lakes Fire Protection District (MLFPD). As discussed in Section IV.G, Hazards and Hazardous Materials, in the Draft EIR, the MLFPD is the first responder to spills or accidental releases of hazardous materials and is responsible for assisting with implementation of the Hazardous Materials Release Response Plan Program as part of the Mono County Certified Unified Program Agency (CUPA). In addition, the Project would be required to comply with all applicable local, state, and federal regulations, policies and procedures associated with hazardous materials, which would include acquiring all appropriate permits from the MLFPD. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A3-6

Page III-5, Site 1 Location: The existing Whiskey Creek Restaurant is non-conforming, non-compliant for exiting issues. In order for the existing structure to continue to be used for its current use, modifications will be required to bring the exits/exit corridors up to current code.

Response to Comment A3-6

This comment expresses an opinion about the existing condition of the Whiskey Creek Restaurant and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded

to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A3-7

Figure III-3 and III-6, Site 1 and 2 Development Area Diagrams: While the Fire District questions the safety issue surrounding the proposed 45 degree parking on the Lake Mary Road, we have been assured that this style of parking will not be attempted at this location until it can be proven to work in more conducive locations in town.

Response to Comment A3-7

This comment is in reference to the 45 degree parking illustrated on Figure III-3, Site 1 Development Area, and Figure III-6, Site 2 Development Area, of Section III, Project Description, of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A3-8

Page III-24, Site 3 Access and Parking: This project will be responsible for the construction of the western section of the 7B Road, to beyond the eastern entrance into the building, unless previously constructed by either the Site 4 Project or by Sierra Star. The Fire District shall require a compliant turn-around at the eastern most part of the shortened version of the 7B Road.

Response to Comment A3-8

This comment correctly identifies that the Project is responsible for the construction of the Site 3 driveway off of Minaret Road which will connect to the future 7B Road to be developed as part of separate proposed projects as described on page III-24 of Section III, Project Description, of this Draft EIR. The Project would be required to comply with all applicable local, state, and federal regulations including acquiring roadway design approval from the Mammoth Lakes Fire Protection District. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A3-9

Page III-31, Emergency Vehicle Access and Staging Areas: Site 1 has three standpipe hook-up locations, not two. Site 2 has five locations, not four. The Fire District reserves the right to add an additional fire lane on the western end of the Site 2 Project if the need arises, to be located south of the hotel and in the vicinity of the southern property line.

Response to Comment A3-9

As previously discussed the Project would be required to comply with all applicable local, state and federal regulations including acquiring roadway design approval from the Mammoth Lakes Fire Protection District. See Topical Response 2, Project Description.

In response to this comment, the discussion under subheading “Emergency Vehicle Access and Staging Areas” on page III-30 of Section III, Project Description, has been revised in the Draft EIR as follows:

Emergency vehicle parking would be provided internally at an accessible location within each site. Figure III-16 illustrates the Project’s emergency vehicle staging areas and standpipe systems¹² located within each site. Site 1 would have four emergency vehicle staging areas and ~~two~~three standpipe system locations. Site 2 would have six emergency vehicle staging areas and ~~four~~five standpipe system locations. Site 3 would have ~~five~~six emergency vehicle staging areas and four standpipe system locations.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A3-10

Page -31, Snow Management: Cornice development on the roofs appears to be a localized concern that design may be able to minimize.

Response to Comment A3-10

This comment is in reference to subheading “Snow Management” on page III-31 of Section III, Project Description, of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the

¹² *A standpipe system is an arrangement of piping, valves, hose connections and allied equipment installed in a building or structure with the hose connections located in such a manner that water can be discharged in streams or spray patterns through attached hose and nozzles.*

record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Topical Response 2, Project Description.

Comment A3-11

Page IV.B-55, Mitigation Measure AES-5 Shading/Shadows: Uniform Building Code reference stated again...replace with 2007 California Amended International Code.

Response to Comment A3-11

This comment is in regards to the incorrect reference made to the Uniform Building Code on page IV.B-55 in Section IV.B, Aesthetics, of the Draft EIR. This comment has been previously addressed. See Response to Comment A3-2.

Comment A3-12

The mitigation measure for this impact needs to be addressed in the air quality evaluation pertaining to cumulative PM₁₀ emissions.

Response to Comment A3-12

This comment is in reference to Mitigation Measure AES-5 Shading/Shadows, which the commenter states should be included in the cumulative PM₁₀ emissions discussion in Section IV.C, Air Quality, of the Draft EIR. This comment has been previously addressed. See Response to Comment A3-3.

Comment A3-13

The Fire District would suggest that the number of accidents/incidents that occur in the vicinity of the shadowing at this major intersection be incorporated into the decision making process, along with changing the Public Works Director, not the Community Development Director, as the person making the decision.

Response to Comment A3-13

The commenter is referring to Mitigation Measure AES-5 Shading/Shadows identified on page I-5 in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, of the Draft EIR. The commenter expresses a request to incorporate the number of accidents/incidents that occur in the vicinity of the roadways which receive less than two hours of mid-day sun for more than a week as part of the decision making process and requests that the Public Works Director review this methodology rather than the currently identified Community Development Director.

In response to this comment, Mitigation Measure AES-5 Shading/Shadows on page I-5 in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, and as identified on page IV.B-54 (continued on page IV.B-55) in Section IV.B, Aesthetics, of the Draft EIR has been revised as follows:

Page I-5 of Section I (Introduction and Summary):

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
AESTHETICS (AES)		
Impact AES-5 Shading/Shadows	Mitigation Measure AES-5 Shading/Shadows	
A significant shade/shadow impact could occur if shadow-sensitive uses would be shaded by Project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October). A significant impact could also occur if the Project required an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses. In addition, the shading of roadways for extended periods of time could lead to hazardous roadway conditions such as black ice. <i>Winter Solstice</i> The Project's winter solstice shadows would cast onto a portion of the adjacent residential land use north of Project Site 1 in the morning and throughout the afternoon. Winter solstice shadows would cast onto portions of Lake Mary Road, Main Street and Minaret Street for more than three hours. Shading of these roadways for extended periods of time could lead to hazardous roadway conditions such as black ice.	The Project Applicant shall implement a snow plowing and cindering plan during the three worst-case shadow months of the year at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week. The ~~Community Development~~ <u>Public Works</u> Director shall review the methodology and effectiveness of the plan during its implementation. <u>The number of accidents/incidents that occur in the vicinity of the shadowing at the Minaret Road/Lake Mary Road – Main Street intersection shall be considered as part of the review.</u> If it is determined by the Town that the plan does not adequately reduce hazards resulting from shadows (i.e., black ice), the Town shall require the Project Applicant to install heat traced pavement at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week.	Less Than Significant

Page IV.B-54 of Section IV.B (Aesthetics):

Mitigation Measure AES-5 Shading/Shadows

The Project Applicant shall implement a snow plowing and cindering plan during the three worst-case shadow months of the year at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week. The ~~Community Development~~ Public Works Director shall review the methodology and effectiveness of the plan during its implementation. The number of accidents/incidents that occur in the vicinity of the shadowing at the Minaret Road/Lake Mary Road-Main Street intersection shall be considered as part of the review. If it is determined by the Town that the plan does not adequately reduce hazards resulting from shadows (i.e., black ice), the Town shall require the Project Applicant to install heat traced pavement at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A3-14

An evaluation is needed for any drainage requirements associated with the movement of water off the road surface (in the form of slotted drains) and into the storm drain system as a result of melting snow and before the water has a chance to turn to black ice on the road surface.

Response to Comment A3-14

The *Mammoth Crossing, Mammoth Lakes, California, Preliminary Drainage Study, December 2007* prepared by Triad/Holmes Associates, was prepared for the Project and is included as Appendix D, Biology Data, in the Draft EIR. As identified in Section IV.H, Hydrology and Water Quality, of the Draft EIR on page IV.H-13, Sites 1, 2, and 3 of the Project are developed and redevelopment of the proposed Project area would require grading, but no major modification of existing drainage paths. Proposed drainage conditions would be very similar to existing conditions.

Mitigation Measure AES-5 Shading/Shadows on page I-5 in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, and as identified on page IV.B-54 and IV.B-55 in Section IV.B, Aesthetics, of the Draft EIR is required to reduce the significant impacts associated with black ice as a result of development of the Project.

The commenter is referred to Topical Response 2, Project Description, which identifies that during approval of the Use Permit; the Town would review all Project plans for consistency with applicable

regulations. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Response to Comment A3-13.

Comment A3-15

Page IV.B-64, Impact AES-6, Temporary Construction: Include the Fire Department as one of the agencies that the Construction Safety Lighting Plan is submitted/reviewed by.

Response to Comment A3-15

In response to this comment, the seventh paragraph under Impact AES-6 Temporary Construction has been revised on page IV.B-63 of Section IV.B, Aesthetics, in the Draft EIR as follows:

Short-term light and glare impacts associated with construction activities would likely be limited to nighttime lighting (for security purposes) in the evening hours. In accordance with Chapter 15.08.020 (hours of working) in the Town's Municipal Code, operations permitted under a building permit would be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Saturday. Work hours on Sundays and Town recognized holidays would be limited to the hours between 9:00 a.m. and 5:00 p.m. and permitted only with the approval of the building official or designee. All construction-related lighting would be located and aimed away from adjacent residential areas and would consist of the minimal wattage necessary to provide safety at the construction site. A Construction Safety Lighting Plan would also be submitted to the Town and the Mammoth Lakes Fire Protection District (MLFPD) for review concurrent with Grading Permit application. Residential uses adjacent to the site may be impacted as a result of nighttime security lighting used during construction activities; however, construction activities would cease after 8:00 p.m.

This change has been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revision does not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A3-16

Page IV.L-8, Staffing: MLFPD now employees 11 fulltime staff.

Response to Comment A3-16

In response to this comment, Table IV.L-2, Fire Stations that Serve the Project Area, on page IV.L-7 and on page IV.L-8 under subheading "Staffing" of the Fire Protection Services subsection of Section IV.L, Public Services, have been revised in the Draft EIR as follows:

Table IV.L-2

Fire Stations that Serve the Project Area

Fire Station	Location	Equipment⁽¹⁾	Staff	Approximate Distance from Project Site
MLFPD Station One	3150 Main St Mammoth Lakes, CA 93546	2 Engines 1 Ladder Truck 1 Ambulance 1 Water Tender	1 Fire Chief ~~5~~ 10 Full-Time Firefighters 22 Volunteer Firefighters ⁽²⁾ 2 Mono County Paramedics	.75 miles
MLFPD Station Two	1574 Old Mammoth Rd Mammoth Lakes, CA 93546	2 Engines	21 Volunteer Firefighters ⁽²⁾	1.25 mile
Notes: (1) Two utility vehicles vary depending on needs, and four staff vehicles are assigned to staff personnel. (2) The combined stations staff 43 volunteer personnel (paid per call); approximately half are assigned to each station. Source: Fire Marshal Thom Heller, MLFPD, electronic mail correspondence, November 11, 2007 and Jen Daugherty, Assistant Planner, Town of Mammoth Lakes.				

Staffing

Staffing for the MLFPD includes 43 volunteer personnel (paid per call) and ~~six~~eleven full-time employees, including the Chief (see Table IV.L-2). In addition, two Mono County Paramedics are based at Station Number One. Approximately half of the department members are assigned to each station. The District's offices are located at Fire Station One on Main Street. The current ratio of fire fighters per population varies due to the Town's large fluctuations in resident populations and visitation levels. The MLFPD has ~~4954~~ firefighters for 7,500 permanent residents or a ratio of ~~1:1531~~:139. At current maximum occupancy (permanent residents plus visitors), MLFPD has ~~4954~~ firefighters for 41,000 population or a ratio of ~~1:8371~~:759. ~~The MLFPD will be staffing a fulltime shift by the beginning of 2008. This will involve the addition of at least four fulltime employees.~~¹³

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

¹³ ~~Fire Marshal Thom Heller, Mammoth Lakes Fire Protection District, electronic mail correspondence CAA staff, November 11, 2007.~~

Comment A3-17**Page IV.M-15/27, Tables IV.M-4/8, Cumulative/Plus Project Typical Winter Saturday Intersection**

LOS: With the traffic situation described, the Fire District has a concern about how our response will be able to reach the location of the incident within the four to six minute time period identified on Page IV.L-8. This is especially true of additional resources that need to travel first to a station from their homes prior to responding on the equipment. The tables highlight that three intersections far exceed the threshold of concern identified in the General Plan for traffic delays (Post Office/Main Street intersection, Center Street/Main Street, Forest Trail/Minaret Road) on the typical winter Saturday, while one other intersection (Mountain Blvd/Main Street) fails to meet the threshold, but not by as much. With the suggested mitigation, all of the intersections are improved except for the Mountain Blvd/Main Street, but there is no mention as to when the mitigation is to be implemented. If no other project has begun the implementation of the required mitigation measure(s), then it needs to be stated that this project will follow through on the implementation/completion of all required measures necessary to develop the lowered LOS.

Response to Comment A3-17

The comment expresses concerns regarding response times in accordance with the response time goal of the MLFPD, as noted on page IV.L-8 in Section IV.L, Public Services, of the Draft EIR. The comment does not distinguish whether the concerns are regarding response times to the Project site or within the Town as a whole. The direct Project impacts (existing plus Project) on intersection LOS are described in Section IV.M, Traffic and Circulation, on page IV-M.23 of the Draft EIR, in Table IV.M-7, Existing Plus Project Typical Winter Saturday LOS. As noted in Table IV.M-7, the only deficiency is the USPO/Main Street intersection, for which the Town is proceeding with a traffic signal installation at this time per the Town's Capital Improvement Plan ("CIP"). The existing plus Project conditions at this intersection would be LOS F without the improvement and LOS C with the improvement.

The other improvement (Main Street/Center Street), required with all cumulative projects and the Mammoth Crossing Project, is funded by Developer Impact Fees ("DIFs") and the timing of implementation is determined by the Town. The roundabout at the Minaret Road/Forest Trail intersection is a required mitigation of Intrawest South Hotel. There is no schedule for this improvement at this time.

Depending on the existing conditions, as each phase of the Project proceeds toward development, an updated traffic analysis can be prepared at the request of the Town to determine phasing these off-site improvements required by other developments.

It should be noted that the Town's DIF program meets the fully enforceable CEQA requirements for specific improvements. The DIF program was adopted by Resolution # 08-70 and Ordinance # 08-02. The DIF program was updated by council on September 17, 2008.

Comment A3-18

If the town is contemplating an alternative route to the Minaret/Highway 203/Lake Mary Road intersection, this project should be a significant participant in funding/achieving that goal.

Response to Comment A3-18

This comment expresses an opinion regarding funding for an alternative route to the Minaret Road/Highway 203/Lake Mary Road intersection, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Although the concept of an alternative route to the Minaret/Highway 203/Lake Mary Road intersection has been discussed in the past, such a route has not been approved or adopted by the Town at this time. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A3-19

Thank you for the opportunity to comment on the draft plan. If you have any questions or require any additional information, please feel free to contact me at your convenience.

Response to Comment A3-19

This comment contains closing language for this comment letter. No response is required.

RESPONSE TO COMMENT LETTER A4

Department of Transportation, District 9 (Rosander, Gayle J.)

Comment A4-1

Thank you for giving the California Department of Transportation (Caltrans) the opportunity to review the DEIR for the Mammoth Crossing Project (Crossing) located at the southeast, southwest and northwest corners of the State Route 203 (Main Street)/Minaret Road/Lake Mary Road intersection. We appreciate the previous interaction that we have had with Town staff and project proponents. We have the following comments:

Response to Comment A4-1

This comment confirms that Caltrans has reviewed the Draft EIR. No response is required.

Comment A4-2

- In addition to the Town and the Mammoth Lakes Fire Protection District, please include Caltrans in the Snow Management Plan cited on page III-31.

Response to Comment A4-2

In response to this comment, the discussion under subheading “Snow Management” on page III-31 of Section III, Project Description, of the Draft EIR has been revised as follows:

Snow Management

Snow management would be addressed with each building to ensure that residents and visitors are provided safe and convenient access to and from lodging and within the public use areas throughout the winter season. Ground and roof level snow storage areas would be provided on each of the three Project sites. Snow management would be designed in accordance with Town Municipal Code Chapter 12.16 “Snow Removal” regulations. The Project Applicant would be required to submit a Snow Management Plan (“SMP”) for approval by the Town, ~~and the Mammoth Lakes Fire Protection District~~ and Caltrans. Methods to prevent snow and ice build-up such as snowplowing, cinder application and installation of heat traced pavement on adjacent roadways (i.e., Lake Mary Road, Minaret Road and Main Street) which could result in hazardous driving conditions would be included in the SMP. The SMP is required to be submitted and approved prior to the issuance of building permits by the Town.

This change has been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revision does not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A4-3

- In the Traffic and Circulation information provided, the existing conditions, General Plan volumes and the project trip distribution percentages appear reasonable. However, the number of vehicle trips used in this analysis should not be reduced by the trips generated by other existing projects. Although such methodology is valid to determine a project’s fair share of mitigation, it does not represent the actual conditions expected at Crossing build-out.

Response to Comment A4-3

The comment could be referring to Table IV.M-6, Project Trip Generation, on page IV.M-20 in Section IV.M, Traffic and Circulation, of the Draft EIR. It is appropriate to reduce the proposed Project trip generation by actual existing trip generation that occurs for uses on the subject property today. These reductions are so noted in this table. If the existing trip generation for uses currently on-site were not

reduced, double counting of project trips would occur. As such, Table IV.M-6 details the average daily trips and Saturday peak hour trip generation anticipated with Project development. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A4-4

An internal capture rate of 50% seems overly optimistic given the number of retail, dining, and entertainment options within easy driving distance. Please justify this rate or re-run the analysis using a lower rate, perhaps 20%, to provide an indication of the effect on the intersections' Level of Service and appropriate mitigation measures.

Response to Comment A4-4

As identified on page IV.M-6, in Section IV.M, Traffic and Circulation, of the Draft EIR, the trip generation rate for the proposed resort hotel units, specifically in the Saturday p.m. peak hour, was based upon February 9, 2008, vehicular count data (inbound and outbound) at the Village Lodges (Grand Sierra, White Mountain, and Lincoln House) parking garage. The count was conducted on Saturday, February 9, 2008. It should be noted that the Mammoth Mountain Ski Area (MMSA) reported a total of 17,559 skiers and occupancy of 98 percent of the Village Lodges during the count day, which is closely representative of a typical winter Saturday and even approaching a peak Saturday.

The proposed Project is unique due to its proximity to the Gondola, which provides access/walking to major recreational attractions in the area and its proximity to retail/restaurant uses in the North Village as well as on-site. The trip generation characteristics for the proposed Project as well as other similar uses within the North Village are unique to the Town of Mammoth Lakes. The ability to walk to the Gondola and access Canyon Lodge (and in turn the whole Mammoth Mountain Ski Area), the immediate accessibility of retail and restaurant uses, and access to a transit hub with all bus routes available make it possible to park the car and leave it for the duration of a trip. These characteristics are consistent with the *North Village Specific Plan* goals and objectives, and are being borne out today by the very low Village hotel unit peak-hour trip generation (0.28 trip per unit) compared to typical vehicular trip generation rates (0.83 trip per unit). The Village rate is approximately one-third of a typical resort hotel rate.

While the measured hotel rate is very low in comparison to a typical resort hotel unit, it also reflects a lower rate and, therefore, a liberal internal capture for the retail and restaurant uses since they are being supported (attracted) by pedestrians from the hotel uses.

The basis for using an observed/measured rate from the Village Lodges is that the data reflect the net vehicular trip generation while recognizing the proximity of its resort hotel units to the Gondola and other retail and restaurant attractions in the North Village area. This measured rate was applied to the Mammoth Crossing resort hotel units in recognition of similar characteristics, specifically having a

walking distance of less than 1,200 feet to the Gondola attraction. As such, the resultant Saturday p.m. peak-hour rate for the proposed Project's resort hotel units reflects an accurate assessment of mode split (vehicular trips vs. non-vehicular trips). It should also be noted that the rate has been confirmed with subsequent counts on Saturday, March 1, 2008 at The Village Lodges (190 units) and Westin Hotel (130 occupied units). These counts reflected rates of 0.24 and 0.18, respectively. If these additional counts were factored into the recommended rate, it would be 0.24 trip per occupied unit, or 15 percent lower than applied in this study. It is also important to be aware that this impact study assumes 100 percent occupancy of all Project hotel units, which would be 15–20 percent higher than a typical winter Saturday condition.

The typical trip generation for the commercial components of the proposed Project (restaurant, retail and market uses) was reduced by 50 percent to reflect internal capture and transit capture, as it is expected that 50 percent of the restaurant, retail and market trips would be generated by a combination of persons already on site from either the Project or other North Village developments or transit riders. It should also be noted that this includes pedestrians from surrounding developments in the North Village less than 1,000 feet away (Westin Hotel, Ritz Carlton, Hillside, Village Lodges, and One Hotel). The internal capture is also supported by the measured hotel unit rate being 60 percent less than the typical ITE rate. In other words, if the hotel occupants are the source of the retail/restaurant demand and the hotel vehicular generation rate is 60 percent less, then it stands to reason that the retail/restaurant vehicular generation rate is also substantially (up to 60 percent) reduced. The demand is made up of pedestrians from hotel to retail/restaurant.

Further documentation of skier walking distances in and around the Town's major recreational areas is provided in the Figure 14a (provided in Appendix B, Revised Traffic Data, of this Final EIR) of the 1997 Mammoth Mountain Master Plan prepared for the Mammoth Mountain Ski Area by Ecosign Mountain Resort Planned Ltd. (November, 1997). Figure 14a graphically illustrates that Mammoth's highest density of 200 plus skiers accommodated within a five acre cell occurs in several locations within the resort area, specifically at the Canyon Lodge area, Juniper Ridge, the North Village and the Mammoth Creek West area. This figure also gives a numeric summary of how many skiers will be staying near the four main staging portals.

Comment A4-5

The vehicle movement numbers generated by the project at driveways C and D (Minaret Road south of Main Street) seem very high and should be verified.

Response to Comment A4-5

This comment is in reference to the traffic generation anticipated at Driveways C and D with development of the proposed Project. It is the opinion of the commenter that the vehicle movement numbers seem high

and request they be confirmed. In response to this comment, the numbers have been verified and are correct.

Comment A4-6

Caltrans will review the traffic analysis again when these items have been addressed.

Response to Comment A4-6

This comment confirms that Caltrans will again review the traffic analysis after the aforementioned concerns provided in Comments A4-3 through A4-5 have been addressed. However, the comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A4-7

- Caltrans has not seen warrant studies for the proposed traffic signals at Center Street/Main Street and the US Post Office/Main Street, nor a proposal as to how frontage road traffic would be handled (page IV.M-15, -23). Please provide rationale regarding footnote (4) of Table IV.M-4 regarding the prohibition of left turns onto Main Street from both directions with a traffic signal at Center Street/Main Street.

Response to Comment A4-7

This comment is in reference to footnote (4) of Table IV.M-4, Cumulative (2009) Typical Winter Saturday Intersection LOS, included on page IV.M-15 in Section IV.M, Traffic and Circulation, of the Draft EIR. With the planned removal of the Main Street/USPO traffic signal and installation of a traffic signal at Center Street/Main Street, left-turns onto Main Street at the USPO intersection from both directions will be prohibited. With this restriction, trips desiring to make those left-turn movements would be diverted via the frontage roads to the Center Street/Main Street signalized intersection. The restriction is necessary to maintain acceptable LOS conditions. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A4-8

- Pages IV.M-19 and 26 state “If project trip generation is significantly higher than documented in the Traffic Impact Analysis, the project may be required to provide additional buses/shuttles” This seems vague and immeasurable. The Town should determine impact thresholds and mitigation options, which may include more than just transit items.

Response to Comment A4-8

As described on page IV.M-19, the Project is required by the Town to provide their guests (all three hotels) with exclusive shuttle service to local areas of attraction in Town, ski lifts, the Gondola and the Mammoth Yosemite Airport. If the Project exceeds the trip generation estimates provided in the Traffic Impact Analysis ("TIA"), then the Town requires the Project to implement additional Travel Demand Management ("TDM") measures to reduce excessive vehicle trips to that identified in the TIA. See Response to Comment A4-4 for a detailed discussion regarding substantiation of trip generation rates.

For clarification and consistency in the Draft EIR, the following revisions have been made:

Section III (Project Description)

On page III-31, under subheading "Bus/Shuttle Shelters," a second paragraph has been added as follows:

Bus/Shuttle Shelters

Currently, shuttle services operated by the Town of Mammoth Lakes and by Mammoth Mountain Ski Area provide year-round day and nighttime service to the North Village.¹⁴ All lines provide transfers to other lines at the North Village. The Project would not only use the existing bus/shuttle shelters located at the North Village, but also proposes additional transit stops pursuant to the Town's transit needs at the time of Project development. Additional transit stops could include a stop on Lake Mary Road just west of Minaret Road. In addition, all three Project hotels would provide their guests with exclusive shuttle service for destinations in Town as well as service to the Mammoth Yosemite Airport.

The Project would be required to prepare annual Project-specific trip generation monitoring reports to document actual Project traffic generation during a typical winter Saturday peak-hour. If an annual report demonstrates that the Project produces more trips than what was identified in the Draft EIR, the Project will be required to reduce those trips through the implementation of Travel Demand Management ("TDM") measures. The Project would be required to implement additional TDM measures to reduce vehicle trips. TDM measures may include providing additional transit, in-lieu fees, pedestrian, bicycle or any other combination of appropriate TDM measures or programs.

¹⁴ Town of Mammoth Lakes website, Transportation Options, <http://www.ci.mammoth-lakes.ca.us/transit/home.htm>, accessed by CAJA staff, December 12, 2007.

Section IV.M (Traffic and Circulation)

On page IV.M-19, the last sentence of the last paragraph has been omitted as follows:

As shown in Table IV.M-6, the proposed Project would generate approximately 2,604 daily trips and 235 peak-hour trips. In light of the unique trip generation applied to the Project's proposed hotel units, a monitoring program would need to be implemented on an annual (typical winter Saturday) basis to document effective hotel unit trip generation. ~~If actual Project hotel unit trip generation is significantly higher than documented in the Traffic Impact Analysis, the Project may be required to provide additional buses/shuttles and/or a bus stop on the easterly side of Minaret Road at the new paved public road (referred to as 7B Road) for a future transit route.~~

On page IV.M-26, under heading "Mitigation Measure TRANS-2 Cumulative Plus Project Intersection LOS," Mitigation Measure TRANS-2b below has been revised as follows:

~~a. **Center Street/Main Street.** Payment of Development Impact Fees ("DIFs"), a portion of which is applicable to installation of a traffic signal at Center Street/Main Street intersection is consistent with the Town's General Plan recommended mitigation measures. When the Center Street/Main Street traffic signal is installed, the planned signal at the Post Office would be removed, and left turns onto Main Street from both directions would be prohibited. Traffic requiring this movement has been reassigned to the Center Street/Main Street intersection. All costs for the implementation of this improvement should be eligible for a credit to DIFs. This mitigation would be implemented as part of a traffic mitigation program that would be funded by the DIFs.~~

~~b. *In light of the unique trip generation applied to the hotel units, referenced from observed vehicular count data (inbound and outbound) at the Intrawest North Village Lodges (i.e., Grand Sierra, White Mountain, and Lincoln House) parking garage on February 9, 2008, it is recommended that a monitoring program be implemented on an annual (typical winter Saturday) basis to document effective hotel unit trip generation.*~~

~~*If hotel unit trip generation is significantly higher than documented in the traffic impact analysis, the Project may be required to provide additional buses/shuttles and/or a bus stop on the easterly side of Minaret Road at the new road also known as the 7B Road (for a future transit route).*~~

If, at the time of approval of a Use Permit for development on any of the three Mammoth Crossing sites, the Town determines that the installation of the signal at Main Street/Center Street is warranted due to additional traffic associated with that development project, the Project Applicant shall install the required signal. If, at the time of approval of a Use Permit for development on any of the three Mammoth Crossing sites, the signal would be warranted by existing conditions and the Project's traffic would

exacerbate those conditions, the Project Applicant shall contribute the necessary increment of additional funds to install the signal, and the Town shall install the signal.

When the Center Street/Main Street signal is installed, the Town will require the planned signal at the Post Office/Main Street to be removed, and left turns onto Main Street from both directions at the post office will be prohibited. Costs incurred by the Project Applicant for implementation of the signal installation, the lane restriping and the cross street improvements will be eligible for credit as may be available under Section 15.16.080 et seq. of the Municipal Code. Should the signal have been installed prior to approval of any Use Permit for development on any of the Mammoth Crossing sites, the Project shall be required to contribute its fair share to the costs of installation, through payment of Developer Impact Fees or other equivalent mitigation fee program(s) that may be in place at that time.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A4-9

- The footnotes for the tables on pages IV.M-15, -23,-27 [sic] for the Minaret Road/Forest Trail intersection, assumes the installation of a roundabout (and in one place, a traffic signal). The analysis should identify the Crossing's impact to that intersection, since if the project that is to trigger the roundabout is not constructed, the roundabout would not be constructed either. Hence, the Crossing needs to mitigate its proportionate impact to the intersection.

Response to Comment A4-9

On page IV-M.23 of Section IV.M, Traffic and Circulation, of the Draft EIR, footnote 3 in Table IV.M-7, Existing Plus Project Typical Winter Saturday Intersection LOS, for the Minaret Road/Forest Trail intersection is incorrect. As no mitigation is necessary at this intersection under existing plus project conditions, Table IV.M-7 is revised as follows:

Table IV.M-7
Existing Plus Project Typical Winter Saturday Intersection LOS

Intersection	Control ⁽¹⁾	Delay (seconds)	LOS ⁽²⁾	With Improvement	
				Delay	LOS
Minaret Rd./Meridian Blvd.	Signal	28.6	C		
Minaret Rd./Lake Mary Road-Main St	Signal	27.5	C		
Minaret Rd./7B Rd.	TWSC	17.3	C		
Minaret Rd./Forest Trail ⁽³⁾	TWSC	>35.0 seconds but <4.0 hour cumulative delay on minor street approach	F		
Kelly Rd./Lake Mary Rd.	TWSC	11.5	B		
Lakeview Rd./Lake Mary Rd.	TWSC	10.6	B		
Canyon Blvd./Lake Mary Rd.	Signal	13.8	B		
Mountain Blvd./Main St.	TWSC	>35.0 seconds but <4.0 hour cumulative delay on minor street approach	F		
USPO ⁽⁴⁾ Driveway/Main St. ⁽³⁾	TWSC	>35.0 seconds but >4.0 hour cumulative delay on minor street approach	F	22.3	C
Center St./Main St.	TWSC	>35.0 seconds but <4.0 hour cumulative delay on minor street approach	E		
Old Mammoth/Main St.	Signal	14.8	B		
Notes: (1) TWSC = two-way stop controlled; Signal = controls all lanes of an intersection. (2) LOS – level of significance (3) Traffic signal planned to be installed per the Town's Capital Improvement Plan (CIP). (4) USPO = United States Post Office (5) Italic and Bold = unsatisfactory LOS <u>and</u> exceeds four vehicle-hour criteria					
Source: Traffic Impact Analysis prepared by LSA in May 2008.					

This change has been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Under the cumulative (2009) conditions analysis, the Intrawest South Hotel (on the eastside of Minaret Road, just south of Forest Trail) and its associated cumulative traffic have been included in the traffic impact analysis. As such, any mitigation/improvement associated with that cumulative project is included in the cumulative baseline analysis. The Intrawest South Hotel triggered the need for a roundabout at Minaret Road/Forest Trail and therefore the roundabout is implemented as an improvement on two tables (Table IV.M-4, Cumulative (2009) Typical Winter Saturday Intersection LOS, on page IV.M-15 and Table IV.M-8, Cumulative Plus Project Typical Winter Saturday Intersection LOS, on page IV.M-27), since it is required by the cumulative projects.

Comment A4-10

- Impact TRANS-5 Bicycle and Pedestrian Facilities (page IV.M-31) states that, “The sidewalks and paths would connect internally and with existing or planned Town Paths and sidewalks.” We assume this to mean that: for Site 1, the Crossing will construct sidewalk/curb/gutter along Minaret Road per the Town’s Minaret Road Alignment Study and for Site 3, pathway connections south of Main Street per the Town’s Main Street south side path plan concept. The Town should also clarify how the Crossing will contribute toward realization of this future path.

Response to Comment A4-10

This comment is in regards to a quotation included in Impact TRANS-5 Bicycle and Pedestrian Facilities on page IV.M-31 in Section IV.M, Traffic and Circulation, of the Draft EIR, in which the commenters assume the quotation’s meaning. See Topical Response 2, Project Description, which notes the Project would require the approval of Use Permits, Tentative Tract Maps, Grading and Building permits, construction safety and staging plans, and would undergo Design Review once the Project reaches the Final Development Plan stage. The Project would provide pedestrian and bicycle connectivity consistent with the most recent adopted versions of the Sidewalk Master Plan, Bikeway Plan, and Trails System Master Plan at the time of Use Permit.

Comment A4-11

- Facilities/landscaping within State right-of-way at Sites 1 and 3 shall meet Caltrans standards with work done under encroachment permit. At the permit application phase, we will be able to provide detailed comments on civil engineered plans and address any overall project traffic control/construction staging. Stephen Winzenread, the District Encroachment Permits engineer, may be contacted at (760) 872-0674 or email: stephen.winzenread@dot.ca.gov.

Response to Comment A4-11

This comment refers to the approval process for the proposed Project. The Project, once approved, shall comply with all applicable local, state and federal regulations, which include those of the California Department of Transportation (Caltrans). The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Topical Response 2, Project Description.

Comment A4-12

We value our continuing cooperative relationship with the Town regarding transportation issues for local projects. If you have any questions or would like to set up a phone conversation amongst the Town, the traffic consultants and Caltrans, I may be contacted at (760) 872-0785.

Response to Comment A4-12

This comment contains closing language for this comment letter. No response is required.

RESPONSE TO COMMENT LETTER A5

Mammoth Community Water District (Yamashita, Irene)

Comment A5-1

The District has reviewed the Draft Environmental Impact Report for Mammoth Crossing Project. We appreciate the opportunity to comment on the contents of the Draft EIR. The District has the following comments on this document:

Response to Comment A5-1

This comment confirms that the Mammoth Community Water District has reviewed the Draft EIR and introduces ensuing comments. No response is required.

Comment A5-2

1. The storage concept for recycled water on the Sierra Star and Snowcreek Golf Courses has been modified and is now different than that described on page IV.N-4. Instead of below grade concrete receiving tanks as described in the DEIR, irrigation water will be stored in existing ponds with modifications as needed.

Response to Comment A5-2

This comment is in reference to the second paragraph under “Proposed Improvements” on page IV.N-4 (continued on page IV.N-5) of the “Wastewater Services” subsection of Section IV.N, Utilities, of the Draft EIR, which includes a discussion of recycled water storage on the Sierra Star and Snowcreek Golf Courses for irrigation purposes. As noted above, modifications have been made to the recycled water storage system proposed in the Draft EIR. As discussed on page IV.N-4 of the Draft EIR, below grade concrete receiving tanks were originally proposed; however, irrigation water is now proposed to be stored in existing ponds with modifications as needed.

In response to this comment, the second paragraph under “Proposed Improvements” on page IV.N-4 (continued on page IV.N-5) of Section IV.N, Utilities, of the Draft EIR has been revised as follows:

In addition to improved treatment processes, the Recycled Water Project proposes adding pipelines for distribution of the treated water for irrigation purposes. Distribution facilities will include a recycled water pumping station to be located in the WWTP, adjacent to the storage basin. The pumping station will feed three force mains for conveyance to the Sierra Star Golf Course and the existing nine-hole Snowcreek Golf Course, as well as Shady Rest Park. ~~A below grade concrete receiving tank with level transducer will be provided at each golf course. Receiving tank level will be transmitted to the WWTP pumping station to control pump operation and speed. The receiving tanks will be sized to provide just sufficient volume to allow adequate pump cycling at the WWTP pumping station. The receiving tanks will be connected to the wet well of existing golf course irrigation pumping stations, currently supplied by well water storage ponds. Isolation valves will be installed in the line connecting the recycled water receiving tank and the on-site irrigation pumping station wet well, and in the line connecting the well water storage pond and the wet well. Irrigation water will be stored in existing ponds with modifications as needed. This will eliminate the need for recycled water open storage in the existing golf course ponds, and will allow well water to be used as backup.~~⁴⁵

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A5-3

2. On page IV.N-8 there is an incorrect statement regarding construction of onsite sewer facilities. The connection fees do not pay for the installation of laterals on the project site. The laterals must be constructed by Mammoth Crossing. The connection fees are used to construct offsite sewer improvements necessary to accommodate sewage generation at buildout as projected in the 2006 Connection Fee Study [footnote]. Buildout projections utilized the Town of Mammoth Lake’s 2005 Draft General Plan.

[footnote to comment] Study to determine revised water and wastewater connection fees. *Final Report, September 2006 prepared for the Mammoth Community Water District by FCS Group.*

⁴⁵ ~~Bauer Planning & Environmental Services, Inc. Mammoth Community Water District, Recycled Water Distribution Project, Subsequent Draft EIR, September 2006.~~

Response to Comment A5-3

This comment is in reference to the discussion included under subheading “Impact UTIL-2 Wastewater Infrastructure” on page IV.N-8 under the “Wastewater Services” subsection of Section IV.N, Utilities, of the Draft EIR, in which the comment erroneously claims that the Draft EIR includes an incorrect statement regarding construction of onsite sewer facilities and connection fees. According to the comment, the construction fees do not pay for the installation of laterals lines on the Project site, but are instead used to construct off-site wastewater improvements necessary to accommodate wastewater generation at Town buildout. However, the discussion presented on page IV.N-8 of Section IV.N, Utilities, of the Draft EIR is in reference to the Project area, rather than the Project site itself.

In response to this comment and to provide clarification, the discussion under “Impact UTIL-2 Wastewater Infrastructure” on page IV.N-8 of Section IV.N, Utilities, of the Draft EIR has been revised as follows:

Impact UTIL-2 Wastewater Infrastructure

*The Project includes installation of wastewater infrastructure within the Project site to convey wastewater generated by the proposed uses to the existing MCWD wastewater lines. Figure IV.N-1 illustrates the existing wastewater infrastructure expected to serve the Project area. According to MCWD, areas of deficiency have been identified in sewer collection lines to which the Project is tributary. ~~in the Project area. However, the connection fees for the Project would help to pay for the necessary upgrades to the sewer collection pipelines (i.e., Wastewater Lateral Lines) in the Project area as a result of the proposed Project as identified by MCWD. However, the connection fees for the Project would be used to construct offsite sewer improvements necessary to accommodate the wastewater generation projected at Town buildout.~~ In consideration of the above, Project impacts related to wastewater infrastructure would be **less than significant** and no mitigation measures are necessary.*

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A5-4

3. On page IV.N-11 the DEIR states, “... MCWD identified three wastewater collection system upgrades needed to accommodate future growth in the Town.” This statement should clarify that all three system upgrades are necessary to accommodate the Mammoth Crossing project.

Response to Comment A5-4

This comment is in reference to the first full paragraph included on page IV.N-11 under the “Wastewater Services” subsection in Section IV.N, Utilities, of the Draft EIR, which discusses the necessary wastewater collection system upgrades needed to accommodate future growth in the Town.

In response to this comment, the first sentence of the first full paragraph on page IV.N-11 of Section IV.N, Utilities, of the Draft EIR has been revised as follows:

Through the Connection Fee Study, MCWD identified three wastewater collection system upgrades needed to accommodate future growth in the Town, of which all three are also necessary to accommodate the proposed Project.

This change has been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revision does not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A5-5

4. On page IV.N-11 the description of the Shady Rest Relief Sewer project is incorrect as described. The sewer line along Manzanita Road between Dorrance Road and Center Street needs to continue down Center Street through to Main Street.
5. The Mitigation Measure UTIL-4 is inadequate and incorrect (comment #4) as described and will not reduce impacts to less than significant if upgrades 1 and 2 are not implemented. The mitigation measure should clearly state that all three described sewer infrastructure upgrades will be completed prior to project occupancy. The three measures are: A new sewer trunk line along Meridian Boulevard from Old Mammoth Road to the WTP; Increased capacity of sewer lines on Center Street from Manzanita Road to Main Street/State Route 203; and a sewer upgrade project to increase capacity of sewer lines along Manzanita Road between Dorrance Road and Center Street that continues down Center Street through to Main Street. The last upgrade is required if the Shady Rest Relief Sewer through the Shady Rest Tract project has not been built. In addition, the measure should identify the responsible entity and legally-binding method that will be used to determine the upgrades will be or are implemented prior to project occupancy.

Response to Comment A5-5

This comment is in reference to the Shady Rest Relief Sewer project described on page IV.N-11 under the “Wastewater Services” subsection in Section IV.N, Utilities, of the Draft EIR, which the comment states is incorrect as described. As noted in the above comment, the sewer line along Manzanita Road would run between Dorrance Road and Main Street, instead of Center Street, as described in the Draft EIR. This comment also references Mitigation Measure UTIL-4 Cumulative Wastewater Infrastructure on page

IV.N-11 under the “Wastewater Services” subsection in Section IV.N, Utilities, of the Draft EIR. As noted in the comment, Mitigation Measure UTIL-4 would not reduce cumulative wastewater infrastructure impacts (Impact UTIL-4 Cumulative Wastewater Infrastructure) to a less than significant level as written in the Draft EIR. Additionally, the comment provides several components that, in the opinion of the commenter, should be added to the text of Mitigation Measure UTIL-4, including a discussion that all three wastewater collection system upgrades (as noted above and described on page IV.N-11) will be completed prior to Project occupancy, and identification of the responsible entity and legally-binding method that will be used to determine the upgrades will be or are implemented prior to Project occupancy.

In response to this comment, the second full paragraph and text under “Mitigation Measure UTIL-4 Cumulative Wastewater Infrastructure” on page IV.N-11 of Section IV.N, Utilities, of the Draft EIR have been revised as follows:

*While the three collection system upgrades identified above were included in the 2005 Connection Fee Study, the timeline of construction of these projects are subject to availability of connection fees that are collected and the schedule is subject to change. As previously noted, all three wastewater collection system upgrades are necessary to accommodate the proposed Project as fully developed on all three sites. The third project identified above is required as part of a development that has not yet been constructed on that site. MCWD cannot build the Shady Rest Relief Sewer until the Shady Rest Tract developer has applied for a water/wastewater permit. If the Shady Rest Tract project is not built prior to ~~occupancy~~ buildout of the Mammoth Crossing Project, then due to existing deficiencies a different sewer upgrade project to increased the capacity of sewer lines along Manzanita Road between Dorrance Road and ~~Center~~ Main Street would be required. Therefore, because these future wastewater infrastructure projects are not complete at present the Project’s contribution at buildout to overall wastewater infrastructure within the Town would be cumulatively considerable, and cumulative wastewater infrastructure impacts would be **significant**. However, implementation of the following mitigation measure would reduce the Project’s contribution to overall wastewater infrastructure impacts to a less-than-significant level.*

Mitigation Measure UTIL-4 Cumulative Wastewater Infrastructure

The Project Applicant shall coordinate with MCWD to ensure that the following three wastewater collection system upgrades are designed and constructed as needed in relationship to the development phases of the Project to accommodate the proposed Project alongside future growth in the Town:

- (1) New sewer trunk line along Meridian Boulevard from Old Mammoth Road to the wastewater treatment plant;*

(2) Increase the capacity of sewer lines on Center Street from Manzanita Road to Main Street/State Route 203; and

(3) ~~A~~ The Shady Rest relief sewer project, or, in the event that the Shady Rest project is not complete by buildout of the Mammoth Crossing Project, an equivalent sewer upgrade project to increase the capacity of sewer lines along Manzanita Road between Dorrance Road and ~~Center~~Main Street.

Prior to issuance of a water/wastewater permit for any phase of the Mammoth Crossing Project, the Project Applicant shall provide an analysis of the current status, need, phasing and implementation steps for the three wastewater system upgrades defined above, based on current and projected wastewater demand and sewer system capacity deficiencies. The study shall be provided to MCWD for review and approval. If determined necessary by MCWD, the Project Applicant shall be responsible for all initial costs associated with the construction any or all of the three identified wastewater collection system upgrades, including design and construction. Design and construction of the improvements may be undertaken by the Project Applicant directly, or through MCWD, at MCWD's discretion.

MCWD shall coordinate with the Project Applicant to establish a mutually acceptable program to allow for reimbursement of an appropriate portion of those initial costs from future wastewater connection fees collected as other projects making use of the increased capacity, come forward.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment A5-6

6. Table IV.N-3 on page IV.N-15 shows projected surface water and groundwater supplies that the District expects to have available. These water supply figures are uncertain and have the potential to change. Possible changes of surface water supplies are described in the table under footnote #4. Regarding groundwater, the District is currently in the process of finalizing a groundwater model of the Mammoth Basin and the results of this model have the potential to modify the groundwater figures in this table.

Response to Comment A5-6

The comment is referring to Table IV.N-3, Existing Water Supply Reliability, on page IV.N-15 under the "Water Services" subsection of Section IV.N, Utilities, of the Draft EIR. As the comment describes, the water supply figures are uncertain and have the potential to change, which is noted in footnote 4 of the table in relation to surface water supplies. The comment notes that the MCWD is in the process of

finalizing a groundwater model of the Mammoth Basin, the results of which may have the potential to modify the groundwater supply figures presented in Table IV.N-3.

It is understood that precise details regarding water availability and water demand are dynamic and therefore subject to change overtime. Section 15151 of the *CEQA Guidelines* states the following regarding standards from which adequacy is judged:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

The water supply analysis presented in Section IV.N, Utilities, of the Draft EIR relies on the factual information available at the time of the preparation of the Draft EIR, and subsequently this Final EIR. Therefore, while the figures in Table IV.N-3 are subject to change, the water supply analysis in the Draft EIR, which relies on existing water supply and demand conditions, would not change as a result of this comment. See Topical Response 6, Water Services.

Comment A5-7

7. On page IV.N-16, the Draft EIR refers to the Master Operating Agreement (MOA) that the District has with the US Forest Service. It has been determined that the US Forest Service does not have the authority to enforce the management constraints contained within the MOA. The State Water Resources Control Board is the authorizing agency that has issued water rights permits to the District to manage surface water diversions. Therefore, the District is currently coordinating with the USFS to terminate the MOA.

Response to Comment A5-7

This comment is in reference to Master Operation Agreement (“MOA”) discussed in the first paragraph on page IV.N-16 under the “Water Services” subsection of Section IV.N, Utilities, of the Draft EIR. While it is noted in the Draft EIR that since MCWD’s diversion facilities are located on United States Forest Service (“USFS”) land the USFS has authority over MCWD water operation activities through a 1977 MOA, the comment claims that the USFS does not have the authority to enforce the management constraints contained within the MOA and that, rather, the State Water Resources Control Board is the authorizing agency.

In response to this comment, the first paragraph on page IV.N-16 of Section IV.N, Utilities, of the Draft EIR has been revised as follows:

~~Since MCWD's diversion facilities are located on USFS land, it has authority over MCWD water operation activities through a Master Operation Agreement ("MOA") developed in 1977. Though the MCWD's diversion facilities are located on USFS land, the State Water Resources Control Board is the authorizing agency that has issued water rights permits to the MCWD to manage surface water diversions. A 1977 Master Operation Agreement ("MOA") gave authority to the USFS over MCWD water operation activities; however, it has been determined that the USFS does not have the authority to enforce the management constraints contained within the MOA. The MCWD is currently coordinating with the USFS to terminate the 1977 MOA. The MOA currently provides terms for instream flow requirements that are designed to protect aquatic species in Mammoth Creek. Additionally, the amount of water that MCWD may store or divert is influenced by the bypass flow requirements in Mammoth Creek that are included as part of MCWD's water rights. MCWD measures Mammoth Creek flows at its Old Mammoth Road gage located near Mammoth Creek Park. MCWD is only allowed to directly divert natural flows entering Lake Mary and divert natural flows to storage when the flows, as measured at the Old Mammoth Road gage, exceed the bypass flow requirements. When the flows at MCWD's Old Mammoth Road gage are equal to or less than the bypass flow requirements, no water may be directly diverted or diverted to storage, and MCWD must bypass all incoming flows to Lake Mary.~~

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR and Topical Response 6, Water Services.

Comment A5-8

8. On pages IV.N-18 and IV.N-24, the Draft EIR states that the 2004 modifications to the MCWD Lake Mary Treatment Plant have enabled the District to utilize the full 2,760 acre-feet annually permitted by the District's water right permits. This statement is not entirely accurate. The maximum historic volume of surface water diverted by the District was 2,220 acre-feet in 1983. While the upgrades at the Water Treatment Plant have the ability to enable the District to utilize its full water rights, demands in the community have not increased to a level that the District has utilized this entire volume of water. The District is also restricted in using its full permitted supply based on compliance with the WR 97-01 flow criteria, which specifies minimum in-stream flow rates by month, below which the District cannot divert water to the Lake Mary Treatment Plant. As noted in comment # 6 (footnote #4 in Table IV.N-3), "the final bypass requirements that are eventually established could potentially result in less surface water being available to the MCWD." For example, compliance with the WR 97-01 flow schedule restricted the total annual diversions during 2008 to less than 1,200 ac-ft.

Response to Comment A5-8

This comment is in reference to the MCWD Lake Mary Treatment Plant modifications completed in 2004, discussed on pages IV.N-18 (under subheading “Water Treatment”) and IV.N-24 (under “Impact UTIL-5 Water Treatment Facilities”) under subsection “Water Services” of Section IV.N, Utilities, of the Draft EIR. The Water Treatment Plant is designed and operated to accommodate the water treatment needs of the existing water demand and future water demand projected in MCWD’s 2005 UWMP, which includes the Project (see Topical Response 6, Water Services). While the Draft EIR states these modifications allow for the MCWD to utilize the full volume amount (2,760 afy) permitted by the MCWD’s state water rights permit, Project specific and cumulative water supply impacts were not determined by relying on the 2,760 afy amount. The use of the 2,760 afy of available surface water is consistent with the amount disclosed in the UWMP and the Project WSA, and is merely part of the environmental setting as presented in the UWMP.

In response to this comment, the text under subheading “Water Treatment” on page IV.N-18 and the discussion under “Impact UTIL-5 Water Treatment Facilities” on page IV.N-24 (continued on page IV.N-25) of Section IV.N, Utilities, of the Draft EIR have been revised as follows:

Page IV.N-18:

Water Treatment

In 2004, MCWD completed modifications to the Lake Mary surface water treatment plant to meet new standards of the California Department of Health Services. As a result of these modifications, the production capacity of the plant is now rated at the 5 cfs diversion rate allowed in the water rights permit. These improvements ~~have enabled~~ MCWD to utilize the full 2,760 af of water available from its state water right permits in normal and wet precipitation conditions.¹⁶ however, water demands within the community have not increased to a level that requires the MCWD to utilize its permitted volume in its entirety. The maximum historic volume of surface water diverted by the MCWD was 2,220 af in 1983. Additionally, the MCWD is restricted in using its full permitted volume based on compliance with Water Right Order 97-01 (WR 97-01) flow criteria, which specifies minimum in-stream flow rates by month, below which the MCWD cannot divert water to the Lake Mary Treatment Plant. In 2008, compliance with the WR 97-01 flow schedule restricted the total annual diversions to less than 1,200 af.

Page IV.N-24 (continued on page IV.N-25):

Impact UTIL-5 Water Treatment Facilities

¹⁶ MCWD, 2005 Urban Water Management Plan, website:
<http://www.mcwd.dst.ca.us/ProjectsReports/UWMP/UWMP2005.pdf>, CAJA staff, March 4, 2006.

In 2004, MCWD completed modifications to the Lake Mary surface Water Treatment Plant (“Plant”) to meet new standards of the California Department of Health Services. As a result of these modifications, the production capacity of the Plant is now rated at the 5 cfs diversion rate allowed for in the water rights permit. These improvements ~~have enabled~~enable MCWD to utilize the full 2,760 af of water available from its state water right permits in normal and wet precipitation conditions;¹⁷ however, water demands within the community have not increased to a level that requires the MCWD to utilize its permitted volume in its entirety. The maximum historic volume of surface water diverted by the MCWD was 2,220 acre-feet in 1983. Additionally, the MCWD is restricted in using its full permitted volume based on compliance with Water Right Order 97-01 (WR 97-01) flow criteria, which specifies minimum in-stream flow rates by month, below which the MCWD cannot divert water to the Plant. In 2008, compliance with the WR 97-01 flow schedule restricted the total annual diversions to less than 1,200 af.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR and Topical Response 6, Water Services.

Comment A5-9

9. On page IV.N-23, it should be noted that the 300 acre-foot savings from the water pipeline replacement projects is a projected volume of water estimated to be saved each year at build out of the community.

Response to Comment A5-9

It is assumed that this comment is in reference to the text under subheading “Future Water System Loss Reduction” and Table IV.N-7, Future Water Supplies, on page IV.N-23 of the “Water Services” subsection of Section IV.N, Utilities, of the Draft EIR.

In response to this comment, the text under subheading “Future Water System Loss Reduction” and footnote 4 of Table IV.N-7, Future Water Supplies, on page IV.N-23 of Section IV.N, Utilities, of the Draft EIR have been revised as follows:

Future Water System Loss Reduction

MCWD has been implementing an aggressive main water pipeline replacement program to replace old leaking water pipes since 2001. Over the past several years, an average of 10,000 feet of pipeline per year has been replaced. It is estimated that replacement of all of the existing

¹⁷ MCWD, 2005 Urban Water Management Plan, website: <http://www.mcwd.dst.ca.us/ProjectsReports/UWMP/UWMP2005.pdf>, CAJA staff, March 4, 2006.

old pipelines in the entire system will occur over the next eight-year period. MCWD water line staff will be focusing their efforts on installing the recycled water pipelines over the next two years with lesser amounts of water lines being replaced during this timeframe. Once the recycled water pipelines are installed, approximately 10,000 feet of water pipeline per year will be replaced. As a result of the completion of this replacement work, MCWD hopes to achieve a reduction in water loss within the system of approximately 300 afy at Town buildout.

Table IV.N-7
Future Water Supplies

Project Name	Demand Reduction	Supply Increase	Projected Completion Date
New groundwater development		1,000 af ⁽¹⁾	As needed
Recycled Water Project		400 af	2010 ⁽²⁾ (depends upon customer commitments)
Water Conservation with irrigation restriction enforced	500 af ⁽³⁾		n/a
Water Pipeline Replacement to Reduce Water Loss	300 af ⁽⁴⁾		Ongoing; ~~full implementation anticipated by 2011~~
Total	800 afy	1,400 afy	
Notes: (1) 1,000 af or amount needed to meet demands. (2) 2010 date depends upon customer commitments. (3) 500 af is at Town build-out with irrigation restriction enforced. (4) 10-15% loss rate goal is about 300 af demand reduction ~~is at Town build-out~~ . <u>The 300 afy savings from the water main pipeline replacement program is the annual projected water savings at Town buildout.</u>			
Source: MCWD SB 610 WSA for the Mammoth Crossing Project, Table 13, page 24, March 25, 2008.			

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR and Topical Response 6, Water Services.

Comment A5-10

10. The DEIR finds the impacts to water use within the Town is less than significant and thus, recommends measures to reduce the project's water demand, page IV.N-26. The Water Supply Assessment for the project describes the limited and precipitation dependent water resources currently available in the Mammoth Basin and the project's increased water demand of 65 acre-feet above planned water supply projections based on the Town's general plan. Therefore, the Water District is concerned over any increases in water demand and recommends the mitigation measure be revised to implement the mitigation measure UTIL-6 Water Supply rather than recommend implementation. In addition, because it is uncertain when construction will commence, the measure should require performance standards that will be current with water conservation ordinances and legislation at the time construction commences. For example, items a through c could be replaced with "Landscape

design and irrigation will meet the Town of Mammoth Lake's model landscape ordinance code and existing ordinances of the Mammoth Community Water District. Item e should change the reference to Energy Star appliances to "high water efficiency clothes washers and dish washers meeting the standards developed by the EPA (WaterSense label) or the California Urban Water Conservation Council. Energy Star appliances do not typically measure water efficiency.

Response to Comment A5-10

This comment reiterates the determination included on page IV.N-26 of the Draft EIR for Impact UTIL-6 Water Supply, as well as information included within the Water Supply Assessment for the proposed Project. Additionally, the MCWD expresses concern over any increase in water demand and recommends Mitigation Measure UTIL-6 Water Supply be revised to be required rather than recommended. As previously discussed, while the Project WSA found, that the site-specific density proposed by the Project was only partially accounted for in the 2005 General Plan Update and thus, the 2005 UWMP, the Project was found to be consistent with the General Plan's overall density. See Topical Response 6, Water Services.

While the Draft EIR found Project impacts to water use within the Town to be less than significant, as found under Impact UTIL-6 in the Draft EIR, no mitigation measures are required. Nonetheless, it is recognized that the Project will result in an increased use of water supply; therefore, in order to lessen than increase, Mitigation Measure UTIL-6 Water Supply under subsection "Water Services" on page IV.N-26 of the Draft EIR has been revised as follows:

Mitigation Measure UTIL-6 Cumulative Water Supply

To further reduce the Project's incremental contribution to cumulative demand on water services, the Project Applicant ~~should~~shall:

a. ~~Ensure that the landscape irrigation system be designed, installed and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets~~ Ensure that the Project's landscape design and irrigation meets the Town of Mammoth Lakes' model landscape ordinance code and existing ordinances of the Mammoth Community Water District.

b. ~~Install either drip irrigation or a "smart sprinkler" system to provide irrigation for the landscaped areas or, at a minimum, set automatic irrigation timers to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be adjusted to avoid water runoff, especially when irrigating sloped property;~~

~~e. Select and use drought-tolerant, low-water-consuming plant varieties and little or no use of turf in the landscape design to reduce irrigation water consumption;~~

~~d. b. Install high efficiency water fixtures such as low flush and dual flush water toilets and urinals, and shall limit the number of showerheads to one very low flow fixture per stall, in new construction. Low-flow faucet aerators should be installed on all sink faucets; and~~

~~e. c. Install ~~Energy Star~~ high efficiency dishwashers and clothes washers meeting the standards developed by the U.S. EPA (WaterSense label) or the California Urban Water Conservation Council.~~

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR and Topical Response 6, Water Services.

RESPONSE TO COMMENT LETTER A6

Mammoth Community Water District (Irene Yamashita)

Comment A6-1

The Water District would like to submit additional comments on the Draft Environmental Impact Report for the Mammoth Crossing Project. We appreciate the opportunity to comment on the contents of the Draft EIR. In addition to the February 4, 2009 comments, the District would like to add the following comments:

Response to Comment A6-1

This comment introduces additional comments submitted by the Mammoth Community Water District on the Draft EIR. No response is required.

Comment A6-2

1. The projected water supply demand at build-out should be corrected to 4,898 acre-feet per year instead of 4,858 acre-feet per year. Some confusion may have been caused by the Water Supply Assessment using both numbers. The 4,858 figure was noted on pages IV.N-14 and in Table IV.N-6, page IV.N-20. It is likely the incorrect number was used in additional locations in the DEIR.

Response to Comment A6-2

This comment requests the water supply demand at build-out be corrected to 4,898 acre-feet per year in the Draft EIR, instead of 4,858 acre-feet per year as presented in the Draft EIR. The Project WSA estimated the Mammoth Crossing development at existing zoning (i.e., 48 Rooms Per Acre) would result in a water demand of 40 afy; therefore, 4,858 afy represents the water demand at buildout minus the Mammoth Crossing development as it was considered in the 2005 General Plan Update Final Program EIR (e.g., 4,898 afy minus 40 afy).

The projected water demand at buildout is discussed in Section IV.N, Utilities, of the Draft EIR, under subsection (2) “Water Services.” In response to this comment, the following revisions to have been made to Section IV.N of the Draft EIR:

First paragraph under “Methodology” on page IV.N-14:

METHODOLOGY

The Town formally requested a Water Supply Assessment (“WSA”) for the Project on October 30, 2007. The MCWD released a WSA for the Project on March 25, 2008, herein referred to as “Project WSA.” The information and analysis in this section is based primarily on the Project WSA, the 2005 GWMP, and other information provided by MCWD. Information from the 2005 UWMP was utilized for the Project WSA; however modifications were made to the estimated future water supply demands for the community based upon the increased density proposed for the Project. As described in Section III, Project Description of this Draft EIR, the Project is proposing to increase the allowable densities beyond the densities allowed in the Specific Plan. Based upon the proposed and current zoning for the Project site, MCWD estimates that the proposed Project will result in an increase annual demand of approximately 65 af over the existing zoning for the site. Therefore, the estimated water supply demand total of ~~4,858~~4,898 afy as identified in the 2005 UWMP has been increased to include the additional 65 afy for a total of estimated water supply demand of 4,963 afy.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR and Topical Response 6, Water Services.

However, Table IV.N-6, Current Supply and Demand Without Project, on page IV.N-20, correctly uses the number 4,858 afy as that number represents the total demand of 4,898 afy at Town build out minus the 40 afy demanded by the Mammoth Crossing Project at the current permitted density of 48 Rooms Per Acre. Accordingly, no changes to Table IV.N-6 are required.

Comment A6-3

2. On page IV.N-17 the paragraph describing the amount of groundwater pumped should be revised to reflect the data in the accompanying table. These revisions include matching the years, 2003 to 2007, correcting total pumping to be 10,044 acre-feet, and correcting the annual pumping average to 2,009 acre-feet.

Response to Comment A6-3

It is assumed that this comment is in reference to the second paragraph included under subheading “Groundwater” on page IV.N-17 of Section IV.N, Utilities, of the Draft EIR. The comment requests changes be made to the paragraph in order to be consistent with the information provided in Table IV.N-4, Annual Volumes of Groundwater Pumped, on page IV.N-17.

In response to this comment, the second paragraph on page IV.N-17 of Section IV.N, Utilities, of the Draft EIR under subheading “Groundwater” has been revised as follows:

The Mammoth Basin has not been adjudicated or identified by DWR as being overdrafted. Groundwater is pumped from eight production wells located within the MCWD’s service area. According to the 2005 GWMP, groundwater may not be extracted at a rate greater than 4,000 afy.¹⁸ During the past five year period (~~2002~~2003 to ~~2006~~2007), MCWD pumped ~~10,327~~10,044 af of groundwater, averaging ~~2,065~~2,009 afy. As shown in Table IV.N-4, the maximum volume pumped occurred in 2003 and amounted to 2,520 af. When precipitation is lower than normal the use of groundwater is increased, as less surface water supply is available. Production volumes of groundwater in any one year are dependent on the type of precipitation year experienced and consequent availability of surface water. During dry-year periods, groundwater levels within the Mammoth Basin decrease due to increased pumping and less recharge. During normal and above-normal precipitation years, groundwater levels increase and tend to fully recover after two years of normal precipitation.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR and Topical Response 6, Water Services.

Comment A6-4

3. Table IV.N-9 applied an average daily generation rate of 100 gpd/unit for condominiums. The Water Supply Assessment for the project applied 170 gpd/unit resulting in 4,080 total average gallons per

¹⁸ 4,000 afy is the maximum amount of groundwater projected to pump in any given year and does not necessarily represent the safe yield of the aquifer.

day instead of the 2,400 gpd presented in the table. The total water demand for the project in the table should also be revised accordingly. The total project demand described on page IV.N-26 should also be corrected.

Response to Comment A6-4

This comment is in reference to Table IV.N-9, Project Estimate Water Demands, included on page IV.N-25 in Section IV.N, Utilities, of the Draft EIR, under subheading Impact UTIL-6 Water Supply. The comment requests several revisions be made to the table, as well as the Project's estimate average water demand described on page IV.N-26. Although not noted by the commenter, the Project's peak daily generation rate has also been revised.

In response to this comment, the following revisions have been made to Table IV.N-9 on page IV.N-25 and the first paragraph on page IV.N-26 of Section IV.N, Utilities, of the Draft EIR:

Table IV.N-9
Project Estimated Water Demands

	Size	Average Daily Generation Rate	Total Average Gallons Per Day (GPD)	Peak Daily Generation Rate*	Total Peak Gallons Per Day (GPD)
Residential Uses	Rooms/du				
Hotel Rooms ⁽¹⁾	760	80 gpd/room	60,800	120 gpd/unit	91,200
Condominiums ⁽²⁾	24	~~100~~ 170 gpd/unit	~~2,400~~ 4,080	~~105~~ 295 gpd/unit	~~2,520~~ 7,080
Non Residential Uses by Area	Square Feet (sf)				
Pool/Spa	4,500	435 gpd/1,000 sf	1,958	910 gpd/1,000 sf	4,095
Conference Center	9,000	125 gpd/1,000 sf	1,125	230 gpd/1,000 sf	2,070
Restaurant/Bar Area	22,125	580 gpd/1,000 sf	12,833	685 gpd/1,000 sf	15,156
General Commercial ⁽³⁾	13,492	150 gpd/1,000 sf	2,024	280 gpd/1,000 sf	3,778
Total Water Demands			~~81,140~~82,820		~~118,819~~123,379
Notes: (1) 760 rooms ~~are counted as one bedroom~~ includes of which 66 are on-site affordable rooms. ~~housing~~ (2) 24 ~~two bedroom~~ condominiums represents permanent year-round, on-site housing ~~is equivalent to 48 bedrooms~~ . (3) General Commercial includes water use associated with the potential office and personal services (e.g., beauty salons, childcare facilities, real estate sales and reservations, etc.). (4) 76,453 square feet of the Project is considered non-water usage area. This area is calculated at 85% of the total area of hotel amenities and operations less the listed specific uses (i.e., pool/spa, conference, restaurant/bar). Source: MCWD SB 610 WSA for the Mammoth Crossing Project, Table 1, page 6, March 25, 2008.					

Based on the methodology described above, as indicated in Table IV.N-9, the Project's estimated average water demand is approximately ~~81,140~~82,820 gpd (~~9493~~ afy) and the peak water

*demand is approximately ~~118,819~~123,379 gpd (~~434138~~ afy).¹⁹ According to the existing water supply available to the MCWD (refer to Table IV.N-3 above) there is sufficient water supply at average and peak times in both normal and multiple dry years for the Project. Thus, Project impacts to water use within the Town would be considered **less than significant** and no mitigation measures are required.*

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR and Topical Response 6, Water Services.

See Topical Response 6, Water Services for additional discussion regarding the Project's specific and cumulative water supply impacts and consistency with the certified General Plan Final Program EIR.

Comment A6-5

4. Potential Impact UTIL-6 is an important consideration for the project, thus the second sentence in the first paragraph on page IV.N-26 should be revised to make clear the conclusion reached in that sentence is based on current water demand. Table IV.N-6, Current Supply and Demand without Project, appears to supply the information described for this conclusions, however, the table presents *future* water demand projections. We recommend this table be relabeled as, Current Supply and *Projected* Demand at Build-Out without Project. It would be useful to include another table in the DEIR showing current supply and current demand using the demand figures from Table IV.N-5. In addition, the responses to comments on the water supply and demand issue also need to clearly differentiate whether the analyses and conclusions of the response are based on current or future demand.

Response to Comment A6-5

This comment requests that Project's impacts to the known existing water supply available to the Mammoth Community Water District (MCWD) as discussed in Section IV.N, Utilities, of the Draft EIR, in the first paragraph of Impact UTIL-6 Water Supply on page IV.N-26, be clarified to reflect that the Project's estimated demand have been calculated consistent with current water demand conditions.

The Project's water demand was calculated based on standard water demand generation rates provided by MCWD, which are used for the purposes of estimating a proposed project's future water needs. The MCWD generation rates are based on historical water demand-use data by specific land use categories (e.g., single family home, condominium, hotel room, etc.). As illustrated on Table IV.N-9, Project Estimated Water Demands, the Project's future projected water demand have been analyzed by land use

¹⁹ *The Project WSA did not calculate peak water use. The generation rates as shown in Table IV.N-9 are based on estimates provided by MCWD.*

for both average day and peak day flows. See Response to Comment A6-4 for revisions to the Project's water demand calculations.

In response to this comment, the Project's future projected water demand was compared to the existing projected water demand for the year 2010 illustrated on Table IV.N-5, Past, Current, and Projected Water Use, on page IV.N-19, and on data provided in the UWMP and by MCWD in their comment letters on the Draft EIR. See Response to Comment A5-8 historic surface water availability data from both 1992 and 2008. Table FEIR-2, Current Supply and Demand in 2010 With Project, the Project's estimated water demand is combined with to existing water demand conditions against known historic water supply conditions.

Table FEIR-2
Current Supply and Demand in 2010 With Project⁽¹⁾

Current Supply	Multiple Dry Water Years
Projected Surface Water Total	803 ⁽³⁾
Projected Groundwater Total	3,408 ⁽⁵⁾
Projected Total Water Supply	4,211
Demand Projection for Year 2010	3,674
Difference without Project	537
Project Demand at Peak Use Periods	138
Difference with Project	399
Note: (1) Units of measure are acre-feet (af) per year. An af equals approximately 325,821 gallons. (2) Represents surface water diversions, which represents a 60 percent runoff year during a series of multiple dry years as recorded in 1992. Consistent with the currently adopted UWMP, the volume of surface water in multiple dry years is based on the actual surface water that could have been available in 1992, the last year of a six-year drought. (3) Represents the minimum groundwater projection in multiple dry years. Source: MCWD SB 610 WSA for the Mammoth Crossing Project, Table 11, Page 18, March 25, 2008.	

In response to this comment, the following revision has been made to the first paragraph on page IV.N-26 of Section IV.N, Utilities, of the Draft EIR:

Based on the methodology described above, as indicated in Table IV.N-9, the Project's estimated average water demand is approximately ~~81,140~~82,820 gpd (~~9193~~ afy) and the peak water demand is approximately ~~118,819~~123,379 gpd (~~134138~~ afy).²⁰ According to the existing water supply available to the MCWD (~~refer to Table IV.N-3 above~~) there is sufficient water supply at average and peak times in both normal and multiple dry years for the Project. Thus, Project

²⁰ The Project WSA did not calculate peak water use. The generation rates as shown in Table IV.N-9 are based on estimates provided by MCWD.

*impacts to water use within the Town would be considered **less than significant** and no mitigation measures are required.*

Table IV.N-6 represents a cumulative impact and is not representative of current water demand use because the demand totals represent projects from the Table II-1, Related Projects, in Section II, Environmental Setting, of the Draft EIR. The related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved.

The comment misinterprets the use of information provided in Table IV.N-6, Current Supply and Demand Without Project, on page IV.N-20, which was not used to formulate the Project's impacts to water supply conclusion. The comment requests that the title of Table IV.N-6 be changed to clarify that the "Demand Without Project" portion of the title is a projected future demand. Text on Page IV.N-19, which introduces the data provided in Table IV.N-6, states that projected future water demand estimates are compared with current supply data and that Table IV.N-6 compares current supply and future demands in normal, single dry and multiple dry years, without the Project.

Therefore, in response to this comment, the following revisions have been made to the first paragraph of Impact UTIL-6 on page IV.N-26:

*Based on the methodology described above, as indicated in Table IV.N-9, the Project's estimated average water demand is approximately 81,140 gpd (91 afy) and the peak water demand is approximately 118,819 gpd (134 afy).²¹ According to the existing water supply available to the MCWD (refer to Table IV.N-3, above) and based on current water demand conditions, there is sufficient water supply at average and peak times in both normal and multiple dry years for the Project. Thus, Project impacts to water use within the Town would be considered **less than significant** and no mitigation measures are required.*

As noted above, see Response to Comments A6-4 for revisions to the Project's water demand calculations.

With regards to the title of Table IV.N-6, Current Supply and Demand Without Project, on page IV.N-20, the following revisions have been made to page vii of the Table of Contents and Table IV.N-6 on page IV.N-20 of the Draft EIR:

²¹ The Project WSA did not calculate peak water use. The generation rates as shown in Table IV.N-9 are based on estimates provided by MCWD.

Page vii of the Table of Contents:

<u>Table</u>	<u>Page</u>
Table IV.N-6 <i>Current Supply and Projected Demand at Build-Out Without Project</i>	IV.N-203

Page IV.N-20 of Section IV.N (Utilities):

Table IV.N-6
Current Supply and Projected Demand at Build-Out Without Project⁽¹⁾

<i>Current Supply</i>			<i>Multiple Dry Water Years</i>			
	<i>Average Normal Water Year</i>	<i>Single Dry Water Year</i>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>
<i>Supply Total</i>	6,760	3,410	5,190	4,908	4,508	4,492
<i>Demand Total (without Project)</i>	4,858	4,858	4,858	4,858	4,858	4,858
<i>Difference (without Project)</i>	<i>1,902</i>	<i>-1,448</i>	<i>332</i>	<i>50</i>	<i>-350</i>	<i>-366</i>
Note: (1) Units of measure are acre-feet (af) per year. An af equals approximately 325,821 gallons. Source: MCWD SB 610 WSA for the Mammoth Crossing Project, Table 11, Page 18, March 25, 2008.						

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR and Topical Response 6, Water Services.

Additionally, regarding the comment requesting that responses to comments should make note as to whether the analyses and conclusions of the response are based on current or future water demand. See Topical Response 6, Water Services and Response to Comment A5-4 for a revised comparison of current water supply with current demand. Table IV.N-6 (revised above) compares the current supply with the future demand at Town buildout as described on page IV.N-19, respectively.

See Response to Comment A6-2 for additional revisions to this table. Furthermore, the commenter is directed to Section III, Corrections and Additions to the Draft EIR, of this Final EIR for a complete for additional updates to impacts analysis outlined in the Draft EIR.

Comment A6-6

The comments provided in this letter constitute minor corrections and clarifications to the DEIR text and do not change the conclusions and findings provided in the Water Supply Assessment for the Project. Thank you again for the opportunity to comment on this document. Please feel free to contact me at extension 314 if you have any questions.

Response to Comment A6-6

This comment contains closing language for the comment letter and notes that the comments provided in this comment letter constitute minor corrections and clarifications to the text within the Draft EIR and do not change the conclusions and findings provided in the Water Supply Assessment for the Project, included as Appendix L, Water Supply Assessment, to the Draft EIR. No response is required.

RESPONSE TO COMMENT LETTER B1

Phyllis St. George

Comment B1-1

As a homeowner at the Fireside at the Village Condominium Complex, I am vehemently opposed to the approval of the Preliminary EIR being reviewed for the Mammoth Crossing project, specifically, at the corner of Minaret Rd and Old Mammoth Rd., at the current site of the Whiskey Creek Restaurant in Mammoth Lakes, CA.

This report in its current state does not, in any measure, take into consideration the impact this development would be to the Fireside at the Village Complex occupants that have occupied the adjoining property since 1971. I urge all members of the Town Council and the Planning Commission to review each and every detail of this report and explain to me, as a homeowner, how this development will not impact my property, livelihood, and well being.

Response to Comment B1-1

This comment contains general information on the commenter themselves and expresses an opinion about approval of the proposed Project and questions the Project's impact on their personal well being, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Draft EIR is not meant to address personal well being, economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

With respect to the portion of the comment stating that the Draft EIR does not take into consideration the impact the proposed development would have on the Fireside at the Village Complex, pursuant to CEQA requirements the Draft EIR considers adjacent land uses to the proposed Project. Discussions in the Draft EIR make reference to sensitive receptors, nearby residents, or residential land uses located adjacent to the Project site, all of which would include the Fireside Complex. In Section IV, Environmental Impact Analysis (IV.A through IV.N), of the Draft EIR, each section includes a detailed Environmental Setting

discussion, which emphasizes site and surrounding land use conditions that are specific to that particular environmental analysis. In addition, each section includes a Project impact analysis to surrounding land uses, including the adjacent Fireside Condominiums. This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B1-2

Please explain to me how you will mitigate the dirt, dust and noise I will have to endure during the construction.

Response to Comment B1-2

Impacts associated with Project construction have been identified in the Draft EIR, including dirt, dust and noise. Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, of the Draft EIR includes all mitigation measures included in the Draft EIR. Specific mitigation measures have been included to reduce dirt, dust and noise impacts during Project construction (please refer to Mitigation Measures AQ-1 (Construction Impacts), GEO-5 (Soil Erosion/Loss of Topsoil), and NOISE-1 (Exposure of Persons to Excessive Noise Levels) for the specific mitigation measures relating to the topics of concern). As discussed in Table I-1, even with implementation of the specific mitigation measures, pollutant emissions during Project construction would remain significant and unavoidable, as would temporary construction noise; however, implementation of Mitigation Measure GEO-5 would reduce Project impacts to soil erosion/loss of topsoil to a less-than-significant level. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B1-3

Please explain to me how you will keep my property in sunlight and with views that I currently enjoy and expect.

Response to Comment B1-3

This comment expresses an opinion about available sunlight and private views, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Project's impacts to Public Views of Scenic Vistas and from Shading/Shadows are discussed in Section IV.B, Aesthetics, of the Draft EIR, on pages IV.B-16 through IV.B-39, and IV.B-53 through IV.B-62, respectively. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Topical Response 3, View Analysis, and Topical Response 5, Shading/Shadows.

Comment B1-4

Please explain to me how you will repay me for lose [*sic*] of revenue and loss of property value from this monstrous building that will literally over shadow my life.

Response to Comment B1-4

This comment expresses a concern for loss of revenue and loss of property value resulting from the development of the proposed Project. The Draft EIR is not meant to address economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the Draft EIR.

The commenter does not address the adequacy of the Draft EIR, nor does the commenter raise a new environmental issue; therefore, no further response is required. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B1-5

And, certainly, please explain to me how this development can be approved when it is over 229% of the density currently approved for this site.

Response to Comment B1-5

The commenter is referring to Site 1 of the proposed Project. As discussed in Section III, Project Description, on page III-10, the current density allowed on Site 1 under the existing *North Village Specific Plan* in the Resort General (RG) zone is 48 Rooms Per Acre (RPA) and the Project is proposing 110 RPA on this site. This represents a 62 RPA increase, which is equivalent to a 129 percent increase from what is currently approved. See Topical Response 2, Project Description.

The commenter does not state a specific concern or question regarding the adequacy of the content of the Draft EIR. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B1-6

The list of concerns are too numerous to mention. I ask that you do the right thing and take into consideration the current residents of the area.

I understand your meeting scheduled for September 10, 2008, is to receive comments from opposing parties. I would expect that my letter, comments and requests will be addressed as though I were standing in the meeting in person. This is not a simple situation that will go away with the occupants of Fireside at the Village.

Response to Comment B1-6

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Response to Comment Letter B2

Tracy Spencer

The commenter submitted the following numbered comments to the Planning Commission, and in addition submitted more detailed comments together with Chris Ricketts. The more detailed comments with responses can be found below in their joint Response to Comment Letter B-13.

Comment B2-1

I've completed an initial review of the Mammoth Crossing draft EIR, and I'd like to share my initial impressions with you.

In my mind, the purpose of an EIR is to inform the public, and the public agencies, about the environmental impacts of a proposed project.

Yet, in my preliminary review of this document, a few things leapt out at me.

Response to Comment B2-1

This comment confirms the commenter has reviewed the Draft EIR, expresses her opinion about the purpose of an EIR and introduces ensuing comments. No response is required.

Comment B2-2

1. I see a document where the executive summary provides a different picture of the impacts of the project than the body of the document – all is not rosy
2. I see a document where Fireside requests for additions to EIR scope have been ignored

3. I see a proposal to give MC the right to build denser, higher buildings closer to our streets with no corresponding increase for other properties in the village

Where densities are going up 229% on site 1 from 48 rooms in the NVSP to 110 rooms in the proposal

Where setbacks are going down from 30-40 feet as specified in the NVSP to 0-15 feet

Where heights are going from the 40 foot max as specified in the NVSP to an average 80 feet

But yet the EIR concludes that there are no significant planning and land use impacts

4. I see a document that does not include a discussion of the impacts on vacant land and/or redevelopment opportunities that could be stifled by increasing the density of Mammoth [sic] Crossing project

But, the EIR considers the proposed project consistent with General Plan PAOT and NVSP zoning.

5. I see a proposal where the burden of increased density is disproportionately [sic] allocated across all of Mammoth Crossing sites

But there is no discussion of alternatives, or the ongoing burdens to neighboring properties.

6. I see a document where only 10 view locations are considered, with little emphasis on those from neighboring properties or pedestrian corridors or plazas.

But where the only view impact mentioned in the executive summary is to views of the Knolls, which the EIR summarizes as significant and unavoidable.

7. I see a document that says that Fireside will be in complete shade for the whole winter

But dismisses any impacts "because Fireside's outdoor spaces are not used in the winter".

- a. My TOT returns show that 90% of my visitors come in the winter.
- b. Fireside pathways on the south side of our building serve as primary access to the gondola, our loading zone, our trash bin and our recreation building. Full shadow means all the concerns about snow removal and black ice raised about Minaret will be shared by Fireside, in addition to added costs for removal of ice dams, snow from balconies, etc.
- c. 80ft buildings will block all the sunlight to Fireside during the winter, decreasing the desirability

8. I see a document that says construction views, noise and particulates will likely eliminate Fireside's summer visitors for 24-36 months

But no Fireside specific mitigation measures are discussed in the EIR, and impacts are classified as significant and unavoidable.

9. I see a document that describes this project as being consistent with the pedestrian orientation outlined in the NVSP, despite a town commissioned Sustainable Transportation report authored by Nelson Nygard which raises several issues about this project, [sic]

But no pedestrian specific mitigations are discussed in the EIR.

10. I see a document where economic and social impacts caused by the physical project, both positive and negative, are not discussed. Will the project as proposed lead to a healthier, more vibrant Village? In what ways? Where there are negative economic impacts, how can these be mitigated?

Response to Comment B2-2

The commenter expresses opinions regarding the proposed Project's density, setbacks, heights, view locations, construction impacts, consistency with the *North Village Specific Plan*, and pedestrian orientation, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Topical responses are found above. Regarding construction impacts (views, air quality and noise), see Topical Response 2, Project Description; regarding view locations, see Topical Response 3, View Analysis; regarding allocated density, see Topical Response 4, Alternative; and regarding outdoor spaces in the winter, see Topical Response 5, Shading/Shadow.

With respect to a few statements listed in this comment, clarification is required. It is assumed the reference to the executive summary is actually referring to Section I, Introduction and Summary, of the Draft EIR. Also, the reference to percentage (229 percent) of density going up from allowed rooms to proposed rooms requires clarification. The commenter is referring to Site 1 of the proposed Project. As discussed in Section III, Project Description, on page III-10, the current density allowed on Site 1 under the existing *North Village Specific Plan* in the Resort General zone (RG) is 48 Rooms Per Acre (RPA) and the Project is proposing 110 RPA. This represents a 62 RPA increase, which is equivalent to a 129 percent increase over what is currently approved. In addition, the Draft EIR is not meant to address economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on the environment. As such, the statement regarding expected loss of rental income addresses concerns outside of the scope of the Draft EIR.

In addition to referencing the topical responses above, the commenter is referred to responses to comments that have been addressed elsewhere in this Final EIR document, including the commenter's second comment letter B13 below. Specifically, regarding requests of the Fireside Condominium occupants, see Response to Comment B1-1; height, density and setbacks, see Response to Comment B13-6, B13-12 and B13-18; *North Village Specific Plan* consistency and pedestrian orientation, see Response to Comment B13-56.

Comment B2-3

I recommend that the Planning Commission direct staff, as the Lead Agency on this EIR, to revisit the EIR, and re-release it for public comment when it is more complete. This action would have the following benefits:

- Preserve public trust and integrity of the EIR process
- Streamline CEQA compliance, reducing costs and staff work load
- Reduce chances of future litigation to challenge the EIR
- Relieve the burden currently placed on the public in responding to an incomplete EIR

Our Town, and Fireside, deserves better!

Response to Comment B2-3

This comment recommends the Draft EIR be revised and recirculated, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR.

Under CEQA, recirculation is only required when the lead agency adds "significant new information" to an EIR, after the public comment period but prior to certification. CEQA Section 21092.1; CEQA Guidelines Section 15088.5; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128.

In *Laurel Heights*, the California Supreme Court interpreted this "significant new information" standard and explicitly rejected the proposition any new information triggers recirculation; recirculation is intended to be an exception, not the general rule. Thus, recirculation is required only if changes to the Draft EIR deprived the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project. Because no "substantial adverse" impact would result from any of the revisions of the Draft EIR, recirculation would not be required.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B2-4**Mammoth Crossing Variances Requested**

Site 1 Only

Reference is North Village Specific Plan, as updated July 2008

	NVSP	Requested	% above code	Comments
Density	48 rooms per acre	110 rooms per acre	229%	
Height	40 ft, exceptions to 50 ft if offset	30 to 103 ft from 8035-8045 elevation, 74% of site over 50 ft	if avg 75ft, then 187%	Our Canyon building ground floor is at 8049, and the Minaret Building is at 8046
Rear Setbacks (near Fireside)	10	8	125%	Closest spot to our building is at corner of manager's unit and is estimated to be 26 feet with requested setback
Canyon, Lake Mary and Minaret Setbacks	30-40 ft	0-15 ft	266% plus	
Site Coverage	70%	42% plus tons of hardscape	??	

Response to Comment B2-4

The attachment above is in reference to land use variances (specific to Site 1) to the *North Village Specific Plan*, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The attachment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

The attachment requires some clarification. Because the right column in the table is titled "above code," which is meant to imply above the existing *North Village Specific Plan*, the percentages listed are incorrectly represented. The commenter's incorrect reference to 229 percent above permitted density has been addressed in Response to Comment B2-2. The commenter's reference to building height averages, setbacks and site coverage are speculative. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

RESPONSE TO COMMENT LETTER B3

Mammoth Lakes Trails and Public Access Foundation (MLTPA) (Wentworth, John)

Comment B3-1

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Mammoth Crossing Project. Consistent with our mission, the Mammoth Lakes Trails and Public Access Foundation (MLTPA) has reviewed the DEIR for its discussion of impacts to trails and recreation resources. Our comments below reflect that review.

Response to Comment B3-1

This comment confirms the Mammoth Lakes Trails and Public Access Foundation (MLTPA) has reviewed the Draft EIR and introduces ensuing comments. No response is required.

Comment B3-2

1. Figures III-14 and 15, Pedestrian and Bicycle Circulation Maps. These maps are very conceptual in nature and do not clearly depict the existing and proposed circulation. The Lake Mary Multi-Use Path (currently under construction) is not depicted on either figure. The bicycle and pedestrian connections along Canyon Blvd. to the Village, a major destination for both user groups are not shown. Also, the reference to bicycle paths should be clarified as paths are different from lanes or routes. It would be helpful to understand which type of facility is proposed in which location and whether these are part of the Town's bicycle plan or are changes proposed by the applicant. Without the specific representations of these facilities and plans, it is difficult, and technically impossible, to provide commentary on the Draft EIR. Please provide the location of the Lake Mary path, the connections to the Village and the project's changes to existing Town facilities and plans so that these facilities and uses, along with MLTPA's comments, can be included in the Final EIR.

Response to Comment B3-2

The commenter correctly identifies Figure III-14, Pedestrian Circulation Map, and Figure III-15, Bicycle Circulation Map, as conceptual in nature. While the Project proposes land use and development standards for each of the Project's three sites, the detailed plans and designs have not been proposed. Illustrated conceptual site plans, including those listed above, are shown in the Draft EIR to aid the reader in understanding what could be developed once the proposed amendments to the *North Village Specific Plan* have been adopted. Following the Town of Mammoth Lakes' adoption of the revised *North Village Specific Plan*, the Project would require the approval of Use Permits, Tentative Tract Maps, Grading and Building permits, and would undergo Design Review. The Project would provide pedestrian and bicycle

connectivity consistent with the most recent adopted versions of the Sidewalk Master Plan, Bikeway Plan, and Trails System Master Plan at the time of Use Permit approval. During the approval process the Town would review all Project plans for consistency with any other applicable Town regulations, including consistency with General Plan policies which support transit ridership and pedestrian activity including safe and convenient pedestrian and bicycle access. During Design Review, the Town would review all final proposed bicycle and pedestrian designs for consistency with the Town's design standards and Town Mobility Planning requirements. See Topical Response 2, Project Description, and Response to Comment A4-10.

In response to this comment, the discussion under subheading "Pedestrian and Bicycle Circulation System" on page III-30 of Section III, Project Description, of the Draft EIR has been revised as follows:

Figure III-14 and Figure III-15 illustrate the pedestrian and bike ~~path~~ network, respectively. As shown on these figures, the pedestrian ~~pathways~~ system would include interior sidewalks fronting the hotels, public plazas, and retail, while the proposed bicycle system is restricted to the borders of the Project sites. Prohibiting bicycle riding throughout the interior of the Project sites is a safety design feature. However, bicycles can be walked throughout the Project sites and bicycle facilities would be provided on each Project site for hotel guests, visitors and residents. Bicycle facilities would include, but are not limited to, secure, covered bike parking/racks for a variety of bicycle sizes, lockers, and storage. Pedestrian connections to and from hotel areas would link the Project with the North Village and Gondola building, thus tying into the larger Town wide recreational trail network which includes pedestrian trails, bike lanes and sidewalks that are adjacent to major roadways such as Minaret Road, Main Street and Meridian Boulevard. Sidewalks and ~~pathwalkways~~ on the Project's development sites would be lit according to the Town's Outdoor Lighting ordinance. All proposed pedestrian crossings, sidewalks, ~~pathwalkways~~, trails and bike lanes would be compliant with the standards provided in the Americans with Disabilities Act ("ADA").

In addition, Figure III-15, Bicycle Circulation Map, on page III-35 of Section III, Project Description, of the Draft EIR has been revised. These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B3-3

2. Mitigation Measure AES-5. Conditions other than black ice may necessitate heat tracing of the roadway and pedestrian ways. Please replace "i.e." with "e.g." This lets the Town address a variety of icing conditions.

Response to Comment B3-3

This comment is in reference to Mitigation Measure AES-5 Shading/Shadows. In response to this comment, Mitigation Measure AES-5 in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-5 of Section I, Introduction and Summary, as well as on page IV.B-54 of Section IV.B, Aesthetics, of the Draft EIR have been revised as follows:

Page I-5 of Section I (Introduction and Summary):

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
AESTHETICS (AES)		
Impact AES-5 Shading/Shadows	Mitigation Measure AES-5 Shading/Shadows	
A significant shade/shadow impact could occur if shadow-sensitive uses would be shaded by Project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October). A significant impact could also occur if the Project required an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses. In addition, the shading of roadways for extended periods of time could lead to hazardous roadway conditions such as black ice. Winter Solstice The Project's winter solstice shadows would cast onto a portion of the adjacent residential land use north of Project Site 1 in the morning and throughout the afternoon. Winter solstice shadows would cast onto portions of Lake Mary Road, Main Street and Minaret Street for more than three hours. Shading of these roadways for extended periods of time could lead to hazardous roadway conditions such as black ice.	The Project Applicant shall implement a snow plowing and cindering plan during the three worst-case shadow months of the year at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week. The Community Development Director shall review the methodology and effectiveness of the plan during its implementation. If it is determined by the Town that the plan does not adequately reduce hazards resulting from shadows (i.e.e.g., black ice), the Town shall require the Project Applicant to install heat traced pavement at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week.	Less Than Significant

Page IV.B-54 of Section IV.B (Aesthetics):

Mitigation Measure AES-5 Shading/Shadows

The Project Applicant shall implement a snow plowing and cindering plan during the three worst-case shadow months of the year at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week. The Community Development Director shall review the methodology and effectiveness of the plan during its implementation. If it is determined by the Town that the plan does not adequately reduce hazards resulting from shadows (i.e.e.g., black ice), the Town shall require the Project Applicant to install heat traced pavement at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B3-4

3. Section IV-M. The proposed bicycle and pedestrian circulation design has the potential to substantially increase hazards to cyclists.

While the location of the Lake Mary Multi-use Path is not included on Figures III-14 and 15, it appears that the interruption of the bicycle circulation between town, the Village, and the Lake Mary path has the potential to put riders into a conflict with either cars or pedestrians. Because the graphic representations of the proposed routes are so imprecise, and no routes are shown on Canyon Blvd, it is difficult to evaluate potential conflicts.

The Lake Mary Multi-Use Path will begin at Minaret Road and traverse the project frontage as it proceeds west along Lake Mary Road. It is designed as a Class 1 path with a separation from vehicle traffic and is expected to be a major recreational attraction when completed. The project graphics appear to propose giving cyclists the choice of passing between the travelled [*sic*] way of Lake Mary Road and parked cars or following a sidewalk between the roadside parking and the buildings. Many users of the Mammoth Lakes Trail System are casual recreational bicyclists, including families, not used to negotiating traffic and parked cars or dismounting and walking for a block or more.

Response to Comment B3-4

This comment provides general information on the Lake Mary Multi-Use Path and expresses an opinion that the proposed bicycle and pedestrian circulation design could substantially increases hazards to cyclists. This comment has been previously addressed. See Response to Comment B3-2.

Comment B3-5

The proposed project appears to increase hazards for cyclists and possibly for pedestrians by creating a transition from a class 1 path to a class 3 route at a location that is one of the busiest intersections in the town and a hub for bicycle access to the Lakes Basin and MMSA. The text neither describes this transition nor evaluates alternative designs through the project.

MLTPA does not agree that requiring cyclists to dismount and walk their bicycles across the project is an appropriate mitigation measure in an area that is heavily used by cyclists heading to and from the Lakes Basin, Mountain Bike Park, and other destinations. We suggest that users attracted to the Lake Mary path and the bike park shuttle will be confused by the need to shift to walking or riding between parked cars and traffic. Therefore, it appears that the threshold of significance established in the CEQA Guidelines has been crossed and a more thoughtful design, perhaps continuing the class 1 route all the way to Minaret Road, should be provided. Please provide more information in the Final EIR on the bicycle paths, lanes, and routes (existing, planned, and revised) entering and exiting the project area and the integration of that traffic with the other modes and facilities.

Response to Comment B3-5

The commenter has expressed an opinion about the Project's proposed bicycle circulation system. The Project's bicycle circulation system has been designed to be responsive to a vibrant downtown area catering to pedestrians. The Project site is not an area of fast moving traffic where visitors are primarily driving through, but rather is intended to be a slow moving pedestrian mixed-use area. No class designations have been applied to the Project's bicycle circulation system at this time. The Project provides a dedicated bike lane on the street side and would include paving treatments (e.g., bike lane delineation and striping), warning signage to alert pedestrians that the area is shared with cyclists. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Response to Comment B3-2.

Comment B3-6

Thank you for considering our comments. Mammoth Lakes Trails and Public Access continues to offer our services to the applicant and the Town to assure that the town's multi-modal transportation system is successful and provides maximum utility to the project, its residents and guests, and the community. We look forward to a productive public review process as the project proceeds.

Response to Comment B3-6

This comment contains closing language for this comment letter. No response is required.

RESPONSE TO COMMENT LETTER B4

Bob and Tina Szpila

Comment B4-1

We are Bob & Tina Szpila and we live at 305 Calle Neblina, San Clemente, CA 92672 Phone: 949-492-0600. We own unit 304 at Fireside at The Village (Mammoth Fireside), which is adjacent to Site 1 of the Mammoth Crossings [sic] project. We use the unit as a vacation home and also rent it out when we are not there. We estimate we use it around 50 days per year and rent it out around 150 days per year. We rent it ourselves (Business Tax Certificate Number 5340) and also through a local agency, 101Greatescapes.com. When occupied, there are usually 6-8 guests.

We support development of the project area, but with a development that is compatible with surrounding uses and consistent with General Plan and existing North Village Specific Plan. However, we are concerned about how the Town is proceeding with piecemeal development inconsistent with the General Plan and North Village Specific Plan, and that as a result a project such as this one will have potentially devastating effects on the Town's character, the well-being of its residents in general, and residents at Fireside in particular.

We believe that the Draft Environmental Impact Report (DEIR) prepared for project does not comply with state law. It does not accurately describe the project and fails to adequately analyze the impacts caused by the project. Perhaps most egregiously, the DEIR acknowledges that the project will result in significant environmental harm, especially to neighboring residents, such as Fireside, but fails to consider—or even to propose—feasible mitigation measures that would reduce the impacts caused by the project.

We have the following specific comments and questions:

Response to Comment B4-1

This comment contains general information on the commenters themselves and expresses an opinion about the Draft EIR and introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Topical Response 2, Project Description.

With respect to the portion of the comment stating that the Draft EIR does not take into consideration the impact the proposed development would have on the Fireside Condominiums, pursuant to CEQA requirements the Draft EIR considers adjacent land uses to the proposed Project. The Draft EIR analyzes

impacts to sensitive receptors, nearby residents, or residential land uses located adjacent to the Project site, which includes the Fireside Condominiums. See Response to Comment B1-1.

The Project's significant impacts, associated mitigation measures and level of significance after mitigation are summarized in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, on page I-5 of the Draft EIR. See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Regarding General Plan and Specific Plan consistency, the Draft EIR found that the Project was generally consistent with applicable policies in the General Plan and Specific Plan; however, ultimately the determination of consistency remains with the Town of Mammoth of Lakes. In reviewing quasi-legislative acts or decisions concerning consistency with the general plan, the "arbitrary and capricious" standard would apply. The inquiry centers on whether or not the decision was arbitrary, capricious, entirely lacking of evidentiary support, unlawful, or procedurally unfair. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. Additionally, because a general plan consists of policies reflecting a wide range of competing interests, projects need not satisfy each and every policy. "It is beyond cavil that no project could completely satisfy every policy stated in [a general plan], and that state law does not impose such a requirement." (*Sequoia Hills Homeowners Association v. City of Oakland* (1993) 23 Cal. App. 4th 704, 719.) Finally, inconsistency with General Plan or Specific Plan policy does not necessarily equate with a physical impact on the environment, and thus may not result in a significant impact.

The comment does not identify a specific concern regarding the adequacy of the DEIR, nor does the comment raise a new environmental issue. Accordingly, no further response is required. The comments will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B4-2

In the DEIR page IV.B=14.[sic] it states "The usable outdoor spaces associated with the nearby residences (e.g., yards, balconies, etc.) are routinely used in the summer months; however, these outdoor spaces are rarely used in the winter months" This is not entirely true. Fireside Condominiums have an out door [sic] patio in front of the pool building which will be shadowed in the Winter by the Mammoth Crossing building. This is used by guests on sunny days to relax after using the sauna or Jacuzzi. Why was not the shading of this outdoor space considered in the DEIR?

Response to Comment B4-2

The shading impacts to the sensitive land uses to the north of Project Site 1, including Fireside Condominiums, were considered in the Shading/Shadow analysis presented in the Draft EIR on page

IV.B-25 and as illustrated on Figure IV.B-25, Winter Solstice Shading 9:00 a.m., 12:00 p.m., 5 p.m. Pacific Standard Time, in Section IV.B, Aesthetics, of the Draft EIR. This analysis includes the outdoor space referenced by the commenter. This particular space is surrounded by approximately 13 trees to the south ranging from 40 to 50 feet in height. As a result, this space would be shaded from the existing trees during the winter months from 11 a.m. throughout the rest of the day; therefore, representing existing conditions that are in excess of the threshold used in the Draft EIR, which states that a significant shading impact could result if shading occurs for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time during winter months.

The comment references the discussion in Section IV.B, Aesthetics, under the heading “Existing Shadow-Sensitive Uses and Shadow Patterns” on page IV.B-14 of the Draft EIR where it is identified that outdoor spaces such as yards and balconies of nearby residences are rarely used in winter months. This statement is based on the fact that during winter months (i.e., the ski season) the majority of outdoor recreational activities include snow skiing, snow shoeing, snowmobiling, etc. and that while outdoor spaces such as the one referenced by the commenter may be used in winter months it is not the primary time of use for this type of outdoor space. This combined with the fact that existing on-site trees would shade this area during winter months, reinforces the finding in the Draft EIR that shading of adjacent outdoor spaces during the winter months would not constitute a significant impact.

See Topical Response 5, Shading/Shadows.

Comment B4-3

There is also a walkway close to the property line along the northern border of site 1 that will be shaded all Winter, resulting in increased costs to Fireside for snow removal and a potential hazard to pedestrians due to ice formation. Why was this walkway not considered in the DEIR analysis?

Response to Comment B4-3

As identified above in Response to Comment B4-2, the shading impacts to the sensitive land uses to the north of Project Site 1, including Fireside Condominiums, were considered in the Shading/Shadow analysis presented in the Draft EIR on page IV.B-25 and as illustrated on Figure IV.B-25, Winter Solstice Shading 9:00 a.m., 12:00 p.m., 5 p.m. Pacific Standard Time, in Section IV.B, Aesthetics.

As noted in, Section IV.L, Public Services, of the Draft EIR, on page IV.L-21, maintenance and snow removal on private roads and private property is the responsibility of the land owners. As noted above, in Response to Comment B4-2, the private walkway described by the commenter is already substantially shaded during winter months due to existing conditions creating potentially hazardous conditions.

See Topical Response 5, Shading/Shadows.

Comment B4-4

The height of the buildings and the small setback will cause a great increase in the winter snow pack on the southern side of our buildings which might cause damage to our buildings and increased snow removal costs on our walkways as there is no current vehicular access to the south side of our buildings facing Site 1, making snow removal difficult. Currently this area is wide open to the winter sun and snow removal is not a problem. Why was this not analyzed in the DEIR?

Response Comment B4-4

As noted in Section III, Project Description, of the Draft EIR on page III-31, and in Section IV.L, Public Services, under the Snow Management section, the Project Applicant would be required to submit a Snow Management Plan ("SMP") for approval by the Town and the Mammoth Lakes Fire Protection District once the Project reaches the Final Development Plan stage. See Topical Response 2, Project Description, Topical Response 5, Shading/Shadows, and Response to Comments B4-2 and -3.

Comment B4-5

In the DEIR section IV.B Aesthetics, with regards to "Public Views of Scenic Vistas", a view (number 4) was done looking South on Canyon Boulevard, but there was no similar view taken looking South from Minaret from a similar point about 100 yards up Minaret from the Main street/Minaret intersection. All the views from that part of Minaret were taken from farther up the street, where the Mammoth Crossing buildings were not visible. We believe there is an obstruction of the public view from that part of Minaret. Why was there no view taken from this position and analyzed as part of the DEIR?

Response to Comment B4-5

In response to this comment and other similar comments four additional viewpoints were analyzed and found to have less than significant impacts to public views of scenic vistas. See Topical Response 3, View Analysis.

Comment B4-6

We request that the project be redesigned to avoid environmental impacts and interference with the use and enjoyment of homeowner's property, and that the DEIR be revised and recirculated. The DEIR should consider alternatives to the proposed project, such as a project design that is consistent with the existing North Village Specific Plan.

Response to Comment B4-6

This comment requests that the Project be redesigned and the Draft EIR be revised and recirculated, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation

measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Response to Comment B4-1.

Section IV, Environmental Impact Analysis (IV.A through IV.N), of the Draft EIR includes detailed Project impact analysis to surrounding land uses, including the adjacent Fireside Condominiums. The Project's significant impacts, associated mitigation measures and level of significance after mitigation are summarized in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, on page I-5 of the Draft EIR. See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Section VI, Alternatives to the Proposed Project, of the Draft EIR includes four alternatives, two of which were determined to be consistent with the existing *North Village Specific Plan*: 1) Alternative A, No Project No Build and 2) Alternative D, Existing North Village Specific Plan Build-Out Condominium Only. The *North Village Specific Plan* does not restrict development to one type, but rather allows for a range of development scenarios. While the commenter requests that the Draft EIR include alternatives to the proposed Project that are designed to be consistent with the existing *North Village Specific Plan*, the comment does not articulate the manner in which the alternative should be made to be consistent. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 4, Alternatives.

RESPONSE TO COMMENT LETTER B5

Robert and Rebecca Hinkle

Comment B5-1

We, Robert and Rebecca Hinkle, reside at 356 Cumberland Rd, Glendale, Ca (818 425-41218) ,our unit's [sic] are 209 and 309 at Fireside at The Village (Mammoth Fireside), which is adjacent to Site 1 of the Mammoth Crossings [sic] project. Our unit is leased on an annual basis to folks that are employed in Mammoth. As we have been told by tenants, our unit is at a very reasonable cost, extremely clean (in comparison to other city units) plus updated and the location very desirable.

I have been skiing in Mammoth since 1972, my children started skiing in Mammoth since they where 2 year old. [sic] (now 34 and 29). We have owned other properties in Mammoth before we purchased a family home in the Top of Knolls 11 years ago. We bought this property so we could give our grandchildren the same love of Mammoth that their parents had as children, and we would all enjoy the well kept beauty of Mammoth together.

Bob and I appreciate your time put forth to ALL the cites [sic] needs so that Mammoths [sic] growth is not enhanced from mistakes made in the past.

Rather than write our concerns and questions in a different venue, thus, having you to read the same concerns in a different context, the following is duplicated from a Fireside owner, of which our same concerns and questions apply to the EIR .

We support development of the project area, but with a development that is compatible with surrounding uses and consistent with General Plan and existing North Village Specific Plan. However, we are concerned about how the Town is proceeding with piecemeal development inconsistent with the General Plan and North Village Specific Plan, and that as a result a project such as this one will have potentially devastating effects on the Town's character, the well-being of its residents in general, and residents at Fireside in particular.

We believe that the Draft Environmental Impact Report (DEIR) prepared for project [sic] does not comply with state law. It does not accurately describe the project and fails to adequately analyze the impacts caused by the project. Perhaps most egregiously, the DEIR acknowledges that the project will result in significant environmental harm, especially to neighboring residents, such as Fireside, but fails to consider—or even to propose—feasible mitigation measures that would reduce the impacts caused by the project.

We have the following specific comments and questions:

Response to Comment B5-1

This comment contains general information on the commenters themselves and provides similar concerns and questions as presented in Comment B4-1, which have been addressed in Response to Comment B4-1. See Response to Comment B4-1.

Comment B5-2

In the DEIR page IV.B=14.[sic] it states "The usable outdoor spaces associated with the nearby residences (e.g., yards, balconies, etc.) are routinely used in the summer months; however, these outdoor spaces are rarely used in the winter months" This is not entirely true. Fireside Condominiums have an out door [sic] patio in front of the pool building which will be shadowed in the Winter by the Mammoth Crossing building. This is used by guests on sunny days to relax after using the sauna or Jacuzzi. Why was not the shading of this outdoor space considered in the DEIR?

Response to Comment B5-2

This comment has been previously addressed. See Topical Response 5, Shading/Shadows, and Response to Comment B4-2.

Comment B5-3

There is also a walkway close to the property line along the northern border of site 1 that will be shaded all Winter, resulting in increased costs to Fireside for snow removal and a potential hazard to pedestrians due to ice formation. Why was this walkway not considered in the DEIR analysis?

Response to Comment B5-3

This comment has been previously addressed. See Topical Response 5, Shading/Shadows, and Response to Comment B4-3.

Comment B5-4

The height of the buildings and the small setback will cause a great increase in the winter snow pack on the southern side of our buildings which might cause damage to our buildings and increased snow removal costs on our walkways as there is no current vehicular access to the south side of our buildings facing Site 1, making snow removal difficult. Currently this area is wide open to the winter sun and snow removal is not a problem. Why was this not analyzed in the DEIR?

Response to Comment B5-4

This comment has been previously addressed. See Topical Response 5, Shading/Shadows, and Response to Comment B4-4.

Comment B5-5

In the DEIR section IV.B Aesthetics, with regards to "Public Views of Scenic Vistas", a view (number 4) was done looking South on Canyon Boulevard, but there was no similar view taken looking South from Minaret from a similar point about 100 yards up Minaret from the Main street/Minaret intersection. All the views from that part of Minaret were taken from farther up the street, where the Mammoth Crossing buildings were not visible. We believe there is an obstruction of the public view from that part of Minaret. Why was there no view taken from this position and analyzed as part of the DEIR?

Response to Comment B5-5

This comment has been previously addressed. See Topical Response 3, View Analysis, and Response to Comment B4-5.

Comment B5-6

We request that the project be redesigned to avoid environmental impacts and interfere with the use and enjoyment of homeowner's property, and that the DEIR be revised and recirculated. The DEIR should

consider alternatives to the proposed project, such as a project design that is consistent with the existing North Village Specific Plan.

Response to Comment B5-6

This comment has been previously addressed. See Response to Comment B4-6.

RESPONSE TO COMMENT LETTER B6

Clare Kellett

Comment B6-1

This email is to comment on the draft EIR regarding Mammoth Crossing. I have reviewed the plans and attended various meetings with Mammoth Crossing. I am also very familiar with the draft EIR for this proposed project.

As a current Owner of a south facing 2nd and 3rd floor condo at Mammoth Fireside I am directly impacted by the project proposed for the Site 1 Mammoth Crossings [*sic*] project and while I support development of the project area I have many concerns regarding the draft EIR.

Fireside #306 was our primary residence from 2002-2005 when the impact of construction on the 8050 site adjacent (north) to us caused us to move our family with 3 young children to a quieter residence in Mammoth.

In 2007 we placed our condo on the rental market. It was rented for approximately 170 days during both winter and summer seasons for up to 9 guests at a time. This has proved to be a very important source of income to our family and the proposed Mammoth Crossings [*sic*] project will directly impact this source of income.

For these reasons we request you consider the following:

Response to Comment B6-1

This comment contains general information on the commenter themselves and confirms the commenter has reviewed the Draft EIR and introduces ensuing comments. No response is required.

Comment B6-2

Building Height and Reduced Setbacks:

It is imperative that the development of this project is compatible with surrounding uses and consistent with General Plan and the North Village Specific Plan. The result of a project such as the one proposed

will have potentially devastating [*sic*] effects on the well-being of ourselves as Mammoth Fireside owners and our guests.

Since we purchased this condo in 1999 we have enjoyed the unobstructed view of the Sherwins and full sun for most of the day. If the project goes ahead as proposed, the impact of such a tall building and so close to our condo, will result in the loss of our view and sunlight forever, an increase in cost of heating and lighting and a loss in income due to lowered desirability.

As it appears that the entire Mammoth Fireside site will be in shadow throughout the entire winter, I also have grave concerns regarding snow shed from the Mammoth Crossing building and snow melt due to loss of sunshine. Our major path will also be in shade and thus the increased potential for slip/fall accidents should also be considered.

Response to Comment B6-2

The commenter states several opinions regarding land use compatibility, private views, shading/shadow, and economic impacts to the Fireside Condominiums resulting from the proposed development on Project Site 1. These expressed opinions do not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR; therefore, no further response is required. However, the opinions are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

The Project's land use compatibility and consistency with the Town's General Plan and *North Village Specific Plan* are discussed in detail in Section IV.B, Aesthetics, and Section IV.I, Land Use and Planning, in the Draft EIR. See Topical Response 3, View Analysis, for an in depth discussion on the Project's impacts to public views. With regards to the commenter's concerns regarding snow-shed and snow-melt, see Topical Response 2, Project Description, Topical Response 5, Shading/Shadows, and Response to Comments B4-3 and B4-4.

As noted in Topical Response 2, Project Description, the Project is conceptual and as discussed in Section III, Project Description, on page III-31, and in Section IV.L, Public Services, under the Snow Management section, the Project Applicant would be required to submit a Snow Management Plan ("SMP") for approval by the Town and the Mammoth Lakes Fire Protection District once the Project reaches the Final Development Plan stage.

In addition, as noted in Response to Comment B1-1, the Draft EIR is not meant to address personal well being, economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B6-3

Construction Noise and Vibration

It has been suggested that the construction time for each Mammoth Crossings [sic] site is 3-4 seasons and potential for noise in excess of 3 years. Extensive mitigation is required due to the expected loss of rental income and potential for damage inside our units. During the construction of the 8050 project we experienced constant pollution [sic] from dust, vibration and some interior damage (cracking of walls, broken china, etc) - we do not expect the Mammoth Crossing development to be any different.

Response to Comment B6-3

As discussed in Section III, Project Description, on page III-40 of the Draft EIR, the Project has been organized so that it would be developed in several phases. Most phases would last approximately 24 to 36 months. Construction activities are proposed to be complete by 2020. Construction activities are not expected to occur continually or for the duration of more than three years near any one sensitive receptor.

The commenter erroneously states that mitigation measures are required for loss of rental income and potential for personal damage. The Draft EIR is not meant to address economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the Draft EIR.

The commenter expresses concerns about events that occurred while the 8050 project was under construction, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Response to Comment B1-2 and Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

The impacts resulting from construction noise and vibration are discussed in detail in Section IV.J, Noise, of the Draft EIR. See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B6-4

It would appear that the draft EIR prepared for the project does not comply with state law. It does not accurately describe the project and fails to adequately analyze the impacts to Fireside and the surrounding area by the project. Perhaps most egregiously the DEIR acknowledges that the proposed project will result in significant environmental harm to neighbors such as Fireside but fails to consider, or propose, feasible mitigation measures that would reduce the impacts caused by the project.

Response to Comment B6-4

This comment has been previously addressed. See Response to Comment B4-1.

Comment B6-5

Request for Redesign of the Project

I appreciate that developement [sic] of sites 1, 2 ns [sic] 3 are inevitable. However, alternatives should be considered for Site 1, if the other 2 sites are taken into consideration. It may be possible to allocate most density to sites 2 and 3 where there are no real neighbors, and/or repositioning buildings on Site 1 to preserve our stunning views.

I respectfully request that the project be redesigned to avoid environmental impacts and interference with the use and enjoyment of our Fireside property and we request that the DEIR be revised and recirculated. I request that the DEIR should consider alternatives to the proposed project such as a design that is consistent with the existing North Village Specific Plan.

Response to Comment B6-5

This comment requests that the Project be redesigned to avoid environmental impacts and the Draft EIR be revised and recirculated, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Under CEQA, recirculation is only required when the lead agency adds “significant new information” to an EIR, after the public comment period but prior to certification. CEQA Section 21092.1; CEQA Guidelines Section 15088.5; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128.

In *Laurel Heights*, the California Supreme Court interpreted this “significant new information” standard and explicitly rejected the proposition any new information triggers recirculation; recirculation is intended to be an exception, not the general rule. Thus, recirculation is required only if changes to the Draft EIR deprived the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project. Because no “substantial adverse” impact would result from any of the revisions of the Draft EIR, recirculation would not be required.

The commenter suggests that an alternative to the Project could be to allocate more density to Site 2 and Site 3 and/or reposition buildings on Site 1 to preserve views for the Fireside Complex. The Draft EIR alternative analysis occurs in the context of Section 15126.6(a) of the *CEQA Guidelines*, which states: “An EIR shall describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project, but would avoid or substantially

lessen any of the significant effects of the Project, and evaluate the comparable merits of the alternatives.” On pages IV.B-1 through IV.B-66 in Section IV.B, Aesthetics, of the Draft EIR, visual impacts associated with implementation of the Project are analyzed. Views of the proposed Project from the Fireside Complex are considered private and not public, and as such are not considered a significant view corridor by the Town. As discussed on page IV.B-10 in Section IV.B, Aesthetics, of the Draft EIR, private views are not considered to be impacted when interrupted by land uses on adjacent blocks. Viewpoints were specifically chosen to provide representative views of the Project site from publicly accessible areas. See Topical Response 3, View Analysis.

Section VI, Alternatives to the Proposed Project, of the Draft EIR includes four alternatives, two of which were determined to be consistent with the existing *North Village Specific Plan*: 1) Alternative A, No Project No Build and 2) Existing North Village Specific Plan Build-Out Condominium Only. The *North Village Specific Plan* does not restrict development to one type, but rather allows for a range of development scenarios. While the commenter requests that the Draft EIR include alternatives to the proposed Project that are designed to be consistent with the existing *North Village Specific Plan*, the comment does not articulate the manner in which the alternative should be made to be consistent. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 4, Alternatives.

Comment B6-6

Thank you for your consideration.

Response to Comment B6-6

This comment contains closing language for this comment letter. No response is required.

RESPONSE TO COMMENT LETTER B7

Gerald E. Hefferly

Comment B7-1

I have been a homeowner at Mammoth [*sic*] Fireside for 32 years. I have enjoyed Mammoth all these years, both the good and the bad. I have enjoyed the growth of the Village area and believe it was done in a fashion that made Mammoth a World Class resort, but still preserved Mammoth as a ski and year round resort area that said "How beautiful nature is. Look it's all around us."

I realize there is a delicate balance in providing both atmosphere's [*sic*]. A high rise in Mammoth should never be allowed to occur as it destroys what the essence of Mammoth is and why I have been a proud owner there over the years. Not only does it obliterate nature from being seen and enjoyed, but it

provides a density of people in one area that I only find in the Southland that I'm trying to get away from. Additionally, I believe it doesn't belong for the following specific reasons:

Response to Comment B7-1

This comment contains general information on the commenter themselves and expresses concerns regarding development of the proposed Project and introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B7-2

- Land Use Incompatibility with Specific Plan /Vision for the Village

- Mammoth Lakes has an existing plan with regards to height, density, coverage and setbacks, why are we not following it?
- Why we come to Mammoth – get away from LA
- Impacts of tall building so close: noise, snow shed, light pollution and trespass, loss of privacy, pollution, loss of passive solar heat, loss of sunshine, increased costs for heating, lighting, ice dam removal, snow removal, increased potential for slip/fall accidents, loss of rental income because of lowered desirability, decline in market value, community gathering place less desirable
- General Plan (GP) policy to “maintain scenic public View corridors that visually connect community to surroundings” and “Enhance community character by ensuring that all development, regardless of scale or density, maximizes provision of all types of open space, particularly scenic open space”
- North Village Specific Plan (NVSP) Development Objectives “cohesive, pedestrian-oriented node”, “Orientation to views”, “Small town appearance”, “emphasize sunlight”, “preserve views” [*sic*]
- Do we need 1000 more units in Mammoth - ERA Economic Sustainability Study (commissioned by the Town) questions this.

Response to Comment B7-2

The commenter expresses an opinion about visiting Mammoth and states General Plan policy and *North Village Specific Plan* development objectives, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Pursuant to CEQA, Section IV, Environmental Impact Analysis (IV.B through IV.N), of the Draft EIR analyze impacts associated with implementation of the Project. Review the analysis of shade/shadow impacts in Section IV.B, Aesthetics, in the Draft EIR, and the analysis of noise impacts in Section IV.J, Noise, in the Draft EIR. In addition, see Topical Response 3, View Analysis, and Topical Response 5, Shading/Shadows.

Regarding loss of rental income associated with the implementation of the proposed Project, the Draft EIR is not meant to address economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on the environment. As such, this reference addresses a concern that is outside of the scope of the Draft EIR.

Regarding potential safety impacts associated with snow, the Project Applicant would be required to submit a Snow Management Plan for approval by the Town and the Mammoth Lakes Fire Protection District once the Project reaches the Final Development Plan stage, as discussed in more detail on page III-31, under subheading "Snow Management," in Section III, Project Description, of the Draft EIR. This is also discussed in Topical Response 5, Shading/Shadows.

This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B7-3**- Construction Noise and Vibration**

- 3-4 seasons for each site, and potential for noise on all four sides – extensive mitigation required
- Potential for damage inside our units

Response to Comment B7-3

This comment expresses concern for construction noise and vibration, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, of the Draft EIR, where all mitigation measures included in the

Draft EIR are summarized, and Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. . Specific mitigation measures have been included to reduce noise impacts during Project construction (refer to Mitigation Measures NOISE-1a and NOISE-1b, Exposure of Persons to Excessive Noise Levels). As discussed in Table I-1, even with implementation of the specific mitigation measures, temporary construction noise would remain significant and unavoidable.

Section IV.J, Noise, of the Draft EIR analyzes the potential for adverse impacts on the Project area noise levels resulting from implementation of the Project. Impacts associated with Project operational noise are considered less than significant and no mitigation measures are required. Impacts associated with Project impacts related to excessive construction-related groundborne vibration and groundborne noise are considered less than significant and no mitigation measures would be required. See Response to Comment B6-3 and Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B7-4

- Aesthetic Impacts

- loss of view/light argument
- Shade/Shadowing – winter solstice shading of our entire site and our major pathway
- Massing - Impacts of tall building so close: noise, snow shed, light pollution and trespass, loss of privacy, pollution, loss of passive solar heat, loss of sunshine, increased costs for heating, more wood burning, lighting, ice dam removal, snow removal, increased potential for slip/fall accidents, loss of rental income because of lowered desirability, decline in market value, community gathering place less desirable

Response to Comment B7-4

This comment expresses concern for loss of views and sunlight, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Topical Response 3, View Analysis.

In part, this comment includes substantially similar statements to those in Comment B7-2; see Response to Comment B7-2.

This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B7-5**- Quality of Life**

- privacy, neighborhood incompatibility, nuisance noise levels, increased traffic in quiet neighborhoods
- what happens to our Jazz Fest venues, and our toboggan hill?
- Community benefit – what does this project do for me – will spas be open to the public?

Response to Comment B7-5

This comment expresses concern for a quality of life, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B7-6**- Traffic and Circulation**

- Potential gridlock on Canyon and Minaret making ingress and egress difficult from our site
- Is parking adequate for both lodging and commercial uses (our analysis says no)
- Is the project as designed compatible with the feet first, bike and transit second, vehicle last objective? Does the current project design make you want to walk through?

Response to Comment B7-6

Overall, this comment is concerned with Project design, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Traffic impacts, including both Project-specific and cumulative, are addressed in Section IV.M, Traffic and Circulation, of the Draft EIR. Traffic volume and level of service for existing plus Project conditions and cumulative plus Project conditions are evaluated for eleven intersections, including Canyon Boulevard/Lake Mary Road and four Minaret Road intersections. The impact analysis for existing plus Project conditions, discussed on pages IV.M-22 through IV.M-25, identifies impacts to be less than significant and no mitigation measures are required. The impact analysis for cumulative plus Project

conditions, discussed on pages IV.M-26 and IV.M-27, identifies impacts to be less than significant with implementation of Mitigation Measure TRANS-2, Cumulative Plus Project Intersection LOS. All study area intersections are forecast to operate within or below the Town's threshold of significance.

Parking for the Project was calculated pursuant to the parking code provided in the *North Village Specific Plan*, including calculation of commercial/restaurant/retail uses. In addition, Site 3 would provide 100 public parking spaces. On page IV.M-30, the impact analysis for parking (Impact TRANS-4) identifies the Project's impacts to be less than significant.

The Project would provide pedestrian access throughout the Project's three sites and subsequently provide pedestrian and bicycle connectivity within the Specific Plan area and link to the larger Town-wide existing and planned recreational trail network, which includes pedestrian trails, bike lanes and sidewalks that are adjacent to major roadways. On page IV.M-31, the impact analysis for bicycle and pedestrian facilities (Impact TRANS-5) identifies the Project's impacts to be less than significant. In addition, as discussed in Section III, Project Description, on page III-31, the Project would not only use the existing bus/shuttle shelters located at the North Village, but also proposes additional transit stops pursuant to the Town's transit needs at the time of Project development. All three Project hotels would provide their guests with exclusive shuttle service for destinations in Town as well as service to the Mammoth Yosemite Airport. See Topical Response 2, Project Description.

Comment B7-7

- **Health safety** – will vibrations from construction cause damage to pool or spa (potential flooding, land slippage), potential for slip/fall accidents, dark alley invites crime, walkways in snowshed zone, vitamin D deficiency

Response to Comment B7-7

The commenter summarizes potential safety concerns. Section IV.J, Noise, of the Draft EIR, analyzes the potential for adverse impacts on the Project area noise levels resulting from implementation of the Project. Project impacts related to excessive construction-related groundborne vibration and groundborne noise are considered less than significant and no mitigation measures would be required.

Regarding potential impacts related to snow, the Project Applicant would be required to submit a Snow Management Plan ("SMP") for approval by the Town and the Mammoth Lakes Fire Protection District once the Project reaches the Final Development Plan stage. See Topical Response 5, Shading/Shadows.

The comment does not state any specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing

the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B7-8

- Alternatives

- Ones proposed are not realistic – don't meet town or proponent's objectives
- None considered that would mitigate impact to Fireside, like allocating most density to sites 2 and 3 where there are no real neighbors, and/or repositioning buildings on Site 1 to preserve views

Response to Comment B7-8

The commenter states an opinion regarding the alternatives analysis presented in Section VI, Alternatives to the Proposed Project, in the Draft EIR. Section 15126.6(a) of the *CEQA Guidelines* states: "An EIR shall describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparable merits of the alternatives. An EIR need not consider every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of Project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." See Topical Response 4, Alternatives.

The commenter suggests that the Project could allocate more density to Site 2 and Site 3 and/or reposition buildings on Site 1 to preserve views for the Fireside Complex. On pages IV.B-1 through IV.B-66 in Section IV.B, Aesthetics, of the Draft EIR, visual impacts associated with implementation of the Project are analyzed. It is important to note that this analysis occurs in the context of a CEQA analysis. Views of the proposed Project from the Fireside Complex are considered private and not public, and as such are not considered a significant view corridor by the Town. As discussed on page IV.B-10 in Section IV.B, Aesthetics, of the Draft EIR, private views are not considered to be impacted when interrupted by land uses on adjacent blocks. Viewpoints were specifically chosen to provide representative views of the Project site from publicly accessible areas. See Topical Response 3, View Analysis.

Comment B7-9**- Persons At One Time (PAOT)**

- Project appears to exceed population growth targets – why we come to Mammoth, small town character
- 20,000 more people on ski hill, hiking trails, etc

Response to Comment B7-9

This comment expresses an opinion about population growth in the Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B7-10**- Water**

- Why build this dense a project if you don't think you will have enough water – plan first for supply, then build

Response to Comment B7-10

The commenter expresses an opinion about adequate water supply and planning, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. In Section IV.N, Utilities, of the Draft EIR, on pages IV.N-12 through IV.N-29 under Water Services, existing and projected water uses are analyzed. The Town requested a Water Supply Assessment (“WSA”) based upon the worst-case scenario of the increased density proposed for the Project. The WSA describes the relationship between projected demands on the Town’s water supply and the availability of that supply under normal and dry years. As described in the revised water impact analysis in Topical Response 6, Water Services, although there is proposed to be higher site-specific density by the proposed amendment to the *North Village Specific Plan* (and related amendment to the General Plan), the overall build-out would not exceed General Plan Land Use Policy L.1.A, which limits total peak population of permanent and seasonal residents and visitors to 52,000 PAOT. This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Topical Response 6, Water Services.

Comment B7-11**- Air Quality**

- Project will have significant and unavoidable impacts on air quality – are we proposing best in class mitigation techniques

Response to Comment B7-11

The commenter expresses a concern for air quality impacts and proposed mitigation techniques, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Review the analysis of air quality impacts in Section IV.C, Air Quality, in the Draft EIR, ~~and Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters~~. Mitigation measures will be consistent with Town and District regulations and also include best management practices (“BMPs”). The Project is required to implement feasible control measures and practices to reduce construction and operational emissions. Mitigation Measures AQ-1 (a. through r., listed on pages IV.C-26 and IV.C-27) are required to reduce construction-related air quality emissions, and Mitigation Measures AQ-2 (a. through d., listed on page IV.C-32) are required to reduce operation-related air quality emissions.

This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B7-12**- Timing**

- Huge concessions to enrich developer, but no indication of when project will be built

Response to Comment B7-12

The commenter expresses an opinion about concessions to enrich the developer, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As discussed in Section III, Project Description, on page III-40, the Project has been organized so that it would be developed in several phases. Most phases would last approximately 24 to 36 months. Construction activities are proposed to be complete by 2020. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

No further response is required.

RESPONSE TO COMMENT LETTER B8

Sallee Leslie and Steve Webb

Comment B8-1

We have been Fireside owners since 1992 and use our unit year round as a vacation retreat by ourselves and extended family. We attended a presentation by consultant Eldon Beck in the early 90's near the time we became Fireside owners. We remember vividly his statement that one of the key features of the North Village was its "Million Dollar View." He then showed a slide of the view toward the Sherwins taken from our pool building.

He also said the area was not without problem views, and showed a slide of the Fireside parking lot. We have since gotten rid of the blight we used for parking. Now Mammoth Crossing wants to take away all of our Sherwin view for themselves.

We obtained and read the NVSP with interest. We were aware that the Whiskey Creek parcel to our south could be developed and that we could lose some of our view. We were not concerned because any development was supposed to preserve and maintain the unique natural setting and mountain resort character. Viewscapes were supposed to be preserved throughout the North Village development. Any development was supposed to be limited to 4 levels with a maximum height of 50 feet.

We relied on the assurances of the NVSP in making decisions about our property, such as entering into our agreement with 8050. If major provisions of the plan can be so easily set aside, of what value are the stated standards and criteria by which development is supposed to proceed?

We request project redesign that avoids environmental impacts and interference with our property and reissuing a DEIR that is in accordance with state law and that considers options that comply with the NVSP.

Response to Comment B8-1

This comment contains general information on the commenters themselves and requests that Project be redesigned, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Section IV, Environmental Impact Analysis (IV.A through IV.N), of the Draft EIR includes detailed Project impact analysis to surrounding land uses, including the adjacent Fireside Condominiums. The Project's significant impacts, associated mitigation measures and level of significance after mitigation are summarized in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in

Section I, Introduction and Summary, on page I-5 of the Draft EIR. See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Topical Response 2, Project Description, and Topical Response 3, View Analysis.

RESPONSE TO COMMENT LETTER B9

Debra Lewin

Comment B9-1

My Husband Todd Schneider and I recently purchased unit 103 at the Fireside Condominiums adjacent to the proposed Mammoth Crossing site. We use it with our two small children as a vacation home in all seasons. It is our "escape" from Los Angeles.

It is our understanding that Mammoth Lakes already has an existing plan with regard to building height, density, coverage and setbacks and we feel strongly that these plans need to be adhered to as a maximum allowed. As former Vermonters we have a strong appreciation of nature as well as a knowledge of how over building can destroy the quality of a place. We would hate to see something like that happen in Mammoth Lakes.

I remember visiting Mammoth Lakes and renting prior to our purchase and there was never a problem finding rental properties, there were always plenty available! Do we really need to change town plans to make room for building 1000 more?

We also have concerns relating to the additional traffic, additional trespass (people already cut through the Fireside building themselves at all hours of the day and night and in various states of inebriation!), and all of the other potentially harmful things that overbuilding could, and probably would produce.

If buildings of the proposed magnitude are built right next to The Fireside, blocking both most of the sunlight and almost all of the views, it will just feel like we are in a big, cold city and not the glorious place that is currently Mammoth lakes.

Thank you for your time and consideration.

Response to Comment B9-1

This comment contains general information on the commenter themselves and expresses concerns regarding the design of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Traffic impacts, including both Project specific and cumulative, are addressed in Section IV.M, Traffic and Circulation, of the Draft EIR. Impacts to the Mammoth Lakes Police Department are discussed in Section IV.L, Public Services, beginning on page IV.L-2. Impacts from Shading/Shadows are discussed in detail in Section IV.B, Aesthetics, on page IV.B-53 under the heading “Impact AES-5 Shading/Shadows” of the Draft EIR.

Pursuant to Sections 15126 and 15130 of the State *CEQA Guidelines*, Section IV, Environmental Impact Analysis (IV.A through IV.N), of the Draft EIR considers the significant environmental effects of a proposed project as well as cumulative impacts. Cumulative impacts refer to two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts (State *CEQA Guidelines* Section 15355). Section II, Environmental Setting, includes a list of the related projects identified for the Project in Table II-1, Related Projects. These related projects consist of all approved, proposed, or projects currently under construction located in the Town. The related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved.

See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

RESPONSE TO COMMENT LETTER B10

Dave Margolin

Comment B10-1

I understand that a huge monster building will be constructed just a few feet from my front door in Mammoth, and all the rules of fairness have been over ridden [*sic*] for some reason. Please help me with the following issues. Thank you, Dave Margolin, owner Fireside in the Village #316.

Response to Comment B10-1

This comment introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No response is required. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B10-2**- Land Use Incompatibility with Specific Plan /Vision for the Village**

- Mammoth Lakes has an existing plan with regards to height, density, coverage and setbacks, why are we not following it?
- Why we come to Mammoth – get away from LA
- Impacts of tall building so close: noise, snow shed, light pollution and trespass, loss of privacy, pollution, loss of passive solar heat, loss of sunshine, increased costs for heating, lighting, ice dam removal, snow removal, increased potential for slip/fall accidents, loss of rental income because of lowered desirability, decline in market value, community gathering place less desirable
- General Plan (GP) policy to “maintain scenic public View corridors that visually connect community to surroundings” and “Enhance community character by ensuring that all development, regardless of scale or density, maximizes provision of all types of open space, particularly scenic open space”
- North Village Specific Plan (NVSP) Development Objectives “cohesive, pedestrian-oriented node”, “Orientation to views”, “Small town appearance”, “emphasize sunlight”, “preserve views”
- Do we need 1000 more units in Mammoth - ERA Economic Sustainability Study (commissioned by the Town) questions this.

Response to Comment B10-2

This comment is virtually identical to the comments provided in Comment B7-2. See Response to Comment B7-2.

Comment B10-3**- Construction Noise and Vibration**

- 3-4 seasons for each site, and potential for noise on all four sides – extensive mitigation required
- Potential for damage inside our units

Response to Comment B10-3

This comment is virtually identical to the comments provided in Comment B7-3. See Response to Comment B7-3.

Comment B10-4

- Aesthetic Impacts

- loss of view/light argument
- Shade/Shadowing – winter solstice shading of our entire site and our major pathway
- Massing - Impacts of tall building so close: noise, snow shed, light pollution and trespass, loss of privacy, pollution, loss of passive solar heat, loss of sunshine, increased costs for heating, more wood burning, lighting, ice dam removal, snow removal, increased potential for slip/fall accidents, loss of rental income because of lowered desirability, decline in market value, community gathering place less desirable

Response to Comment B10-4

This comment is virtually identical to the comments provided in Comment B7-4. See Response to Comment B7-4.

Comment B10-5

- Quality of Life

- privacy, neighborhood incompatibility, nuisance noise levels, increased traffic in quiet neighborhoods
- what happens to our Jazz Fest venues, and our toboggan hill?
- Community benefit – what does this project do for me – will spas be open to the public?

Response to Comment B10-5

This comment is virtually identical to the comments provided in Comment B7-5. See Response to Comment B7-5.

Comment B10-6

- Traffic and Circulation

- Potential gridlock on Canyon and Minaret making ingress and egress difficult from our site
- Is parking adequate for both lodging and commercial uses (our analysis says no)
- Is the project as designed compatible with the feet first, bike and transit second, vehicle last objective? Does the current project design make you want to walk through?

Response to Comment B10-6

This comment is virtually identical to the comments provided in Comment B7-6. See Response to Comment B7-6.

Comment B10-7

- **Health safety** – will vibrations from construction cause damage to pool or spa (potential flooding, land slippage), potential for slip/fall accidents, dark alley invites crime, walkways in snowshed zone, vitamin D deficiency

Response to Comment B10-7

This comment is virtually identical to the comments provided in Comment B7-7. See Response to Comment B7-7.

Comment B10-8

- Alternatives

- Ones proposed are not realistic – don't meet town or proponent's objectives
- None considered that would mitigate impact to Fireside, like allocating most density to sites 2 and 3 where there are no real neighbors, and/or repositioning buildings on Site 1 to preserve views

Response to Comment B10-8

This comment is virtually identical to the comments provided in Comment B7-8. See Response to Comment B7-8.

Comment B10-9

- Persons At One Time (PAOT)

- Project appears to exceed population growth targets – why we come to Mammoth, small town character
- 20,000 more people on ski hill, hiking trails, etc

Response to Comment B10-9

This comment is virtually identical to the comments provided in Comment B7-9. See Response to Comment B7-9.

Comment B10-10

- Water

- Why build this dense a project if you don't think you will have enough water – plan first for supply, then build

Response to Comment B10-10

This comment is virtually identical to the comments provided in Comment B7-10. See Response to Comment B7-10.

Comment B10-11

- Air Quality

- Project will have significant and unavoidable impacts on air quality – are we proposing best in class mitigation techniques

Response to Comment B10-11

This comment is virtually identical to the comments provided in Comment B7-11. See Response to Comment B7-11.

Comment B10-12

- Timing

- Huge concessions to enrich developer, but no indication of when project will be built

Response to Comment B10-12

This comment is virtually identical to the comments provided in Comment B7-12. See Response to Comment B7-12.

RESPONSE TO COMMENT LETTER B11

Kurt and Tracy Olson

Comment B11-1

We own the following condominium located within Fireside at The Village 6039 Minaret Rd. Unit 312. We are located directly adjacent to site 1 of the Mammoth Crossings [*sic*]. We have owned this unit since March of 2004. We rent our unit during the peak rental winter, spring, and summer months. It is rented approximately 6 months of the year. We also use our condo unit for at least 2 to 3 weeks a year for family vacations during the winter and summer months. Our unit has unobstructed views to the Sherwin Mountain range to the south. Our unit also has abundant natural sunlight during the majority of the year.

We are not opposed to the development of the proposed project area. However, we are opposed to the existing Mammoth Crossings [*sic*] project. This project is not compatible with the surrounding land uses and is not consistent with the existing General Plan and the existing North Village Specific Plan. The town of Mammoth is proceeding with a piecemeal development with regards to this project, and is also inconsistent with the General Plan and the existing North Specific Plan. If the Mammoth Crossings [*sic*] is approved as planned it will not only have devastating impact on the surrounding properties adjacent to the project, but to Fireside owners in particular.

Response to Comment B11-1

This comment contains general information on the commenters themselves and states the commenters' reasons for opposing the Project; however, this comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Section IV.B, Aesthetics, of the Draft EIR discusses the impacts to public views of scenic vistas under the heading "Impact AES-1 Public Views of Scenic Vistas" on page IV.B-16 through IV.B-39. In addition, four new public viewpoints and visual simulations have been provided in Topical Response 3, View Analysis, presented earlier in this section of the Final EIR. Impacts from Shading/Shadows are also discussed in Section IV.B of the Draft EIR beginning on page IV.B-53. See Topical Response 5, Shading/Shadows.

The Project's consistency with General Plan and Specific Plan policies, and compatibility with surrounding land uses is discussed in Section IV.I, Land Use and Planning, of the Draft EIR, starting on pages IV.I-9 and

IV.I-44, respectively. Regarding General Plan and Specific Plan consistency, the Draft EIR found that the Project was generally consistent with applicable policies in the General Plan and Specific Plan; however, ultimately the determination of consistency remains with the Town of Mammoth of Lakes. In reviewing quasi-legislative acts or decisions concerning consistency with the general plan, the "arbitrary and capricious" standard would apply. The inquiry centers on whether or not the decision was arbitrary, capricious, entirely lacking of evidentiary support, unlawful, or procedurally unfair. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. Additionally, because a general plan consists of policies reflecting a wide range of competing interests, projects need not satisfy each and every policy. "It is beyond cavil that no project could completely satisfy every policy stated in [a general plan], and that state law does not impose such a requirement." (*Sequoiah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App. 4th 704, 719.) Finally, inconsistency with General Plan or Specific Plan policy does not necessarily equate with a physical impact on the environment, and thus may not result in a significant impact. See Topical Response 2, Project Description, and Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B11-2

As an owner at Fireside we will be subject to continual construction noise for extended timeframes per the EIR, which besides being a nuisance as an owner, will negatively impact our place for rental income due to the lowered desirability.

Response to Comment B11-2

A portion of this comment expresses an opinion regarding impacts associated with continual construction noise, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, of the Draft EIR, where all mitigation measures included in the Draft EIR are summarized. Specific mitigation measures have been included to reduce noise impacts during Project construction (refer to Mitigation Measures NOISE-1a and NOISE-1b). As discussed in Table I-1, even with implementation of the specific mitigation measures, temporary construction noise would remain significant and unavoidable. In addition, see Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

This comment also expresses concern for loss of rental income. The Draft EIR is not meant to address economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on the

environment. As such, the comment regarding loss of rental income addresses concerns outside of the scope of the Draft EIR. This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B11-3

Our current views of the Sherwin Mountains will be eliminated per the heights, density, and the minimal building set-backs of the proposed project. The EIR indicates that the Fireside project will be completely shaded during the fall and winter months, which brings on additional problems such as increased snow removal for the Fireside project and pathways. Additionally, the impact of these tall buildings, sheer density, and close proximity of the project to Fireside will increase noise, loss of privacy, and increased traffic in our immediate vicinity.

Response to Comment B11-3

This comment identifies some of the impact areas analyzed in the Draft EIR; however, this comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on the environment. As such, the analysis of loss of privacy is outside the scope of this Draft EIR.

Section IV.B, Aesthetics, of the Draft EIR discusses the impacts to public views of scenic vistas under the heading "Impact AES-1 Public Views of Scenic Vistas" on page IV.B-16 through IV.B-39. In addition, four new public viewpoints and visual simulations have been provided in Topical Response 3, View Analysis, presented earlier in this section of the Final EIR. Impacts from Shading/Shadows are also discussed in Section IV.B of the Draft EIR beginning on page IV.B-53. See Topical Response 5, Shading/Shadows.

Section IV.J, Noise, of the Draft EIR discusses the Project's noise impacts and Section IV.M, Traffic and Circulation, analyzes the Project's impacts to traffic.

See Topical Response 2, Project Description, and Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B11-4

Additionally, the Draft Environmental Impact Report (DEIR) prepared for project does not comply with state law. It does not accurately describe the project and fails to adequately analyze the impacts caused by the project. Perhaps most egregiously, the DEIR acknowledges that the project will result in significant environmental harm, especially to neighboring residents, such as Fireside, but fails to consider—or even to propose—feasible mitigation measures that would reduce the impacts caused by the project.

Response to Comment B11-4

This comment has been previously addressed. See Response to Comment B4-1

Comment B11-5

We would like the town of Mammoth Lakes to reconsider the current project design and request that the project be redesigned to avoid environmental impacts and interference with the use and enjoyment of homeowner's property, and that the DEIR be revised and recirculated. The DEIR should consider alternatives to the proposed project, such as a project design that is consistent with the existing North Village Specific Plan, not a project that maximizes profits and only benefits the developer of this project.

Response to B11-5

This comment has been previously addressed. See Topical Response 4, Alternatives, and Response to Comments B4-6 and B5-6.

Comment B11-6

Thank you for considering this matter.

Response to Comment B11-6

This comment contains closing language for this comment letter. No response is required.

RESPONSE TO COMMENT LETTER B12

Rachel Hanlon

Comment B12-1

I am a unit owner (for unit #106) at the Mammoth Fireside condominium. I have been an owner since the early 90's and use this as my ski escape. I live in Honolulu, Hawaii and purchased this property for the explicit idea of being able to escape the traffic and have tranquility in my little "ski lodge". While not in use, I also put it into a rental pool so others can share in the quiet and beauty Mammoth Mountain has to offer. The amount of usage of course is dependent upon the rental management company, but is typically used by couples during the ski season with others traditionally using the condo for fishing in fall.

Because I am an absentee owner, I am amazed every time I come to Mammoth at its popularity and pride of ownership. The environment is so well protected and while I know some have a differening [*sic*] opinion I enjoy seeing the bears roaming around. I am also pleased at the many upgrades including restaurants, boutiques, and nightlife. I have been pleased with the development of the area so far and

support changes, but only as far as the development is compatible with surrounding uses and consistent with General Plan and existing North Village Specific Plan.

While I normally am quiet and let the more experienced persons deal with political issues or those who live there handle those critical issues, I am speaking up now because I am concerned with how the Town is proceeding with what appears to be piecemeal development which seems inconsistent with the General Plan and North Village Specific Plans. I am afraid this will have potentially devastating effects on the Town's charm and the well-being of its residents in general, and residents at Fireside in particular.

Fireside has always had a wonderful location, even though the traffic (and its noise) has increased substantially over the years. I wonder about the safe driving conditions with increased traffic congestion with snow conditions during the winter months. I am surprised there have not been more accidents around the area. I think this pending project and its construction will exacerbate this condition with a negative impact.

Response to Comment B12-1

This comment contains general information on the commenter themselves and expresses concerns regarding development inconsistent with the General Plan and *North Village Specific Plan*, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Therefore, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B12-2

From my understanding, the Draft Environmental Impact Report (DEIR) prepared for project [*sic*] does not comply with state law and I am not convinced it accurately describes the project. More so, it fails to adequately analyze the impacts caused by the project. It seems the DEIR acknowledges that the project will result in significant environmental harm, especially to neighboring residents, such as Fireside, but it fails to propose feasible mitigation measures that would reduce the impacts caused by the project.

Response to Comment B12-2

This comment has been previously addressed. See Response to Comment B4-1.

Comment B12-3

Like I said, I am in support of progress but I do request this project be redesigned mainly to avoid environmental impacts and interference with the use and enjoyment of my property. The DEIR should

consider alternatives to the proposed project, such as a project design that is consistent with the existing North Village Specific Plan.

Response to Comment B12-3

This comment has been previously addressed. See Topical Response 4, Alternatives, and Response to Comment B4-6.

Comment B12-4

Thank you so very much for your time and attention to this critical matter.

Response to Comment B12-4

This comment includes closing language for this comment letter. No response is required.

RESPONSE TO COMMENT LETTER B13

Tracy Spencer and Chris Ricketts

Comment B13-1

Please find attached our comments on the Mammoth Crossing Draft Environmental Impact Analysis. As you know, we are full time Mammoth residents, who live in close proximity to The Village on Forest Trail. We also own and or manage five condos at Fireside that we rent on a full time transient basis. In addition, we own a lot on Canyon Boulevard close to The Village that we hope to one day build on.

As you have heard us say on many occasions, we are not anti-development, but feel strongly that new development should occur based on a foundation of strong planning and community goal setting to ensure that the long term interests of the developer, future property owners and the community are well served. In addition, we agree with the Stakeholders that the over-arching consideration should be to restrict new development to the comfortable carrying capacity of our facilities, natural resources, and the Urban Growth Boundary.

Give [*sic*] that MC is proposing a project that will consume more than 10% of our town's remaining PAOT capacity, and given the project's key location, any proposed development should be evaluated against the community's highest standards. The project should be fully compatible with all General Plan and North Village Specific Plan goals and objectives. Any consideration of increased density and or rezoning should only be considered as a tradeoff for huge public benefits which are not currently apparent in the DEIR analysis, and that density must be offset elsewhere.

Our review of the DEIR encompasses the topics most important to us, but due to time constraints, is not exhaustive, even on those topics. As we mentioned at the Planning Commission meeting and again in our email to council, we were horrified at the violation of public trust demonstrated in this DEIR, as evidenced by the level of inconsistencies and flawed analysis prepared. As such, our analysis took more than 150 person hours, and we trust you and the proponent will give it most thorough consideration.

In many cases, our analysis identifies flaws to town generated planning bases that have been used in other DEIRs, including the one completed for the 2007 General Plan. We have been as thorough as possible in pointing out our issues because we believe it is critical that these planning bases *[sic]* be adjusted before they are used to review future projects.

Response to Comment B13-1

This comment confirms the commenters have reviewed the Draft EIR and expresses an opinion regarding the planning process, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

As discussed in Section IV.K, Population and Housing, of the Draft EIR, on page IV.K-7 under the heading “Persons at One Time,” actual build-out population will depend on the size, type and density of units actually developed, and not all properties are likely to develop at the maximum density. Similarly, sites that are not anticipated to be developed may actually be used. Determining a reasonable build-out forecast for the 20-year planning period of the General Plan is challenging. Although many different approaches can be used to make projections, any forecast must acknowledge that because of changing demographics, market and economic conditions, numbers will be constantly changing. The 2007 General Plan applies PAOT to the Town as a whole. General Plan buildout in 2024 is forecast to result in a peak population that may be over 52,000, but less than 60,000. Although the adopted General Plan ultimately included a policy to limit peak population to 52,000 PAOT, the basis for all of the analysis in the General Plan Final Program EIR (FPEIR) was a buildout population of 60,700 PAOT. Although the Project proposes density above that allocated to it by the *North Village Specific Plan* zoning for its parcels, the cumulative analysis and assumptions of the General Plan EIR remain valid. Maintaining a buildout population of 52,000 PAOT will be achieved through implementation of the General Plan goals and policies.

The Project’s consistency with General Plan and Specific Plan policies, and compatibility with surrounding land uses is discussed in Section IV.I, Land Use and Planning, of the Draft EIR, starting on pages IV.I-9 and IV.I-44, respectively. The Draft EIR found that the Project was generally consistent with applicable policies in the General Plan and Specific Plan; however, ultimately the determination of consistency remains with the Town of Mammoth of Lakes. In reviewing quasi-legislative acts or decisions concerning consistency with the general plan, the “arbitrary and capricious” standard would apply. The inquiry centers on whether or not the decision was arbitrary, capricious, entirely lacking of evidentiary support, unlawful, or

procedurally unfair. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. Additionally, because a general plan consists of policies reflecting a wide range of competing interests, projects need not satisfy each and every policy. "It is beyond cavil that no project could completely satisfy every policy stated in [a general plan], and that state law does not impose such a requirement." (*Sequoia Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App. 4th 704, 719.) Finally, inconsistency with General Plan or Specific Plan policy does not necessarily equate with a physical impact on the environment, and thus may not result in a significant impact. See Topical Response 2, Project Description, and Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

The Draft EIR was made available to various public agencies, citizen groups, and interested individuals for a 45-day public review period from August 1, 2008 through September 17, 2008. A Planning Commission meeting was held on September 10, 2008 to gather public comments on the Draft EIR. Due to requests from the public at the Scoping Meeting the comment period was extended for an additional seven days.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-2

We do not believe that the Draft Environmental Impact Report (DEIR) prepared for Mammoth Crossing complies with state law. It does not accurately describe the project and fails to adequately analyze the impacts caused by the project. Perhaps most egregiously, the DEIR acknowledges that the project will result in significant environmental harm, especially to neighboring residents, such as Fireside, but fails to consider—or even propose—feasible mitigation measures that would reduce the impacts caused by the project.

Response to Comment B13-2

This comment has been previously addressed. See Response to Comment B4-1.

Comment B13-3

We request that the Mammoth Crossing project be redesigned to avoid environmental impacts and interference with the use and enjoyment of homeowner's property, and that the DEIR be revised and recirculated with appropriate planning bases. The DEIR should consider alternatives to the proposed project, such as a project design that is consistent with the existing North Village Specific Plan.

Response to Comment B13-3

This comment has been previously addressed. See Topical Response 4, Alternatives, and Response to Comments B4-6 and B5-6.

Comment B13-4

As always, please feel free to contact us with any questions or concerns.

Response to Comment B13-4

This comment contains closing language for this comment letter. No response is required.

Comment B13-5**I.C. PROJECT DESCRIPTION**

We believe that the MC project description as presented has many fatal flaws, and have outlined only one example.

The project description is misleading in its treatment of Site 1 building heights, which is a key aspect of the project. As per *San Joaquin Raptor/Wildlife Center v. Stanislaus County* (1994), “An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity”. In addition, *County of Inyo v. City of Los Angeles* (1977) includes “... curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal...”.

Response to Comment B13-5

This comment expresses concern about the Project Description as presented in Section III, Project Description, of the Draft EIR and the description of the building heights on Site 1 of the proposed Project as presented on page III-5 of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Certain Project details would be determined during site-specific design. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur “before a project gains irreversible momentum” (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334). In other words, CEQA requires agencies to prepare EIRs “as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (see *CEQA Guidelines* Section

15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358). However, despite such Project details not being required at this juncture in the application process or for CEQA analysis, the Project Applicant has provided diagramming of such site specific details as building placement, parking configurations, trails and internal bicycle paths and pedestrian pathways, etc., and will provide additional details pursuant to approval of the Use Permit and Tentative Map at the appropriate time.

A description of the Project, as proposed by the Project Applicant, is set forth in Section III, Project Description, of the Draft EIR. The Draft EIR uses Section III's project description as the basis for its analysis of the Project's potentially significant environmental effects. See Topical Response 2, Project Description.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-6

Given these precedents in law, it is clear that the project description must be accurate. However, the Site 1 Building Height section of the DEIR states, "Approximately 74 percent of the total roof area exceeds the existing 50-foot maximum height requirement as set forth in the Specific Plan." This is quite misleading as the Specific Plan clearly states (for RG and SL zoning) that the Maximum Permitted Height is 40', not 50' as presented in the DEIR. The Specific Plan also includes a provision for the possible increase of height to a Maximum Projected Height (which is capped at 50'), but only under the following criteria, "Building projections above the permitted height may be allowed, provided that a roughly equivalent reduction in the building footprint area above the height is provided below the permitted height and no more than 50% of the building square footage exceeds the permitted height". Clearly the DEIR has misled the public as to the 50' height. The DEIR suggests that either the maximum permitted height is 50', or it is a given or right that the 50' projected can be assumed as permitted. This is clearly false.

Response to Comment B13-6

Page III-1 of Section III, Project Description, of the Draft EIR discloses that the Project proposes setback, height, density, and policy amendments to the existing North Village Specific Plan as originally adopted in 2000 and amended in 2005 and 2008. In addition, on page III-1, the Draft EIR directs the reader to Appendix N, North Village Specific Plan Proposed Amendments, of the Draft EIR where the requested amendments are provided. While the "maximum permitted height" is 40-feet, the "maximum height requirement" for Site 1 within the Resort General zone would be the "maximum projected height" of 50-feet as described on page 31 of the Specific Plan. Therefore, the text on page III-5 accurately describes and fully discloses that the Project development on Site 1 would exceed the "maximum height requirement" set forth in the Specific Plan even if the provision for the additional ten-foot height increase

were granted. Page III-5 states that the height measurement standards are pursuant to the proposed amended Specific Plan guidelines and that the proposed Project would exceed those requirements.

As discussed on page IV.I-6 and IV.I-7 in Section IV.I, Land Use and Planning, in the Draft EIR, maximum building heights for the RG and SL districts are 40 feet with a maximum projected height of 50 feet. Building projections above the permitted height may be allowed, provided that a roughly equivalent reduction in the building footprint area above the height is provided below the permitted height and no more than 50 percent of the building square footage exceeds the permitted height. All buildings shall be measured to the building roof ridgeline of any section of roof. All building heights shall be measured vertically from natural grade when the building does not sit above a parking garage. When all or a portion of a building sits above a parking garage, building height shall be measured from the garage roof elevation or plaza elevation at the perimeter of the building. In Resort General and Specialty Lodging areas when a substantial number of affordable housing units is provided within a proposed development, a one floor increase (maximum 12 feet in height and equivalent in area to the number of affordable units provided) in building height may be permitted if all other development standards are met (particularly in relation to shading, solar access and view corridors), subject to the approval of the Planning Commission.

Comment B13-7

Also, there is no discussion in this section of the DEIR, with regard to the fact that the Specific Plan only allows 50% of the building square footage to exceed the permitted 40' height. Stating that 74% of the building would exceed heights, while not providing the background that only 50% is permitted, purposely omits pertinent information, and is again misleading. In addition, the fact that in order to obtain an increase above the 40' would require a roughly equivalent reduction in the building footprint area below the permitted height, has also not been included, and is again misleading by its omission.

Response to Comment B13-7

This comment has been previously addressed. See Response to Comment B13-6.

Comment B13-8

Building height is a crucial area of importance, which introduces not only direct impacts to neighboring developments, but to the entire area and Town. For example shading, view loss, character, and livability. This applies to both consistency to existing development and consistency with the General Plan and Specific Plan.

Response to Comment B13-8

This comment makes a statement regarding building height impacts, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Section IV.B, Aesthetics, of the Draft EIR analyzes environmental impacts pursuant to *CEQA Guidelines* with respect to Public Views of Scenic Vistas, Visual Character and Design, and Shading/Shadow. Impact AES-1 Public Views of Scenic Vistas provides an analysis from ten viewpoint locations starting on page IV.B-16 and is supplemented by Topical Response 3, View Analysis, in this Final EIR, which provides an analysis of the Project's impacts from an additional four viewpoints. Project impacts to Visual Character and Design are discussed on page IV.B-40 through IV.B-52. This discussion includes a policy consistency analysis with respect to visual resources and visual character in Table IV.B-1, Consistency with General Plan Applicable Aesthetics Policies, and Table IV.B-2, Consistency with Specific Plan Applicable Aesthetics Policies. Project impacts with respect to shading are discussed under heading "Impact AES-5 Shading/Shadow" on page IV.B-53 through IV.B-62.

Comment B13-9

In addition, a major error in calculating percentage of roof area exceeding the maximum permitted has been made in this section of the DEIR. According to our calculations, based on scaling from Figure III-5, the roof area exceeding 50' is actually 81%, not 74%. In the areas calculated in the table on this figure, the building portions with roof heights of 63', and 89' have not been included, and the building heights of 75' have been under-calculated. This means an omission of roughly 10,900 square feet of area above 50'. This means that while the Specific Plan limits height above 40' at 50%, the Project is proposing 81%. It also means that while any increase must be offset by a reduced area of equivalent square footage, only 19% of the entire buildings on Site 1 is below 40'. (Due to time constraints, we have not undertaken to confirm the accuracy of the Height Analysis for Sites 2 and 3. Given the omissions in Site 1, we would request these sites be checked by the proponent.)

Response to Comment B13-9

The roof area calculations have been revised to reflect that the Project development on Site 1 would exceed the 50-foot maximum height requirement by 78 percent and not 74 percent as identified in the Draft EIR. The roof area calculations for Site 2 and Site 3 were reviewed and found to be accurate, therefore no changes are required. In response to this comment Figure III-5, Site 1 Height Analysis, on page III-9, of the Draft EIR has been revised and is included in Section III, Corrections and Additions, to the Draft EIR. This revision does not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B13-10

In order to see if they have concern with the project as a whole, many reviewers of the DEIR will only read the Project Description chapter. It is our contention that these errors and omissions have painted a

false impression of the Project, and should be corrected, and the draft DEIR [*sic*] reissued, again in draft form.

Response to Comment B13-10

This comment expresses an opinion about how others may read a Draft EIR, and requests the Draft EIR be revised and recirculated, which has been previously addressed. Additionally, the comment expresses an opinion that errors and omissions have presented a false impression of the Project.

Certain Project details would be determined during site-specific design. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur “before a project gains irreversible momentum” (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334). In other words, CEQA requires agencies to prepare EIRs “as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (see *CEQA Guidelines* Section 15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358). However, despite such Project details not being required at this juncture in the application process or for CEQA analysis, the Project Applicant has provided diagramming of such site specific details as building placement, parking configurations, trails and internal bicycle paths and pedestrian pathways, etc., and will provide additional details pursuant to approval of the Use Permit and Tentative Map at the appropriate time.

A description of the Project, as proposed by the Project Applicant, is set forth in Section III, Project Description, of the Draft EIR. The Draft EIR uses Section III’s project description as the basis for its analysis of the Project’s potentially significant environmental effects.

See Response to Comments B4-6, B13-5, -6, -7, -8, and -9, and Topical Response 2, Project Description.

Comment B13-11

IV.B. Aesthetics

AES-1 Public Views of Scenic Vistas

DEIR CONSIDERS. Views from roadways (Identified as Views 1-10).

DEIR CONCLUSIONS. Views 1, 2, 3, 7, 10 - no impacts. Views 4, 5, 9 - less than significant. Views 6, 8 - significant.

DEIR MITIGATION. No mitigation measures, overall impacts are significant and unavoidable.

OUR COMMENT. The visual simulations in the DEIR are deceptive due to the choice of viewpoint locations. Some viewpoint locations are too far from the site, some are taken just beyond horizontal curves in the roadway (blocking views to the project), and others are taken looking in the wrong direction. For example a viewpoint just north of View 4, taken with a south-easterly orientation would illustrate a clear, unobstructed public view of the Sherwin range, across the existing Whiskey Creek parking lot.

REQUESTED ANALYSIS AND MITIGATION. The DEIR fails to adequately disclose the severity of the loss of public views, from the North Village area, which is a very tourist oriented part of Town. These views are specifically noted in Figure 1 of the General Plan as a Major View Corridor and Vista. The views of the surroundings are what attract visitors to Mammoth Lakes, and are a fundamental part of the community character. An example of this is the way that the Sierra Star Golf Course has oriented the fairways, to frame views of the surrounding mountain vistas, not block views of our most valuable commodity.

The analysis of the Project's impacts to visual resources is inadequate. We believe that if a more diligent choice of viewpoints were chosen, the impacts would be much greater than purported in the DEIR. The DEIR view analysis only find significant impacts to views of the Mammoth Knolls. More appropriate viewpoints would introduce significant impacts to the Sherwins [*sic*], a major view shed of vital importance to both community character and to the visitor experience. The DEIR does not offer any mitigation. Consideration should be given to increased setback along the public right-of-ways in an attempt to widen, or open up, view corridors.

Response to Comment B13-11

The commenters express opinions regarding the viewpoint analysis presented in Section IV.B, Aesthetics, of the Draft EIR and speculate that additional viewpoint analysis would introduce significant impacts to the public views of the Sherwin Range. In response to this comment and other similar comments four additional viewpoints were analyzed and found to have less than significant impacts to public views of scenic vistas. See Topical Response 3, View Analysis.

As required by CEQA and *CEQA Guidelines* Section 15126.4, the Draft EIR proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact. The Draft EIR requires mitigation for the Project's significant construction impacts with regards to aesthetics, air quality and noise. However, since impacts to public views of the Sherwin Range were found to be less than significant, in the View Analysis prepared for both the Draft EIR and this Final EIR, no mitigation measures are required. Major view corridors and vistas toward these important landscape features are identified in the General Plan, and are shown in Figure IV.B-1, Major View Corridors and Vistas, and Figure IV.B-2 Vistas and Landmarks, in Section IV.B, Aesthetics, of the Draft EIR. In the area surrounding the Project site, the existing viewsheds are defined primarily by major view corridors and vistas (refer to Figure IV.B-1 and IV.B-2) as well as the nearby roadways (e.g., Lake Mary Road, Main Street and Minaret Road).

These comments have been previously addressed. See Topical Response 2, Project Description.

Comment B13-12

The visual impacts are made worse by the sheer height and mass of the proposed development. The buildings dwarf the existing natural vegetation on-site, and in fact dwarf the adjacent developments. Rather than try to keep development low on Site 1, where no natural grades are available to minimize building appearance, the northern building actually is built so that ground level is well above the existing ground level of the Whiskey Creek parking lot.

In addition to such a tall building dwarfing adjacent existing development, the Project proposes to reduce the lot line setback to 8', increasing the sense of disparity. A possible mitigation would be to increase the lot line setback in order to reduce the sense of bulk from the adjacent development to the north.

Additional mitigation should consider stepping back the design, so that the bulk would visually appear less. Another possible alternative would be to design Site 3 in consort with Site 4 so that the resulting development could take into account the drop off in existing natural grade to the south. This may reduce the height of the buildings on Site 3, increasing the public view to the Sherwin Range, protecting more of this General Plan identified major view corridor.

Response to Comment B13-12

As noted above in Response to Comment B13-11, no significant impacts to public views of the Sherwin Range were found in the View Analysis prepared for both the Draft EIR and this Final EIR, no mitigation measures are required.

Project impacts to public views of scenic vistas, and visual character and design are discussed in detail in Section IV.B, Aesthetics, of the Draft EIR, on pages IV.B-16 through IV.B-39, and IV.B-40 through IV.B-52, respectively. In addition, four additional viewpoints were analyzed as part of this Final EIR and are presented above under Topical Response 3, View Analysis. Mitigation measures to stepback buildings on Site 1 from Lake Mary Road and Site 3 from Minaret Road to reduce aesthetics impacts to public views of the scenic Mammoth Knolls from Viewpoint 6 (Lake Mary Road Near the Project Site Looking East) and View 8 (Minaret Road Looking North) were considered and ruled out as infeasible due to loss of proposed density and because doing so would result in greater impacts with regards to preserving the maximum amount of open space, trees and natural features.

Project impacts to land use compatibility are discussed in Section IV.I, Land Use and Planning, of the Draft EIR on page IV.I-44 through IV.I-45.

Alternatives to the proposed Project which reduce building height are presented in Section VI, Alternatives to the Proposed Project, of the Draft EIR under Alternative A (No Project No Build) and Alternative D (Existing North Village Specific Plan Build-Out Condominium Only). Additionally, a fifth

alternative, Alternative E (Reduced Density), which also reduced building height was analyzed and is presented in this Final EIR under Topical Response 4, Alternatives.

See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Topical Response 2, Project Description, Topical Response 3, View Analysis, and Topical Response 4, Alternatives. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-13

AES-2 Scenic Resources within a State Scenic Highway

DEIR CONSIDERS. Views 1, 2, 5 and & 7, from SR 203.

DEIR CONCLUSIONS. Impacts less than significant.

DEIR MITIGATION. No mitigation measures.

OUR COMMENT. We request that the proponent consider views from View 1 from further south on Minaret, at a location where a horizontal curve in the road does not block the view to the south. We request that the proponent consider View 2 at a location to the south, in the immediate vicinity of Main Street. We request that the proponent consider a view near existing View 5 (westbound on Main Street), with a southwest orientation, at a location closer to the project.

Response to Comment B13-13

This comment has been previously addressed. Additional viewpoint analysis has been performed and four additional visual simulations have been prepared. See Topical Response 3, View Analysis.

Comment B13-14

REQUESTED ANALYSIS AND MITIGATION. Analysis of the amended view locations shows significant impacts to views of the Sherwin Range from SR 203. The view in a southerly direction from the North Village area is identified as one of the 'Major View Corridor and Vistas', in Figure 1 of the General Plan. Therefore, we submit that the impacts are significant, and request the proponent offer mitigation.

Response to Comment B13-14

This comment speculates what the Project impacts would be to views of the Sherwin Range from SR 203 yet offers no substantial evidence to support their finding. Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency

based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the CEQA Guidelines states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Topical Response 3, View Analysis.

Comment B13-15**AES-3 Visual Character and Design**

DEIR CONSIDERS. Aesthetic consistency with the General Plan.

DEIR CONCLUSIONS. Impacts less than significant.

DEIR MITIGATION. No mitigation measures.

OUR COMMENT. Rather than review the numerous arguments the DEIR makes for consistency with individual General Plan policies, we have taken an overview approach so that the overriding inconsistencies with the General Plan, Specific Plan and community character can be highlighted. The DEIR breaks the whole consistency with visual character into so many individual areas that a reviewer no longer sees the forest through the trees (and certainly no one will be able to see the trees through the massive buildings).

Response to Comment B13-15

The commenters do not address the adequacy of the Draft EIR, nor do the commenters raise a new environmental issue; therefore, no further response is required. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-16

REQUESTED ANALYSIS AND MITIGATION. Preserving visual character is a key component of the aesthetics analysis, and C.2.J of the General Plan notes a policy for being stewards in preserving public views. Our analysis of AES-1 finds that this project is inconsistent with this policy.

Response to Comment B13-16

This comment states an opinion regarding the commenter’s own analysis of Impact AES-1 Public Views of Scenic Vistas in Section IV.B, Aesthetics, of the Draft EIR, yet offers no substantial evidence to

support this finding. The commenters do not address the adequacy of the Draft EIR, nor do the commenters raise a new environmental issue; therefore, no further response is required. See Response to Comments B13-11 and B13-12. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-17

In terms of Form, Mass, and Scale, we have noted in AES-1 that the mass and scale is inconsistent with the directly adjacent Fireside condominiums. The recreational building for the Fireside complex is located adjacent to the north property line of Site 1, mid-way between Canyon Blvd. and Minaret Rd. This recreational building has a height of roughly 20' above elevation 8045. The building to the north of Site 1 of the Project has a height of 53' above 8045. The Fireside residential building closest to Canyon Blvd. has a height of roughly 40' above 8045, while the Project building, less than 30' away, has a height of 73' above 8045. In both these cases it cannot be concluded that a difference of more than 30' in building height can complement neighboring land uses and preserve views to the surrounding mountains as required by the General Plan. Neither are these heights anywhere near consistent with the NVSP.

In addition, the DEIR assumes that the 10' difference between the maximum permitted height of 40' in the Resort General (RG) area (Site 1) and the maximum projected height of 50' in the RG area (Site 1) is a given. It is not a right, and must adhere to very specific rules and approvals, as specified in the NVSP.

Response to Comment B13-17

Section III, Project Description, of the Draft EIR, states that each of the Project's three development sites would involve multiple buildings with varying building heights. Section IV.B, Aesthetics, of the Draft EIR analyzes the Project's impacts with respect to mass and scale as part of the discussion under the heading "Impact AES-3 Visual Character and Design" beginning on page IV.B-40. The commenters express disagreement with the Draft EIR's conclusion of policy consistency with respect to mass and scale.

Regarding General Plan consistency, the Draft EIR found that the Project was generally consistent with applicable policies in the General Plan and Specific Plan; however, ultimately the determination of consistency remains with the Town of Mammoth of Lakes. In reviewing quasi-legislative acts or decisions concerning consistency with the general plan, the "arbitrary and capricious" standard would apply. The inquiry centers on whether or not the decision was arbitrary, capricious, entirely lacking of evidentiary support, unlawful, or procedurally unfair. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. Additionally, because a general plan consists of policies reflecting a wide range of competing interests, projects need not satisfy each and every policy. "It is beyond cavil that no project could completely satisfy every policy stated in [a general plan], and that state law does not impose such a requirement." (Sequoia Hills Homeowners Association v. City of Oakland (1993) 23 Cal.App. 4th 704, 719.) Finally, inconsistency with General Plan

policy does not necessarily equate with a physical impact on the environment, and thus may not result in a significant impact.

Although CEQA analysis may identify some areas of inconsistency with Town policies, the Town has the ability to impose additional requirements or conditions of approval on a project, at the time of its approval, to bring a project into more complete conformance with existing policies. See Response to Comments B13-5, -6, -10 and -16.

Comment B13-18

Massing is also a significant area of concern. The DEIR states that the massing is generally consistent with the policy of complementing neighboring land uses. However, the density proposed on Site 1 is 229% of the maximum allowed in the NVSP. We find this to be absolutely inconsistent with such a policy.

Response to Comment B13-18

The commenters are referring to the density specific Site 1 of the proposed Project. As discussed in Section III, Project Description, on page III-10, the current density allowed on Site 1 under the existing *North Village Specific Plan* is 48 Rooms Per Acre (RPA) and the Project is proposing 110 RPA. This represents a 62 RPA increase, which is equivalent to a 129 percent increase over what is currently approved. See Topical Response 2, Project Description. For a project of this scale and at this location, consideration for complementary uses in comparison with the surrounding land uses is not limited to one neighboring land use, but rather to a range of neighboring land uses.

The commenters express a concern regarding the consistency finding in the Draft EIR, but do not state a specific concern or question regarding the adequacy of the content of the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Response to Comment B13-17 and B21-2.

Comment B13-19

As to the consistency in building materials, roofing materials, textures, colors, etc, as required by the NVSP, we cannot comment, because no mention of these critical design details is made in the DEIR. While these details are critical in consideration of the Visual Character and Design, they have been omitted in the DEIR. These major omissions skew the DEIR's analysis and impacts, undercut the validity of the entire DEIR, and make it impossible for stakeholders to adequately comment on the DEIR, as required by CEQA.

Simply stating that "The Town would review all final proposed building designs to ensure that the Project would be responsive and expressive of its unique alpine setting" is not enough. The DEIR goes on to

state, “Project design would be intended to confirm with requirements of the Specific Plan, as well as the Design Guidelines, and new design or development standards adopted as part of the proposed Specific Plan amendment, applicable to the proposed Mammoth Crossing District”. This is fatally flawed for two main reasons. Firstly, although a District planning process (in which a Mammoth Crossing District may or may not be approved) is in progress, the release of the DEIR prior to District Plan (DP) completion results in the DP being subject to a separate CEQA review. CEQA does not allow such segmentation. Because this DEIR includes only the proponent’s design and code amendments, it precludes any analysis of the impacts of the DP as part of the DEIR’s impacts, as well as precluding impacts of the project as it relates to the DP. Secondly, as per Stanislaus Natural Heritage Project, *Sierra Club v. County of Stanislaus* (1996), analysis of significant effects may not be deferred to later developments under the specific plan, or to later tiered DEIRs.

The above arguments also apply to the lack of any details provided by the DEIR in considering landscaping design and planting, grading and drainage, and signage.

Response to Comment B13-19

See Topical Response 2, Project Description.

Comment B13-20

The DEIR includes a Visual Character Summary which states, “While the General Plan does not explicitly prohibit the proposed height increases of the Project’s proposed development, the Specific Plan does. The Project includes amendments to the General Plan and the Specific Plan which would be required to accommodate the Project’s proposed land uses. If approved, the Project would be consistent with the Projects proposed height increases. With respect to the view corridors and scenic vistas, the development of the Project would result in significant impacts from the viewpoints identified as Major View Corridors, Vistas or Landmarks in the General Plan.” As noted above, this circular argument is not acceptable under the CEQA process, and therefore the proponent must consider mitigation measures including reduced building heights and increased setbacks. Because the proponent has found significant impacts to view, we request a thorough and well thought out set of mitigation measures, including reduced building heights and increased setbacks.

Response to Comment B13-20

This comment has been previously addressed. See Response to Comments B13-11 and B13-12 and Topical Response 2, Project Description and Topical Response 3, View Analysis.

Comment B13-21

In addition, because the Town has a draft Story Pole Policy, which requires story poles for projects which have the potential to have significant impacts on view corridors (as this Project has), and for projects

which exceed established height standards (as this Project does), we would request that Story Poles be erected, and a further review period be initiated.

Response to Comment B13-21

The Project, once approved, shall comply with all applicable local, state and federal regulations, which includes all adopted policies identified by the Town. The Town's Story Pole Policy is intended to help to illustrate building height and the massing and placement of structures during the planning review process and would go into effect at that time. The Town, as the lead agency, has determined that use of photo-realistic visual simulations and other graphics-based analysis provides a sufficient basis for purposes of the Draft EIR's analysis of visual impacts, and that erection of story poles is not necessary at this time. However, once final site plans have been submitted at the time of the Use Permit application phase, the development of a story pole plan would be required, as set forth in the Story Pole Policy.

Comment B13-22

The Site 1 Building Height section of the DEIR states, "Approximately 74 percent of the total roof area exceeds the existing 50-foot maximum height requirement as set forth in the Specific Plan." This is quite misleading as the Specific Plan clearly states (for RG and SL zoning) that the Maximum Permitted Height is 40', not 50' as presented in the DEIR. The Specific Plan also includes provision to go to a Maximum Projected Height (which is capped at 50'), but only under the following criteria, "Building projections above the permitted height may be allowed, provided that a roughly equivalent reduction in the building footprint area above the height is provided below the permitted height and no more than 50% of the building square footage exceeds the permitted height". Clearly, the project is inconsistent with existing plans in terms of height.

Also, there is no discussion in this section of the DEIR, with regard to the fact that the Specific Plan only allows 50% of the building square footage to exceed the permitted 40' height. Stating that 74% would exceed heights, while not providing the background that only 50% is permitted, purposely omits pertinent information, and is again inconsistent with the specific plan. In addition, the fact that that to obtain the increase above the 40', would require a roughly equivalent reduction in the building footprint area above the height must be provided below the permitted height, has also not been included, and is again misleading by omission.

Building height is a crucial area of importance, which introduces not only direct impacts to neighboring developments, but to the entire area and Town. For example shading, view loss, character, and livability. This applies to both consistency to existing development and consistency with the General Plan and Specific Plan.

Response to Comment B13-22

This comment has been previously addressed. See Responses to Comments B13-6, -7, -8, and -9.

Comment B13-23

AES-4 Light and Glare

DEIR CONSIDERS. New sources of light and glare.

DEIR CONCLUSIONS. Impacts less than significant.

DEIR MITIGATION. No mitigation measures.

OUR COMMENT. The sheer size and height of the Project will introduce significant additional light to the study area, adjacent developments, and the entire Town of Mammoth Lakes.

Response to Comment B13-23

This comment expresses a concern that the size and height of the Project would introduce a significant amount of additional light, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Lighting shall comply with the design guidelines established for Specific Plan and Town Municipal Code Chapter 17.34 “Outdoor Lighting” regulations. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Response to Comment B13-25.

Comment B13-24

REQUESTED ANALYSIS AND MITIGATION. While the DEIR states, “A detailed lighting plan for the Project’s development is required to be prepared for approval by the Planning Commission showing location, intensity, heights, fixture type and design, ...”, it has not been provided with the DEIR. As a result, it makes it difficult for us to comment, and one wonders how the DEIR can claim that the impacts will be ‘less than significant’.

Response to Comment B13-24

The comment expresses an opinion regarding the omission of precise details of how the Project will comply with the design guidelines established for Specific Plan and Town Municipal Code Chapter 17.34 “Outdoor Lighting” regulations.

Certain Project details would be determined during site-specific design. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur “before a project gains irreversible momentum” (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334). In other words, CEQA requires agencies to prepare EIRs “as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (see *CEQA Guidelines* Section 15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358). However, despite such Project details not being required at this juncture in the application process or for CEQA analysis, the Project Applicant has provided diagramming of such site specific details as building placement, parking configurations, trails and internal bicycle paths and pedestrian pathways, etc., and will provide additional details pursuant to approval of the Use Permit and Tentative Map at the appropriate time.

A description of the Project, as proposed by the Project Applicant, is set forth in Section III, Project Description, of the Draft EIR and further elaborated on in Topical Response 2, Project Description. The Draft EIR uses Section III’s project description as the basis for its analysis of the Project’s potentially significant environmental effects.

The commenters are directed to see Response to Comment B13-10 and Topical Response 2, Project Description.

Comment B13-25

As a residential complex, with buildings less than 30’ from the proposed hotel development of the Project, light infiltration has the potential to be a significant impact on the Fireside Condominiums. Light infiltration may also have Project specific, as well as cumulative, effects on the night sky when viewed from within the Town of Mammoth Lakes. Both these issues must be addressed. In addition light infiltration into the windows of the Fireside Condominiums from headlights entering the ramp to the underground parking structure need to be modeled.

Response to Comment B13-25

The Project would include landscaping between the proposed ramp to the underground parking on Site 1 which would protect adjacent residential development from headlights for nighttime entry. See Topical Response 2, Project Description.

Comment B13-26

Based on the results of these analyze [*sic*], appropriate mitigation measures should be proposed by the proponent, and reviewed by the public.

Response to Comment B13-26

This comment speculates what the Project's light and glare impacts would be, yet offers no substantial evidence to support their finding. See Response to Comment B13-25.

Comment B13-27**AES-5 Shading/Shadows**

DEIR CONSIDERS. Shading/shadows for all 4 seasons.

DEIR CONCLUSIONS. Summer Solstice shadow impacts less than significant. Winter Solstice shadow impacts potentially significant.

DEIR MITIGATION. Winter solstice mitigation measures to include a snow plowing and cindering plan for 3 winter months on Town roads in vicinity of the Project.

OUR COMMENT. Figure IV.B-25 Winter Solstice Shading (December 21), shows all of the Fireside buildings with the exception of the north east corner of the Minaret Building being in full shade at 9:00 am.; all Fireside buildings with the exception of the north-west corner of the Canyon building and the north-west corner of the Minaret building in full shade at 12:00noon; and all but the Canyon building in full shade at 3:00pm. It should be noted that the walkway on the south side of the Fireside property which connects the 2 residential buildings and the recreation building will be in total shade in all 3 time periods modeled. The DEIR downplays the magnitude of the impact as, "As shown in Figure IV.B-25, the Project's winter solstice shadows would cast onto a portion of the adjacent residential land use north of Project Site 1 in the morning and throughout the afternoon. However, the useable outdoor spaces associated with the nearby residences (e.g., yards, balconies, etc.) are rarely used in the winter months."

Response to Comment B13-27

The shading impacts to the sensitive land uses to the north of Project Site 1, including Fireside Condominiums, were considered in the Shading/Shadow analysis presented in the Draft EIR on page IV.B-25 and illustrated on Figure IV.B-25, Winter Solstice Shading 9:00 a.m., 12:00 p.m., 5 p.m. Pacific Standard Time, in Section IV.B, Aesthetics, of the Draft EIR. See Topical Response 5, Shading/Shadows.

Comment B13-28

REQUESTED ANALYSIS AND MITIGATION. As per Figure IV.B-25, it is clear that specifying 'a portion of the adjacent residential land use to the north (Fireside Condominiums) will be in shadow is a gross understatement. In fact, the majority of the Fireside property will be in shadow in the morning and throughout the afternoon. We would like to DEIR to properly acknowledge the extent of the impact.

Secondly, the threshold of significance of the shading is also grossly understated. Dismissing the impact by stating that the useable outdoor spaces associated with Fireside are rarely used in the winter months is not only wrong, but also fails to take into account Fireside's ability to keep ice off the walkway between the buildings (especially since the setback is only 8' from the Fireside property line to a major hotel building where the roof will shed snow directly toward the Fireside property), the solar heating advantages of direct sunlight on the buildings, the sunlight streaming through the picture window into the spa area, the sunlight streaming through the double sliding glass doors of the pool area, the snow/ice melt off the deck areas so that decks can be used to BBQ, store firewood, etc, the snow/melt off the decks so that sunlight can penetrate through the sliding patio doors, etc. It also discounts the positive livability issues that a well sunlit environment provides. To discount all these factors, downplay and major impact to a directly neighboring property, and furthermore, offer no mitigation is a major flaw in the aesthetic analysis. We demand action on this item, including lowering the building heights and additional setbacks. It should be noted that the NVSP may allow a proponent to build certain portions of a project above the 40' limit, if other portions are lowered. The area of buildings which thoroughly shade Fireside may well be an excellent candidate for a reduced height area.

Response to Comment B13-28

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even "[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts." See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Topical Response 5, Shading/Shadows.

Comment B13-29

From a public safety point-of-view, we are concerned with the safety impact of having the major intersection in the North Village, as well as the entrances to the intersection on Lake Mary, Main Street, and Minaret Rd. in shade through the majority of the day. The climate in Mammoth Lakes in the winter is such that the majority of days will reach a high temperature above freezing. In the early evening the temperature falls quickly and the snow/slush/water/moisture on the roads freezes. This is a serious safety situation Mammoth Lakes is forced to deal with. However, building a project that will create black ice at one of the Town's busiest intersections, and busiest tourist intersection, is a fatal flaw. Snow removal and cindering is not particularly effective on black ice and impractical given that the freeze cycle occurs concurrently with the pm peak traffic/pedestrian time. Mitigation should be considering which includes analyzing moving the buildings to the south to at least the setbacks specified in the NVSP, but even further back if required. This, in addition to a stepped back building form should be analyzed to remove the impact, rather than try to mitigate with a flawed maintenance plan.

Response to Comment B13-29

See Topical Response 2, Project Description. Hazards as a result of black ice on roadways adjacent to the proposed Project have been addressed in the Draft EIR in Section IV.B, Aesthetics, under the heading “Mitigation Measure AES-5 Shading/Shadows” on page IV.B-54 and IV.B-55.

Comment B13-30**AES-6 Temporary Construction**

DEIR CONSIDERS. Construction aesthetics including light, glare, screening and truck traffic on roads.

DEIR CONCLUSIONS. Significant aesthetic impact, especially along Main Street and Minaret Rd.

DEIR MITIGATION. Construction equipment staging areas shall use appropriate screening (MM AES-6). “Although MM AES-6 would reduce impacts resulting from construction activities, surrounding residential areas would be exposed to the visually-related construction impacts for an extended period of time. Thus, construction-related visual impacts would be significant and unavoidable.”

Response to Comment B13-30

This comment repeats construction impact findings with regards to the aesthetics analysis presented in the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-31

OUR COMMENT. Temporary construction is defined in the DEIR as construction activity between 7 am to 8 pm, 6 days a week, 9 am to 5pm on Sundays for stints of 2 to 3 years per site, served successively until all sites are completed in 2020. In other words, 12 years of constant construction impacts are only considered temporary, and the mitigation measures proposed (MM AES-6) are downplayed (temporary fencing with opaque material).

Response to Comment B13-31

As discussed in Section II, Environmental Setting, of the Draft EIR, on pages II-1 through II-13, the Project site is proposed in a highly urbanized area within the Town of Mammoth Lakes and proposes development on three previously developed sites within the *North Village Specific Plan*. To completely avoid all visual impacts related to construction would be virtually impossible and infeasible, thus the

Draft EIR has correctly identified this impact as significant and unavoidable even with full compliance with Town Municipal Code and the implementation of mitigation measures.

The Draft EIR discusses construction impacts associated with aesthetics in Section IV.B, Aesthetics beginning on page IV.B-63. The Project would be constructed in compliance with Town Municipal Code Chapter 15.08.020, which limits construction activities to the hours between 7:00 a.m. and 8:00 p.m., Monday through Saturday. Work hours on Sundays and Town recognized holidays would be limited to the hours between 9:00 a.m. and 5:00 p.m. and permitted only with the approval of the building official or designee. The Draft EIR proposes mitigation to screen and buffer views of construction equipment as set forth in Mitigation Measure AES-5 Temporary Construction in Section IV.B, Aesthetics, on page IV.B-64. See Topical Response 2, Project Description. The commenters correctly identify the Project's construction timeline as set forth in Section III, Project Description, of the Draft EIR under the heading "Phasing & Scheduling" on page III-40. The commenters incorrectly identify the total construction period as 12 years. Twelve years is a speculative period of time and possibly assumes the Project would begin construction in 2008, which did not occur.

Comment B13-32

REQUESTED ANALYSIS AND MITIGATION. Since this is the Aesthetics review, construction impacts included are light and glare, site screening, and truck visual impacts along the Town roads. As noted in our comment section above, this is a long term, in-your-face impact to the neighboring Fireside condominiums. As such we request that state of the art mitigation be proposed. State of the art mitigation should be well researched from any municipality utilizing best practices, such as New York City. Construction fencing should be of a semi-permanent quality, so it cannot be crushed by the heavy snow load, and must be on a maintenance program to ensure damaged sections are repaired in a timely manner. For Site 1, landscape screening on the Fireside side of the fence should be considered.

Response to Comment B13-32

As noted in Response to Comment B13-30, the Draft EIR discusses construction impacts associated with aesthetics in Section IV.B, Aesthetics, beginning on page IV.B-63. In response to this comment, Mitigation Measure AES-6 Temporary Construction in Section IV.B, Aesthetics, of the Draft EIR, on page IV.B-64, has been revised as follows:

Mitigation Measure AES-6 Temporary Construction

Construction equipment staging areas shall use appropriate screening (i.e., semi-permanent quality temporary fencing with opaque material) to buffer views of small construction equipment and material staging areas along public street frontage, when feasible. Construction equipment that would not be considered feasible to be completely screened would include large equipment such as excavators, cranes (either stored or being actively used) and scaffolding or large

stockpile of materials. Staging locations shall be indicated on Final Development Plans and Grading Plans.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR. To completely avoid all visual impacts related to construction would be virtually impossible, thus the Draft EIR has correctly identified this impact as significant and unavoidable even with compliance the Town Municipal Code and the implementation of mitigation measures. See Topical Response 2, Project Description.

Comment B13-33

While considered in other sections of the DEIR, construction impacts do not only include aesthetics. They also include noise, vibration, and air quality. All these areas will require state of the art mitigation for a project of this magnitude. Scheduling should be done to reduce adverse impacts. For example, the tasks which create the highest noise levels should be performed in shoulder seasons. Noise impacts can be reduced using perimeter noise barriers, portable noise enclosures around loud machinery like jack-hammers, noise shields for excavators (long enough to also shield the receiving dump truck), noise shrouds on backhoes, etc. Also a construction protection plan to protect the Fireside buildings within 90' of construction to protect and repair buildings from damage caused by ground borne vibration should be included. This also should include monitoring of the Fireside in ground pool and in ground spa. Electric, not diesel, equipment should be specified. Sidewalks need to stay open. Construction truck access to Site 1 should be located as far from the Fireside property as possible.

Response to Comment B13-33

The commenters provide suggestions for how construction activities and scheduling could occur to reduce significant construction impacts. As noted in Section III, Project Description, of the Draft EIR under the heading "Phasing & Schedule" on page III-40, development within each phase is intended to be coordinated with surrounding land uses, vehicular circulation, emergency access routes, and pedestrian bike and trail systems so that visitors are clearly guided and that there are logical transitions within the circulation network. Construction can occur all year round, but the most disruptive work (major excavation, hauling, site work) is limited to non-winter months. Construction activities and scheduling would occur in compliance with Town Municipal Code Chapter 15.08.020. In addition, as noted on page III-37, the Project Applicant would be required to submit a Construction Management Plan ("CMP") for approval by the Town. The CMP identifies the details regarding the Project's staging and materials storage, site security, hauling routes and general procedures, signage, snow storage, traffic control and parking, scheduling, public notifications, and general provisions regarding clean-up, access, dust and noise control, grading, erosion control, drainage, tree and property protection, and oil and hazardous materials management. This list of CMP content is not exhaustive and each CMP is prepared project-by-project; thus, the CMP for the proposed Project would include requirements specific to its location and

development. See Topical Response 2, Project Description as well as Response to Comment B21-109, which through revisions to Mitigation Measure Noise-1 Exposure of Persons to Excessive Noise Levels, additional construction restrictions have been required.

This comment incorrectly states that mitigation measures are required for construction impacts with regards to vibration as a result of Project development. As required by CEQA and *CEQA Guidelines* Section 15126.4, the Draft EIR proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact. The Draft EIR requires mitigation for the Project's significant construction impacts with regards to aesthetics, air quality and noise. However, since vibration impacts were found to be less than significant, no mitigation measures are required. Construction activities would be carried out in conformance with all applicable state, federal and regional statutes, requirements and regulations, including the Town's Noise Ordinance and Construction Standards.

Construction impacts as related to air quality, and noise and vibration have been analyzed in the Draft EIR in Section IV.C, Air Quality, and Section IV.J, Noise, respectively. Impact AQ-1 (Construction Emissions) beginning on page IV.C-22, analyzes the foreseeable construction activities for the Project and identifies Mitigation Measure AQ-1 Construction Emissions to reduce the impacts associated with the generation of pollutant emissions during construction. However, as noted in the Draft EIR, even with implementation of mitigation measures the Project would result in significant and unavoidable impacts with regard to PM₁₀ emissions. Impact NOISE-1 (Exposure of Persons to Excessive Noise Levels) beginning on page IV.J-16, analyzes the Project's impacts associated with construction noise. Impact NOISE-2 (Excessive Groundborne Vibration or Groundborne Noise Levels) beginning on page IV.J-20, analyzes the Project's impacts associated with groundborne vibration during construction. As noted on page IV.J-21, groundborne vibration impacts associated with construction on the Project were found to be less than significant.

Comment B13-34

If mitigation measures for construction impacts cannot be reduced to insignificant, then compensation should be considered. The condominium units as Fireside can be modeled from a business loss point of view. It may be possible for owners who live in their condos to be compensated so that they could rent elsewhere during construction. Owners who rent their condos, may realistically not be expected to rent while Site 1 is under construction, and could be compensated for lost revenue. While CEQA does not general [*sic*] consider economic impacts, economic impacts caused by physical impacts (in this case the construction of the physical project) should be considered.

Response to Comment B13-34

The commenters express an opinion regarding construction impacts and concern for speculated loss of rental income during construction of the proposed Project. The purpose of CEQA and the Draft EIR is to

fully analyze and mitigate the Project's potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the Draft EIR. See Response to Comment B1-4 and B13-33.

Comment B13-35

AES-7 Cumulative Impacts

DEIR CONSIDERS. The change in views and visual character of the Town as introduced not only by the project but also by the cumulative impacts of the 40 related projects in the vicinity of the project.

DEIR CONCLUSIONS. Impacts are significant and unavoidable.

DEIR MITIGATION. No mitigation measures.

OUR COMMENT. The DEIR states "Therefore, the Project combined with the related projects would result in a cumulative impact to views and the visual character of the Town. As a result, cumulative impacts with respect to scenic views and existing visual character would be considered significant and the Project's incremental contribution to cumulative impacts would be significant and unavoidable."

As discussed in AES-1 Public Views of Scenic Vistas, the most significant major view corridor in the area surrounding the Project is the view of the Sherwin Range from the North Village. This view currently has very little obstruction from built form on the 4 corners surrounding the Main street/Minaret Rd. intersection as the parcels are either undeveloped or underdeveloped with small scale, low buildings. Of the 4 corners, this Project represents 3 of the corners, the 4th being the Dempsey parcel on the north-east quadrant which currently is occupied by Nevado's Restaurant. Views to the Sherwin Range are exceptional as southbound vehicles on either Minaret or Canyon come into proximity of their respective intersections with Main Street, and Lake Mary Road. Pedestrians in the area are also afforded spectacular views.

Response to Comment B13-35

See Topical Response 3, View Analysis.

Comment B13-36

REQUESTED ANALYSIS AND MITIGATION. The public views discussed above will be substantively blocked by the Project development on the 3 corners of this key tourist area intersection. The Dempsey property is on the east side of Minaret Rd., so is not in the direct path of public view sheds. While cumulative impacts need to be assessed, it is the MC Project that has the largest negative effect on views. Mitigation should include buildings of smaller scale pulled back from the public roadway right-of-way which would protect a larger portion of the scenic view.

As per the visual character of the Town, this project, due to its disproportionate size and mass, is not consistent with the NVSP, the General Plan, or the “Village in the trees” concept. It should be noted that a Village in the trees does not mean that building height can be as tall as the trees; rather that development is scaled within the trees with a tree canopy above and mountains in the distance. One hundred foot high buildings, pushed almost to the roadway right-of-way cannot be construed as a village in the trees.

Given the wide range of aesthetic impacts to surrounding residents (including Fireside owners and guests) addressed here, and other impacts addressed elsewhere, we believe it is critical that the CEQA mandate for maintaining a high quality environment be strictly adhered to, and that the lead agency consider the maintenance of a high quality human environment an important responsibility. The State CEQA Guidelines clearly support the use of local standards in determining what constitutes a significant effect on the environment, and therefore, we request that an additional analysis based on the elements comprising quality of life be considered. Where a substantial physical impact to the quality of the human environment is demonstrated, the project's effect on quality of life shall be considered significant.

Response to Comment B13-36

The commenter’s opinions on public view impacts and consistency with General Plan policy have been addressed. See Response to Comments B13-1 and -11.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The Draft EIR is not meant to address personal well being, economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project’s potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the Draft EIR. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No further response is required. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-37

IV.J. Noise

General Plan C.6.G requires preparation of noise analysis or acoustical study, which is to include recommendations for mitigation for all proposed projects that may result in potentially significant noise impact. This analysis requirement is not adequately met in the DEIR, as the analysis is incomplete on many fronts and there is no indication that the analysis was prepared by a licensed acoustical engineer. Our concerns with the noise analysis as presented include the following:

Response to Comment B13-37

The commenter correctly identifies General Plan Policy C.6.G on page 20 of the General Plan under the heading “Quiet Community”, which requires the preparation of a noise analysis or acoustical study, which is to include recommendations for mitigation, for all proposed projects that may result in potentially significant noise impacts. The comment erroneously states this analysis requirement is not adequately met in the Draft EIR and incorrectly implies that Policy C.6.G requires that a licensed acoustical engineer prepare the noise analysis. Furthermore, there is no specific requirement provided for within the Town’s Municipal Code. Section IV.J, Noise, of the Draft EIR, analyzes the potential for adverse impacts on the Project area noise levels resulting from implementation of the Project and recommends mitigation measures in accordance with General Plan Policy C.6.G. The results of the noise analysis and modeling performed for the Project is included in Appendix H, Noise Data, of the Draft EIR.

The comment introduces ensuing comments related to noise, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No further response is required. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-38

- The minor amount of analysis which is presented appears to use town ordinances rather than the more restrictive General Plan noise element criteria. Given stated goals for Quiet Community and the stated significance of noise impacts, the most restrictive limits of the GP noise element and/or the town’s noise ordinance or other best practices should use(as they appear to have been in the Brown, Buntin study on the Mammoth Creek Facilities Plan) to measure impacts and suggest mitigation measures.

Response to Comment B13-38

The comment incorrectly states that the Town’s General Plan is more restrictive than the Town’s Municipal Code. In fact, the Draft EIR which was performed on the General Plan Update in May 2007 also used the Municipal Code for guidance in determining impacts. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No further response is required. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-39

- The noise analysis should more clearly state thresholds of significance used, measurement of current noise levels, and projected noise levels during construction, and during the operational phase.

Response to Comment B13-39

See Section IV.J, Noise, of the Draft EIR, pages IV.J-14 and IV.J-15 for a complete listing of the thresholds used for analysis; Table IV.J-6, Existing (Winter 2008) Roadway Noise Levels On Site, and Table IV.J-7, Existing (Winter 2008) Roadway Noise Levels Off Site, on pages IV.J-12 and IV.J-13 for a complete listing of quantified noise levels on surrounding roadways; pages IV.J-16 through IV.J-19 for a complete quantified analysis of construction noise levels; and pages IV.J-21 through IV.J-25 for a complete quantified analysis of operational impacts.

Comment B13-40

- Varying and contradictory thresholds are presented. i.e. Page IV.J-2 “Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60–70 dBA range, and high above 70 dBA”, yet Table IV.J-1, page IV.J-2 says representative environmental noise levels of quiet urban areas range from daytime levels of 50 to evening levels of 40.

Response to Comment B13-40

Noise is highly subjective and depends on the receptor’s sensitivity to various sources and causes for noise. In Section IV.J, Noise, of the Draft EIR, on page IV.J-2, the noise levels in Table IV.J-1, Representative Environmental Noise Levels, were provided by the California Department of Transportation while the text following this table is a general description of noise levels and what is considered low, moderate and high. In addition, the guidelines provided within any city or town’s General Plan are solely for providing guidance to policy makers and is not considered law. These noise levels are not considered thresholds and only serve as background information for the reader. Therefore, only the Town Municipal Code is considered applicable law and applicable to the proposed Project. Applicable thresholds are provided on pages IV.J-14 and IV.J-15 of the Draft EIR.

Comment B13-41

- Construction noise impacts should discuss the worst case cumulative impacts to the Fireside Condominiums and surrounding development if simultaneous construction occurs on the South Hotel, 8050 C, Hillside, Dempsey and Mammoth Crossing parcels. SB thresholds P133 say that “According to EPA guidelines, average construction noise is 95 DB(A) at a 50 foot distance”. Given that construction will occur 8-10 feet from the Fireside property line and 26 feet from Fireside buildings, much more stringent mitigation measures and monitoring is required than that included in the DEIR and Mammoth’s noise ordinance. Examples of best practices for construction noise mitigation include, but are not limited to those employed by the City of New York.

Response to Comment B13-41

It would be difficult to know exactly which projects would be constructed simultaneously. The cumulative impact analysis, discussed in Section IV.J, Noise, in the Draft EIR, on pages IV.J-25 through IV.J-28, considers development of the Project in combination with ambient growth and other development projects within the vicinity of the Project. While each of the related projects would be subject to Section 15.08.020 of the Town Municipal Code, which limits the hours of allowable construction activities, and to Section 8.16.090 of the Town Noise Ordinance, which establishes noise standards for mobile and stationary construction equipment, cumulative construction noise levels experienced by nearby off-site residential uses in the surrounding area could exceed the maximum exterior noise level standards allowed. Implementation of Mitigation Measures NOISE-1a and NOISE-1b listed on page IV.J-19, as discussed under Impact NOISE-1 Exposure of Persons to Excessive Noise Levels, would reduce noise levels from construction activity associated with the Project, and related projects would be subject to similar mitigation measures; however cumulative construction noise levels could continue to exceed the Town's maximum exterior noise standards, resulting in significant and unavoidable cumulative construction noise impacts.

The commenters make reference to "SB thresholds"; it could be assumed this refers to "Santa Barbara" thresholds. Regardless, the City of Santa Barbara's thresholds for construction are not applicable to this Project as they only provide guidance for projects within the City of Santa Barbara and not the Town of Mammoth Lakes.

The commenters also state that according to Santa Barbara thresholds P133, EPA guidelines determine average construction noise at a 50-foot distance to be 95 dB(A). The Mammoth Crossing Draft EIR makes reference to construction noise levels that were estimated by data published by the United States Environmental Protection Agency ("U.S. EPA"). Noise generating characteristics of specific types of construction equipment are presented in Table IV.J-8, Noise Ranges of Typical Construction Equipment. The noisiest pieces of equipment (front loaders and backhoes) which would be anticipated to be used during the Project's development can produce maximum noise levels of approximately 86 and 95 dB(A) at 50 feet with implementation of the required feasible noise reduction control measures. Noise generating characteristics of typical construction activities are presented in Table IV.J-9, Typical Outdoor Construction Noise Levels. Typical outdoor noise levels at noise-sensitive receptors 50 feet from the Project's noise source could range from 77 dBA to 86 dBA L_{eq} , without implementation of noise reduction measures.

The Draft EIR also identifies potential noise levels that could be experienced at off-site locations that are sensitive to noise, including existing residences. The nearest sensitive receptors are the multi-family residences located approximately 25 feet to the north of Site 1 and 25 feet west and southwest of Site 2. These multi-family residential units would experience noise levels in excess of approximately 86 dBA L_{eq} during site grading and finishing.

The commenters make reference to best practices for construction noise mitigation used by the City of New York. Regardless, the City of New York's best practices for construction are not applicable to this Project as they only provide guidance for projects within the City of New York and not the Town of Mammoth Lakes.

As previously noted, under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even "[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts."

In response to this comment Mitigation Measure NOISE-1a on page IV.J-19 of the Draft EIR has been revised as follows:

Mitigation Measure NOISE-1a Exposure of Persons to Excessive Noise Levels

Project developers shall require by contract specifications that the following construction best management practices ("BMPs") be implemented by contractors to reduce construction noise levels:

- a. Provide advance notification of construction to the immediate surrounding land uses around a development site. A construction liaison shall be provided to inform nearby sensitive uses when peak construction noise activities are scheduled to occur.*
- b. Ensure that construction equipment is properly muffled according to industry standards.*
- c. Place noise-generating construction equipment and locate construction staging areas away from residences, where feasible.*
- d. Schedule high noise-producing activities between the hours of 8 a.m. and 5 p.m. to minimize disruption on sensitive uses.*
- e. Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets.*

This change has been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revision does not affect any conclusions or significance determinations provided in the Draft EIR. In addition, see Response to Comment B21-109, which through revisions to Mitigation Measure Noise-1 Exposure of Persons to Excessive Noise Levels, additional construction restrictions have been required.

Comment B13-42

- What analysis is presented appears to use town ordinances rather than the more restrictive General Plan noise element criteria. Given stated goals for Quiet Community and the stated significance of noise impacts, the most restrictive limits of the General Plan noise element and/or the town's noise ordinance or other best practices should use (as they appear to have been in the Brown, Buntin study on the Mammoth Creek Facilities Plan) to measure impacts and suggest mitigation measures.

Response to Comment B13-42

See Response to Comments B13-38 and B13-40.

Comment B13-43

- Operational noise generators studied should include, but not be limited to, traffic entering/exiting parking garage, delivery vehicles, temporary traffic for check-in, air conditioners, generators or ventilation equipment, projected pedestrian traffic through Site 1, noise generated by guests with open windows or using balconies nearest the Fireside Condominium complex, evening noise generated by bar and restaurant traffic, special event noise considerations and cumulative traffic noise. Impacts should be considered on interior and exterior noise levels, particularly given that windows are often open during the summer.

Response to Comment B13-43

In Section IV.J, Noise, of the Draft EIR, on pages IV.J-24 and IV.J-25, all anticipated major on-site sources of audible noise associated with operation of the Project are discussed and calculated. In addition, on-site noise from traffic can be found in Table IV.J-11, Future Plus Project Roadway Noise Levels On Site, on page IV.J-22.

Comment B13-44

- Quality of Life issues as defined in the Santa Barbara Thresholds of Significance document should be considered for nuisance noise levels and increased traffic even if these levels do not exceed minimum thresholds.

Response to Comment B13-44

The Santa Barbara Thresholds of Significance are not applicable to this Project as it only provides guidance for projects within the City of Santa Barbara and not the Town of Mammoth Lakes. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-45

- Specific attention should be paid to the noise impacts and potential mitigation measures for Fireside Condominiums and surrounding noise sensitive uses, including separate analysis for the eastern and western units at Fireside since the noise causing factors will be different.

Response to Comment B13-45

Section IV.J, Noise, of the Draft EIR analyzes the potential for adverse impacts on the Project area noise levels resulting from implementation of the Project. On pages IV.J-16 through IV.J-21, a complete analysis of construction related noise and vibration impacts upon existing sensitive receptors is provided, including the multi-family residences at Fireside Condominiums. In addition, in response to Comment B13-41 above and B21-109 presented later in this Final EIR, Mitigation Measure Noise 1 Exposure of Persons to Excessive Noise Levels has been revised.

Comment B13-46

- Other General Plan policies exist to restrict development to ensure “Quiet Community” so more careful analysis of the impacts and cumulative impacts caused by noise and vibration is warranted.

Response to Comment B13-46

See Response to Comment B13-40 and Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-47

It is difficult to adequately comment on the noise aspects, because we have not seen a noise report. Without a proper noise report it is also difficult to comment on the appropriateness of mitigations. For instance, the mitigation measures proposed as NOISE-1a are simply aspects of the Town’s Noise Ordinance. As Fireside Condominiums are so close to the Project, we request that the proponent do extensive research into state of the art mitigation measures and propose measures which significantly reduce the noise impacts.

Response to Comment B13-47

The results of the noise analysis and modeling performed for the Project are included in Appendix H, Noise Data, of the Draft EIR. See Response to Comments B13-37 and -40, -41, and Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-48**IV.1. LAND USE AND PLANNING*****Impact LU-1 Consistency with Applicable Land Use Plans, Policies, or Regulations***

The General Plan Guidelines published by the State Office of Planning and Research defines consistency as, “An action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment.”

Response to Comment B13-48

This comment correctly provides the definition of consistency from the General Plan Guidelines published by the State Office of Planning and Research, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-49

The general plan analysis presented in Table IV.I-2 is incomplete and appears to pick and choose General Plan categories to maintain consistency rather than highlight potential inconsistencies. A comprehensive analysis of those potential inconsistencies was not possible given the time provided to comment on the DEIR, but may be provided at a later date.

Response to Comment B13-49

The commenters are referring to Table IV.I-2, Comparison of Project Characteristics to Applicable Policies in the General Plan, on page IV.I-11 in Section IV.I, Land Use and Planning, of the Draft EIR. It is not necessary to analyze the Project’s consistency with every policy in the General Plan, as not all policies apply to the same type of Project or the Project’s location (i.e., *North Village Specific Plan*). Instead, Table IV.I-2 compares the Project characteristics with all applicable policies outlined in the General Plan as they relate to land use and planning issues with regards to the Mammoth Crossing Project. General Plan policies related to aesthetics and visual resources are presented in Section IV.B, Aesthetics, of the Draft EIR. While some policies overlap in both Sections IV.I, Land Use and Planning, and IV.B, Aesthetics, of the Draft EIR, the policy consistency analysis for each Section has been prepared to reflect the intent of the policy as it relates to either “land use” or “visual resources,” respectively.

The Draft EIR was made available to various public agencies, citizen groups, and interested individuals for a 45-day public review period from August 1, 2008 through September 17, 2008. A Planning Commission meeting was held on September 10, 2008 to gather public comments on the Draft EIR. Due

to requests from the public at the Scoping Meeting the comment period was extended for an additional seven days.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-50

For projects of this magnitude and potential importance to community character (and given the number of inconsistencies identified by a quick review), we suggest some sort of a Citizen's Advisory committee be tasked with assessing General Plan compatibility. The future of our community is too important to let developers, developer funded consultants and overworked town staff make this determination on our behalf.

Response to Comment B13-50

The commenters do not address the adequacy of the Draft EIR, nor do the commenters raise a new environmental issue; therefore, no further response is required. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-51

PAOT: We believe the project as proposed jeopardizes the ability to remain consistent with L.1.A of the General Plan, which is to "limit total peak population of permanent and seasonal residents and visitors to 52,000 people". The DEIR suggests that the MC project will generate 1527 new PAOT, but there is no discussion of the fact that total PAOT allocated to the North Village is only 3020. Unit to room to PAOT conversion factors were not available from the town to make this determination, but preliminary analysis suggests most of the originally allocated PAOT capacity for the NVSP has already been built. The DEIR should include a numerical analysis of NVSP PAOT and the impacts of the proposed MC development, and related projects on Town goals per the general plan. Other zoning alternatives identified in the district planning process should be studied.

If approval of the project will cause the NVSP PAOT allocation to be exceeded, then an analysis should be made in terms of where the additional PAOT will come from and whether such density transfers are consistent with community goals and objectives as stated in the General Plan.

The cumulative impacts of increasing density/PAOT on this and other projects must also be considered. Will the allocation higher densities/PAOT for the Mammoth Crossing set a benchmark for increased density vs. public benefits that will be difficult to work within? Will the allocation of higher

densities/PAOT on a first come, first serve basis shift density from vacant land, or parcels that the community wants to see redeveloped, leaving holes or nuisance land uses?

Response to Comment B13-51

The commenters incorrectly note that the total Persons At One Time (“PAOT”) for the Specific Plan is 3,020. As noted on in Table 3, Density Summary, on page 29 of the existing Specific Plan, 3,020 is the total number of rooms and does not reflect the total PAOT permitted within the Specific Plan area. The Town uses PAOT threshold to measure population intensity or total peak population, which represents an average winter Saturday.

Section IV.K, Population and Housing, of the Draft EIR identifies that the proposed Project would increase the density assigned in the existing Specific Plan zoning from 48 RPA to 80 RPA, contributing to a potential population increase in the Specific Plan area and the Town’s 2024 build-out projection of PAOT. Actual build-out population would depend on the types and density of units actually developed and not all properties are likely to develop at the maximum density. Although the 2005 General Plan Update Final Program EIR (May 2007) analyzes a maximum PAOT to be 60,700, General Plan Land Use Policy L.1.A limits total peak population of permanent and seasonal residents and visitors to 52,000.

Of the 40 related projects listed in Table II-1, Related Projects, in Section II, Environmental Setting, of the Draft EIR, 32 include residential developments within the Town, representing a combination of both permanent and seasonal/visitor units. The related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved. The Town would monitor the overall PAOT through the project approval process, and would consider project approvals in the light of existing and projected PAOT, and the other considerations set forth in the General Plan intended to limit total population. Therefore, the cumulative population generation would not exceed the anticipated PAOT of 52,000.

See Response to Comment B13-1.

Comment B13-52

Parking: The project proposes to construct 820 parking spaces, including 100 public parking spaces on site 3. Leaving aside the question of whether the 100 spots on site 3 are too far away from the Village core to add much value, proposed parking spots do not include commercial parking as required by the NVSP. Depending on how the 100,000 + square feet of commercial/restaurant/retail is allocated, this indicates a parking shortfall of 300-400 spaces. Our experiences with inadequate parking for current Village development demand that any considered reduction in parking be carefully analyzed to ensure compatibility with both General Plan and NVSP objectives.

Response to Comment B13-52

The comment incorrectly identifies a parking shortfall of 300 to 400 parking spaces and the exclusion of required commercial/retail parking spaces. Parking was calculated pursuant to the parking code provided in the Specific Plan, including calculation of commercial/restaurant/retail uses as identified in Note 2 on Table IV.M-5, Parking Requirements, as revised below. As discussed in detail in Topical Response 2, Project Description, the Project is conceptual and as such the exact room configuration has not been finalized. As provided in Note 1 on Table IV.M-5, room combinations and retail square footage used for the Draft EIR were provided in Appendix I, Traffic Data, (page 53 and 55) of the Draft EIR. Nonetheless, in response to this comment, Table IV.M-5 in Section IV.M, Traffic and Circulation, on page IV.M-18 of the Draft EIR has been revised as follows:

Table IV.M-5
Parking Requirements

	Rooms⁽¹⁾	Total Required Parking⁽²⁾	Total Provided by the Project	Difference
Site 1				
<u>Understructure Parking Total</u>	198	238	238	
<u>One Bedroom</u>	24	24	24	
<u>Two Bedroom w/lock-off</u>	66	115.5	115.5	
<u>Three Bedroom (<15%)</u>	14	21	21	
<u>Retail</u>	22 TSF	77	77	
<u>Surface Check-in Spaces Total</u>		3	3	
Site 1 Grand Total		241	241	
Site 2				
<u>Understructure Parking Total</u>	364	327	327	
<u>One Bedroom</u>	6	6	6	
<u>Two Bedroom</u>	61	61	61	
<u>Two Bedroom w/lock-off</u>	38	66.5	66.5	
<u>Three Bedroom (>15%)</u>	40	70	70	
<u>Four Bedroom</u>	10	17.5	17.5	
<u>One Bedroom (workforce housing)</u>	41	41	41	
<u>Retail</u>	18.75 TSF	64.75	64.75	
<u>Surface Check-in Spaces Total</u>		3	3	
Site 2 Grand Total		330	330	
Site 3				
<u>Understructure Parking Total</u>	180	146	146	
<u>One Bedroom</u>	48	48	48	
<u>Two Bedroom w/lock-off</u>	39	39	39	
<u>Three Bedroom (>15%)</u>	18	31.5	31.5	
<u>One Bedroom (workforce housing)</u>	27	27	27	
<u>Public Parking</u>		0	100	
<u>Surface Check-in Spaces Total</u>		3	3	
<u>Public Parking Total</u>		0	100	
Site 3 Grand Total		149	249	+100
Total Project Parking Grand Total		720	820	+100

Table IV.M-5
Parking Requirements

Notes:

- (1) Room combinations would vary upon approval of the Project's Final Development Plan. Room combinations are provided in Appendix I of this Draft EIR.
- (2) Resort condominium, multi-family and transient uses of more than 50 units which have a lobby or on-site management, common parking, and may have an accessory recreation amenity, meeting room(s), retail use or restaurant, which is oriented to the guests of the project, shall adhere to the following parking schedule:
- Studio/1 bedroom unit 1 space
 - 1 bedroom unit with lock-off 1.75 spaces
 - 2 bedroom unit ~~1.5~~ spaces
 - 2 bedroom unit with lock-off ~~2~~ 1.75 spaces
 - 3+ (>15%) bedroom unit ~~2~~ 1.75 spaces
 - 4 bedroom 1.75 spaces
 - 1 bedroom workforce housing 1 space
 - All projects shall provide a minimum of 3 check-in spaces.

Retail/restaurant/office/conference/theaters (includes employee parking) in the Resort General (RG) and Specialty Lodging (SL) district:

- 2.5 spaces per 1,000 square feet of gross floor area, excluding toilet rooms and mechanical rooms is required; however, for a conservative analysis the Project used the Plaza Resort (PR) requirement of 3.5 spaces per 1,000 square feet.

(3) TSF = Thousand Square Feet

Source: North Village Specific Plan, amended May 2008, Table 6: Parking Schedule for North Village, page 59. and Traffic Impact Study, pages 53-55, LSA Associates, May 2008.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR and do not affect any conclusions or significance determinations provided in the Draft EIR.

The portion of the comment which questions if the 100 additional public parking spaces are too far away from the Village does not address the adequacy of the Draft EIR, nor do the commenters raise a new environmental issue; therefore, no further response is required. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-53

Commercial Density: Inconsistency with regards to the consideration of commercial space in density calculations must be addressed. Existing NVSP development was forced to calculate density by considering each 450 feet of commercial space as a room. The MC proposal does not appear to calculate rooms attributed to commercial space, and the proposed NVSP amendment deletes this requirement for the whole NVSP area with no consideration of environmental impacts. This is significant, and MC's room density allocation would increase by more than 20% if evaluated in the same manner as previously built or entitled projects.

Response to Comment B13-53

While the Draft EIR does not calculate the Project's proposed commercial or restaurant space as residential density, Section IV, Environmental Impact Analysis (IV.A through IV.N), of the Draft EIR

includes detailed analysis of the Project's proposed 742 condominium/hotel rooms, up to approximately 69,150 square feet of hotel amenities and operations and general retail uses, 40,500 square feet of retail development, and 820 parking spaces pursuant to their proposed use.

As shown below in Table FEIR-3, Mammoth Crossing Project Commercial Density, the conversion of the Project's proposed commercial and restaurant space into "commercial density" pursuant to the existing Specific Plan standards, the Rooms Per Acre ("RPA") would increase from 80 RPA to 95 RPA, resulting in a 19 percent increase. However, this in no way indicates that the number of residential rooms proposed by the Project would increase and does not change any impact conclusion presented in Section IV, Environmental Impact Analysis (IV.A through IV.N), of the Draft EIR. The proposed Project Description would not change and the proposed amendments to density standards would still apply.

Table FEIR-3
Mammoth Crossing Project Commercial Density

	Acres	Hotel Rooms	Commercial Space ⁽¹⁾ Room Equivalents (commercial sf/450 sf)	Effective Density (rooms/acre)
Site 1	1.7939	198	62 ⁽²⁾	145
Site 2	4.5205	364	58 ⁽³⁾	93
Site 3	2.9629	180	17 ⁽⁴⁾	67
Total	9.2773	742	137	95⁽⁵⁾
Notes: (1) Commercial or restaurant space within a hotel serving only the guests of that hotel are excluded from density calculations. (2) Site 1 total commercial space excluding pool and hotel use area: 28,000 sf (3) Site 2 total commercial space excluding pool and hotel use area: 26,000 sf (4) Site 3 total commercial space excluding pool and hotel use area: 7,500 sf (5) Total density is calculated at 879 rooms/9.2773 acres. Source: Mammoth Crossing Ventures, LLC (May 2008) and North Village Specific Plan, amended May 2008, Development Design Standards, 2. Density (c), page 28.				

Comment B13-54

Tanavista: Treatment of the Tanavista parcel is inconsistent throughout the DEIR and the proposed North Village Specific Plan amendment. It appears that the proponent is trying to straddle two plan areas, retaining the most attractive benefits of both, and this needs to be clarified.

Response to Comment B13-54

Since the distribution of the Draft EIR the Project Applicant has decided not to include Site 4 as part of the proposed Mammoth Crossing Project. Therefore, the Project Applicant is no longer requesting a boundary change to the Specific Plan to incorporate the approximate one acre Site 4 parcel into the Specific Plan area from the *Lodestar Master Plan* area. See Topical Response 2, Project Description, and Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR as a result of this change.

Comment B13-55***Impact LU-2 Land Use Compatibility (with surrounding uses)***

The DEIR states “the Project is not consistent with existing Specific Plan density, height, and setback requirements. ... inconsistency may indicate a significant physical impact, but the inconsistency is not itself an impact. The physical impacts of the Project are analyzed in section IV.B through IV.N of this DEIR. Thus, Project impacts to land use would be ***less than significant*** and no mitigation measures are required.” The DEIR goes on to say “While the Project would constitute a substantial intensification of building mass and increase in heights relative to existing development on each of the sites, the Project would aim to organize the form and mass of each of its proposed buildings relative to the scale of neighboring buildings and the surrounding tree-canopy.”

We strongly disagree. As discussed in our analysis, and in particular, under Aesthetics, Noise, Traffic and Circulation, proposed density bonuses for MC and resulting physical impacts of massing, and building height are incompatible with neighboring development (specifically Fireside). Physical impacts, and resultant economic and social impacts to Fireside or other neighboring developments must be evaluated before a finding of less than significant impacts to land use can be made. Alternatives must be considered that consider form and mass relative to neighboring buildings.

Where project alternatives cannot fully eliminate the physical impacts, numerous mitigation measures are possible, and we welcome the opportunity to outline them further.

Response to Comment B13-55

This comment includes quotations from pages IV.I-44 and IV.45 of Section IV.I, Land Use and Planning, of the Draft EIR, under subheadings “Impact LU-1 Consistency with Applicable Land Use Plans, Policies, or Regulations” and “Impact LU-2 Land Use Compatibility”, respectively. The comment incorrectly states that the Project includes density bonuses. The Draft EIR is not meant to address economic or financial issues or the market demand for the project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project’s potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the Draft EIR.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

These comments have been previously addressed. See Response to Comment B1-4, Topical Response 2, Project Description, and Topical Response 4, Alternatives.

Comment B13-56

Impact LU- 2A Physically Divide Existing Community

Despite our request as part of the scoping process that this impact be evaluated, it was not included in the DEIR. Given the stated primary purpose of the NVSP to “enable the development of a cohesive, pedestrian-oriented resort activity node”, more careful analysis of the impact of the MC development and how it impacts pedestrian flows and an overall sense of cohesiveness is required. Linkages between current and proposed development must be analyzed with and without the MC project. For example, will guests from the Dempsey parcel want to go to Mammoth Hillside, and if so, how do they want to get there? Will proposed building masses complement or frustrate pedestrian desire lines?

The Town commissioned Nelson Nygard study on sustainable transportation is a good starting point for this analysis in that it raises several key issues and proposed mitigations that enhance pedestrian access compatibility.

The 8050 project is a good example of what happens when the impact of development on pedestrian corridors is not carefully considered - we essentially end up with a big lump of building in the middle of what should be a pedestrian plaza.

Response to Comment B13-56

As discussed in Section IV.A, Impacts Found To Be Less Than Significant, in the Draft EIR under the heading “Land Use and Planning” on page IV.A-4, implementation of the Project would not divide an established community and would not preclude the access or future use of any surrounding areas.

Currently the Project area has one established sidewalk along the western side of Site 1 along Canyon Boulevard and no bicycle circulation system as illustrated on Figure III-14, Pedestrian Circulation Map, and Figure III-15, Bicycle Circulation Map, respectively. Existing safe pedestrian activated signal crossings for pedestrians are currently only at the Main Street-Lake Mary Road/Minaret intersection and at the Lake Mary Road/Canyon Boulevard intersection. Two additional crosswalks would be added on Minaret Road at the new roadway intersection to link Site 2 with Site 3 with development of the proposed Project. Pedestrian and bicycle linkage from the Sierra Star Golf Course area and Main Street town core to the North Village would be provided on Site 3. The pedestrian and bicycle connections from Site 3 would connect to adjacent trails either existing or proposed.

Additionally, as described in Section III, Project Description, of the Draft EIR under the heading “Public Space” on page III-27, a key concept of the Project is to provide pedestrian connectivity within the Specific Plan area and to facilitate walking and bike use. As such, building forms have been arranged to

provide pedestrian access through the Project sites and to provide gathering spaces within open courtyards and a public plaza. The Project's placement of sidewalks, trails, and paths, and public plazas would aim to connect the hotels and residents with the Town core as well as with the North Village. The walkways and paths would connect internally and with existing or planned Town paths and trails. The proposed, well-defined network of pedestrian connections and pathways across the sites represent an improvement over current conditions, where pedestrians use informal and cut-through routes to cross each site, if they are able to cross at all.

See Topical Response 2, Project Description, and Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B13-57

Impact LU-3 Cumulative Impacts

The DEIR states that "Each of these related projects would be required to demonstrate consistency with the goals, policies, and objectives of the General Plan, applicable regional plans and compatibility with surrounding land uses. These requirements ensure that cumulative land use impacts will be avoided or mitigated to *less-than-significant* levels."

We disagree. Given the apparent shift to trading density bonuses for community benefits inadequately funded by DIF and as outlined above, we argue that the cumulative impacts of related projects are likely to be significant and inconsistent with the goals, policies, and objectives of the General Plan, the NVSP and surrounding land uses.

As an example, the General Plan in L.5. sets out a goal to "Provide an overall balance of uses, facilities and services to further the town's role as a destination resort community" and goes on to require the preparation of an Annual Community Indicators Report to monitor the pace of growth and to plan for changing conditions. The DEIR needs to use these community indicators to assess the impacts of increased development on existing housing stock, and existing recreational amenities. Will demand increase concurrent with new development, or will new development steal visitors from existing lodging providers? If new visitors come, what will they do when the Mountain's capacity is exceeded? Will retail and spa services keep base with demand? What are the impacts of national trends concerning skiing and population demographics?

Response to Comment B13-57

The commenters state an opinion about the planning process within the Town of Mammoth Lakes, which is outside the scope of this Draft EIR. As noted previously within previous responses made by the commenters, Section IV.I, Land Use and Planning, of the Draft EIR compares the Project characteristics with all applicable policies outlined in the General Plan as they relate to land use issues with regards to the

specific Project on Table IV.I-2, Comparison of Project Characteristics to Applicable Policies in the General Plan. General Plan policies related to aesthetics and visual resources are presented in Section IV.B, Aesthetics, of the Draft EIR. While some policies overlap in both Sections IV.I, Land Use and Planning and IV.B, Aesthetics, of the Draft EIR, the policy consistency analysis for each Section has been prepared to reflect the intent of the policy as it relates to either “land use” or “visual resources,” respectively.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

This comment contains an opinion regarding the payment of Developer Impact Fees (“DIFs”), but does not state a specific concern or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Regarding DIF funding, see Response to Comment B13-74.

The Draft EIR is not meant to address economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project’s potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the Draft EIR. These comments have been previously addressed. See Response to Comment B1-4. The commenters do not address the adequacy of the Draft EIR, nor do the commenters raise a new environmental issue; therefore, no further response is required.

Comment B13-58

K. POPULATION AND HOUSING

The DEIR concludes that “Project specific impacts as well as cumulative impacts to population and housing would be *less than significant*.” and therefore no mitigation is required.

We argue below that the DEIR’s analysis of specific and cumulative impacts to both population and housing are badly flawed, and finding of significance needs to be reevaluated in light of the information below.

Response to Comment B13-58

The commenters state an opinion about the cumulative impact finding as presented in Section IV.K, Population and Housing, of the Draft EIR and introduce ensuing comments. No response is required.

Comment B13-59

In reviewing the population and housing impacts of the MC DEIR, it appears that Mammoth Lakes Housing was never invited to comment on the DEIR scoping document, and no analysis has been provided by MLH to assist in evaluating the impacts of the project. As MLH is the agency charged with preservation, acquisition, construction and administration of housing and housing-related programs, this seems a substantial oversight. An analysis should be performed by MLH, with particular emphasis on the impacts the extra density proposed by this project has on the General Plan Housing Element and the Community Housing Strategy.

Response to Comment B13-59

Mammoth Lakes Housing, Inc. (MLH) is a private, not for profit, organization that was established in 2003 by the Town of Mammoth Lakes. The comment incorrectly describes the MLH as a governing agency. The Town of Mammoth Lakes is the authority which establishes the guidelines for affordable housing requirements for which the Project is required to comply. As has been the case with recent projects, the Town will request review and input by MLH on the applicant's proposed Affordable Housing Mitigation Plan, and on the number, configuration and type of units proposed within the Project, at the time these Project components are developed and submitted in more detail for Town review at the time of a future Use Permit application. The Draft EIR relied on the Town of Mammoth Lakes Municipal Code Chapter 17.36 "Housing" to analyze the Project's housing impacts as noted in Section IV.K, Population and Housing, of the Draft EIR.

Comment B13-60

The DEIR must address issues of risk and uncertainty with Mammoth Lakes Housing and the adequacy of TOML's FTEE metrics. MLH relies heavily on matching grants, which may be less available in times of recession, and there are current issues with "livability" of units already constructed by MLH. The Town and MLH are currently reevaluating funding formulas, so there is a risk that outlined mitigations may not fully cover the housing burden created by the MC project.

Response to Comment B13-60

This comment suggests analysis that is outside the scope of this Draft EIR. The Draft EIR is not meant to address issues of risk and uncertainty with Mammoth Lakes Housing or the adequacy of the Town of Mammoth Lakes' fulltime equivalent employees ("FTEE") metrics. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment. As noted above under Response to Comment B13-59, the Draft EIR has analyzed the impacts to FTEE based on currently adopted Housing Requirements as identified in Town Municipal Code Chapter 17.36.030. FTEE calculation "metrics" were adopted by the Town in 2005 as part of update to Town Municipal Code Chapter 17.36. There is no basis to the commenter's assertion that the

FTEE calculation method is flawed or inadequate. As noted in Section IV.K, Population and Housing, of the Draft EIR, under the heading “Affordable Housing Mitigation Regulations,” on page IV.K-3, the Town adopted Municipal Code addresses the development of workforce housing sufficient to mitigate the increased workforce housing demand created by a project.

See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B13-61

As well, the DEIR suffers from numerous inconsistencies in its analysis of population and housing which include, but may not be limited to the following.

Response to Comment B13-61

The commenters state an opinion about the analysis presented in Section IV.K, Population and Housing, of the Draft EIR and introduce ensuing comments. No response is required.

Comment B13-62

Population Growth Due to Temporary Jobs: The DEIR states “substantial number of permanent residents would not likely be generated as a result of the construction of the Project and impacts associated with population growth due to temporary jobs would be *less than significant* and no mitigation measures are required.”

Because of Mammoth’s geographic isolation, construction workers do come and stay in town for both short and longer time periods, and therefore impact overall housing availability. Since economic cycles dictate that construction occurs in waves, more analysis is necessary to evaluate the individual and cumulative impacts of construction workers on population. Related projects and general plan build out are estimated to occur by 2024 – with 16 years to build out, and the current development trough, when building starts again, individual and cumulative impacts of construction workers on short term housing, campgrounds and natural resources could be significant, especially since there is a big overlap between the summer high and construction seasons.

Response to Comment B13-62

Although the construction of the Project will take place over a multi-year period, the Project would be constructed in phases. Most construction phases would last approximately 24-36 months. As discussed on page IV.K-10 of Section IV.K, Population and Housing, in the Draft EIR, construction-related employment opportunities would not likely result in household relocation by construction workers to the vicinity of the Project site for various reasons, including the following:

- Construction employment has no regular place of business; rather, construction workers commute to job sites that may change several times a year.
- Many construction workers are highly specialized (e.g., crane operators, steelworkers, masons, etc.) and move from job site to job site as dictated by the demand for their skills.
- The work requirements of most construction projects are also highly specialized, and workers are employed on a job site only as long as their skills are needed to complete a particular phase of the construction process.
- Some construction workers would likely be drawn from the construction employment labor force (eight percent of the total labor force) already present in the Town and surrounding communities. The construction of the hotels would require specialized workers (as mentioned above), and the developer would likely employ these workers from outside the Town and area.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-63

FTEE Calculations: Comparison of the FTEE generated by the MC and the Snowcreek IIIV [*sic*] projects suggest that FTEE calculations for the MC project may have been underestimated by at least 50%. (If 400 Snowcreek hotel rooms = 170 FTEE, 1020 residential hotel rooms can’t equal 185). FTEE should be recalculated on both a square foot and room basis, including all commercial and retail square footage, to determine the project’s maximum FTEE.

Response to Comment B13-63

This comment compares the Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project to the Mammoth Crossing Project, and speculates the number of affordable housing generated by the Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project. For clarification, the Mammoth Crossing Project proposes 742 condominium/hotel rooms. The Town requires the fulltime equivalent employee (“FTEE”) rate be calculated using square footages and applicable generation rates. The FTEE in the Draft EIR has been recalculated and language referring to the affordable housing as units rather than 500 square foot rooms has been revised for consistency as the Specific Plan refers to units as rooms. This revision will result in an increase in the number of required affordable housing numbers, but does not change the total

square footage of affordable housing that was analyzed in the Draft EIR. Therefore, this text revision does not change the impact conclusions of the Draft EIR.

As a result of the FTEE corrections, the total number of affordable housing rooms required by the Project has been increased by 22 rooms for a required total of 115 affordable housing rooms. The additional 22 rooms would be developed off site. Similar to the 27 off-site affordable housing rooms discussed in the Draft EIR, the additional rooms would be developed within the appropriate land use zoning designation. As discussed on page IV.K-4 in Section IV.K, Population and Housing, of the Draft EIR, a housing mitigation development plan must be submitted along with any Project generating the need for workforce housing in compliance with Affordable Housing Mitigation Regulations (Town Municipal Code Chapter 17.36). The replacement housing can be provided at a number of sites identified in the housing element of the General Plan consistently with the General Plan and the existing environmental review for that General Plan. As such, the development of the off-site units would be consistent with the Town's General Plan.

As a result of the FTEE corrections, the total number of affordable housing required by the Project has been revised on the following pages in Section III, Project Description, in the Draft EIR:

Page III-1, under the heading "Project Description" the fourth sentence in the second paragraph:

Affordable housing, totaling ~~45,991~~ 57,500 square feet, would be required to be provided as part of the Project, some of which would be constructed off site.

Page III-2, on Table III-1, Project Site Land Uses:

Table III-1
Project Site Land Uses

Project Locations	Acres	Hotel Rooms	Density⁽¹⁾ (room/acres)	Hotel/Visitor Amenities⁽²⁾ Square Feet	Retail Square Feet	Affordable Housing⁽³⁾ Square Feet	Parking Spaces⁽⁴⁾
Site 1	1.7939	198	110	14,390	22,000	~~13,448~~ <u>14,000</u>	241
Site 2	4.5205	364	81	24,640	18,500	~~22,418~~ <u>27,750</u>	330
Site 3	2.9629	180	61	30,120	0	~~10,125~~ <u>15,750</u>	149
Site 4⁽⁵⁾	1.3631	0	0	0	0	0	0
Total	10.6404	742	80	69,150	40,500	~~45,991~~ <u>57,500</u>	720

Notes:

- (1) Density at Sites 1-3 exceeds the maximum allowed density of 48 rooms per acre (RPA) as designated in the Town's North Village Specific Plan. Density is calculated at 742 rooms/9.2773 acres; excludes Site 4 acreage.
- (2) Hotel/Visitor amenities consist of offices, meeting space and common areas associated with proposed lodging uses.
- (3) Off-site affordable housing units would be subject to separate environmental review.

- (4) All parking would be understructure with the exception of limited hotel guest check-in spaces and off-site on-street retail parking for Site 1 and Site 2.
- (5) Site 4 was approved for the construction of 45 units. No additional construction on Site 4 is proposed with this Project.

Source: Mammoth Crossing Ventures, LLC (May 2008).

Page III-10, on Table III-2, Site 1 Proposed Development Land Uses:

Table III-2
Site 1 Proposed Development Land Uses

Development Areas	Square Feet
Residential Area	
198 Hotel Rooms ⁽¹⁾	117,180
Total Residential Building Area	117,180
Non-Residential Areas	
Hotel Amenities and Operations	
Pool/Spa	1,500
Conference	3,000
Restaurant/Bar Area Within Hotel	3,000
General Use Areas ⁽²⁾	6,890
Total Hotel Amenities and Operations Area	14,390
Retail	
Restaurant/Bar Area Outside Hotel	5,500
General Use Areas ⁽²⁾	16,500
Total Retail Area	22,000
Total Non-Residential Building Areas	36,390⁽³⁾
Parking⁽⁴⁾	
3 Surface Parking Spaces	
238 Understructure Parking Spaces	
Notes: (1) Up to ~~2728~~ affordable housing ~~one-bedroom units/rooms~~ would be provided off site (~~13,448~~ 14,000 sf). (2) General use areas can include office space, maintenance facilities, service areas, check-in lobby area, meeting rooms, fitness center, gift shop, clothing, etc. (3) Specific square footage numbers listed are estimated and serve to study a maximum non-residential square footage of 36,390 square feet. (4) Parking would include 241 on-site spaces and an additional 13 off-site on-street spaces along Lake Mary Road. Site 1 parking would be compliant with Town Municipal Code.	
Source: Mammoth Crossing Ventures, LLC (May 2008).	

Page III-10, under the heading “Affordable Housing”:

Site 1 proposed development would require approximately ~~13,448~~14,000 square feet of affordable housing (approximately ~~2728~~ rooms)¹ for up to ~~5456~~ full-time employee equivalents (“FTEE”).² The required affordable housing would be provided off site. ~~and as such is not included in the density calculation described above.~~

Footnote 1: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 500 square feet of living space per affordable housing unit is required per 2 FTEE; therefore ~~13,448~~14,000 square feet/500 square feet equals ~~26.9~~28 rooms.

Footnote 2: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 250 square feet of living space is required per one FTEE; therefore ~~13,448~~14,000 square feet/250 square feet equals ~~53.8~~56 FTEE.

Page III-17, under the heading “Affordable Housing”:

Site 2 would provide approximately ~~22,418~~27,750 square feet of required affordable housing (up to ~~45~~55.5 rooms)⁴ ~~on-site~~ for up to ~~90~~111 full-time employee equivalents (FTEEs).⁵ Out of the 55.5 required affordable housing units, 45 would be provided on-site.

Footnote 4: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 500 square feet of living space per affordable housing unit is required per 2 FTEE; therefore ~~22,418~~27,750 square feet/500 square feet equals ~~44.8~~55.5 rooms.

Footnote 5: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 250 square feet of living space is required per one FTEE; therefore ~~22,418~~27,750 square feet/250 square feet equals ~~89.7~~111 FTEE.

Page III-24, under the heading “Affordable Housing”:

Site 3 would provide approximately ~~10,125~~15,750 square feet of required affordable housing (approximately ~~21~~31.5 rooms)⁷ ~~on-site~~ for up to ~~40.5~~63 full-time employee equivalents (“FTEEs”).⁸ These condominium units would accommodate employee housing and would be located on the bottom floors of the northeastern wing of the hotel. Out of the 31.5 required affordable housing units, 21 would be provided on-site.

Footnote 7: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 500 square feet of living space per affordable housing unit is required per 2 FTEE; therefore ~~10,125~~15,750 square feet/500 square feet equals ~~20.3~~31.5 rooms.

Footnote 8: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 250 square feet of living space is required per one FTEE; therefore ~~10,125~~15,750 square feet/250 square feet equals ~~40.5~~63 FTEE.

Page III-28, under the heading “Affordable Housing”:

Site 1 would provide approximately ~~13,448~~14,000 square feet of required affordable housing (up to ~~27~~28 rooms) for up to ~~54~~56 full-time employee equivalents (“FTEEs”).¹² The required

affordable housing would be provided off-site and as such, is not included in the calculation of development quantities for the Project described above. Site 2 would provide approximately ~~22,418~~27,750 square feet of required affordable housing (up to ~~45~~55.5 rooms) on site for up to ~~90~~111 FTEEs.¹³ Site 3 would provide approximately ~~40,125~~15,750 square feet of required affordable housing (approximately ~~24~~31.5 rooms) on site for up to ~~40.563~~ FTEEs.¹⁴ This issue is discussed in further detail in Section IV.K, Population and Housing, of this Draft EIR.

Footnote 12: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 500 square feet of living space per affordable housing unit is required per 2 FTEE and a minimum of 250 square feet of living space is required per one FTEE.

Footnote 13: Ibid

Footnote 14: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 500 square feet of living space per affordable housing unit is required per 2 FTEE and a minimum of 250 square feet of living space is required per one FTEE.

As a result of the FTEE corrections, the total number of affordable housing required by the Project has been revised on the following pages in Section IV.K, Population and Housing, in the Draft EIR:

Page IV.K-9, under the heading “Project Details” second paragraph, third sentence:

Affordable housing, totaling ~~45,991~~ 57,500 square feet, would be required to be provided as part of the Project, some of which would be constructed off site as separate projects that will require independent environmental reviews and analyses.

Pages IV.K-10 and IV.K-11, under subheading *Population Growth Due to Permanent Jobs*, the first paragraph and Table IV.K-5, Estimated Employee Generation, have been revised as follows:

The Project includes up to 742 condominium/hotel rooms, ~~and~~ 40,500 square feet of retail development and 21,000 square feet of non-residential space, which would generate the need for employees. Municipal Code Chapter 17.36 (17.36.030 B) requires FTEEs to be calculated for net new development, so a credit of 20 FTEE would be given for existing commercial and residential uses on Site 1 and 2. In addition to the new residents associated with the proposed residential uses, the Project would create an estimated ~~485~~230 FTEEs (as shown in Table IV.K-5). These employees would either: (1) live in the residences constructed as part of the Project, (2) already reside in the Town, (3) commute to the Town, or (4) relocate to the Town. The State of California documents the Town of Mammoth Lakes’ unemployment rate at 5.3 percent, totaling 300 people in May 2007. Therefore, some of the employment associated with the Project could be filled by persons from the existing employment base in the Project area and/or by future residents at the Project site. However, for a conservative analysis, it is assumed that all 230

employees would relocate to the area, introducing ~~185~~230 employee-related residents to the Town through indirect population growth due to permanent jobs. This is consistent with the growth anticipated in the 2007 General Plan. Therefore, impacts associated with population growth due to permanent jobs would be **less than significant** and no mitigation measures are required.

Table IV.K-5
Estimated Employee Generation

Development Area	Hotel Rooms Square Feet	FTEE Generation Rate (per ~~room~~ square foot)	Hotel Restaurant / Conference Square Feet	FTEE Generation Rate (per square foot)	Retail Square Feet	FTEE Generation Rate (per square foot)	TOTAL FTEE Generated by Project
Site 1	~~117,180~~ <u>198</u>	~~.0005~~ .225	<u>6,000</u>	<u>.00042</u>	22,000	.00042	~~54~~ <u>56</u> ⁽¹⁾
Site 2	~~211,750~~ <u>364</u>	~~.0005~~ .225	<u>7,500</u>	<u>.00042</u>	18,500	.00042	~~90~~ <u>111</u> ⁽²⁾
Site 3	~~120,150~~ <u>180</u>	~~.0005~~ .225	<u>7,500</u>	<u>.00042</u>	0	.00042	~~40.5~~ <u>63</u> ⁽³⁾
Total	~~449,080~~ <u>742</u>	n/a	<u>21,000</u> ⁽⁴⁾	<u>n/a</u>	40,500	n/a	<u>185 230</u>

Notes:

(1) 117,180 multiplied by .0005 = 58.59 FTEE; 6,000 multiplied by .00042 = 2.52 FTEE; 22,000 multiplied by .00042 = 9.24 FTEE—for a total of 70.35 FTEE for Site 1 minus existing 14 FTEE credit = net total 56 FTEE. ~~198 multiplied by .225 = 44.6 FTEE. 22,000 multiplied by .00042 = 9.24 FTEE.~~

(2) 211,750 multiplied by .0005 = 105.87 FTEE; 7,500 multiplied by .00042 = 3.15 FTEE; 18,500 multiplied by .00042 = 7.77 FTEE—for a total of 116.79 FTEE for Site 2 minus existing 6 FTEE credit = net total 111 FTEE. ~~364 multiplied by .225 = 81.9 FTEE. 18,500 multiplied by .00042 = 7.8 FTEE.~~

(3) 120,150 multiplied by .0005 = 60.07 FTEE; 7,500 multiplied by .00042 = 3.15 FTEE; no retail land use associated with this site—for a total of 63.22 FTEE for Site 3. ~~180 multiplied by .225 = 40.5 FTEE.~~

(4) 21,000 square feet does not include the 48,150 square feet of pool/spa areas or general use areas because these areas in and of themselves do not generate employees. The generation of these employees has been calculated using the square footage for the condominium/hotel rooms.

Source: Town of Mammoth Lakes Title 17 Zoning, Chapter 17.36 Housing Requirements, Section 030(A), 2006.

Page IV.K-12, under the heading “Housing Under Proposed Zoning” second paragraph, third sentence:

For the purposes of this analysis, permanent year-round housing would be comprised of two-bed room units; therefore the Project could result in a total of 57 on-site, permanent year-round housing units. The Project is anticipated to generate 2.43 persons per housing unit.

Page IV.K-12, under the heading “Housing Under Proposed Zoning” third paragraph, third sentence:

For consistency, seasonal housing would also be comprised of two-bed room units, resulting in 347 units.

Page IV.K-13, third paragraph:

*Additionally, the Project shall comply with the Affordable Housing Mitigation Regulations and shall provide housing for the estimated ~~185230~~ FTEE associated with the Project. A housing mitigation development plan shall be submitted along with the Project generating the need for the housing. Currently, pursuant to Town Municipal Code 17.36.030(C), the Project includes ~~3366~~ on-site affordable housing rooms and ~~13.449~~ off-site affordable housing rooms to accommodate the ~~185230~~ FTEE generated by the Project. Therefore, impacts to affordable housing associated with the development of the Project would be **less than significant** and no mitigation measures are required.*

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR. See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for additional FTEE and Affordable Housing revisions as identified in other relevant sections of the Draft EIR.

Comment B13-64

Population Growth not anticipated in the General Plan, and the NVSP: The DEIR states “This is consistent with the growth anticipated in the 2007 General Plan. Therefore, impacts associated with population growth due to permanent jobs would be **less than significant** and no mitigation measures are required. “ Baseline population growth may well have been included in the growth anticipated in the 2007 General Plan, but the MC project proposes significant additional density not contemplated under the plan and the impacts of that additional density must be evaluated separately from the General Plan analysis.

Response to Comment B13-64

As discussed in Section IV.K, Population and Housing, on page IV.K-10 and IV.K-11, the Project would create fulltime equivalent employees (“FTEE”) that would either: (1) live in the residences constructed as part of the Project, (2) already reside in the Town, (3) commute to the Town, or (4) relocate to the Town. For a conservative analysis, it was assumed that all FTEE generated by the Project would relocate to the Town. Also noted, the State of California documents the Town of Mammoth Lakes’ unemployment rate at 5.3 percent, totaling 300 people in May 2007.²² As such, some of the employment associated with the Project could be filled by persons from the existing employment base in the Project area and/or by future residents at the Project site. Therefore, regardless of whether or not this growth is consistent with the

²² State of California, Employment Development Department, Labor Market Information Division, Labor Force Data for Sub-County Areas, website: <http://www.calmis.ca.gov/file/lfmonth/monosub.xls>.

General Plan, impacts associated with population growth due to permanent jobs would remain less than significant and no mitigation measures are required.

As a result of this comment the text on page IV.K-10 and IV.K-11 in Section IV.K, Population and Housing, has been revised as follows:

Population Growth Due to Permanent Jobs

*The Project includes up to 742 condominium/hotel rooms and 40,500 square feet of retail development. In addition to the new residents associated with the proposed residential uses, the Project would create an estimated 185 FTEs (as shown in Table IV.K-5). These employees would either: (1) live in the residences constructed as part of the Project, (2) already reside in the Town, (3) commute to the Town, or (4) relocate to the Town. The State of California documents the Town of Mammoth Lakes' unemployment rate at 5.3 percent, totaling 300 people in May 2007.²³ Therefore, some of the employment associated with the Project could be filled by persons from the existing employment base in the Project area and/or by future residents at the Project site. However, for a conservative analysis, it is assumed that all 185 employees would relocate to the area, introducing 185 employee-related residents to the Town through indirect population growth due to permanent jobs. ~~This is consistent with the growth anticipated in the 2007 General Plan.~~ Therefore, impacts associated with population growth due to permanent jobs would be **less than significant** and no mitigation measures are required.*

This change has been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. This revision does not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B13-65

The DEIR states "Under the existing Specific Plan zoning, the development of 445 rooms would be consistent with the Town's build-out peak population since the existing land use designation has been analyzed, and anticipated development of the site has been included in General Plan population projections. Therefore, the population associated with development under existing zoning would not exceed the PAOT established by the Town."

We disagree. Proposed zoning, including a project description that proposes to build 1020 rooms on four sites when considered with the cumulative impacts of related projects will almost certainly exceed PAOT allocations for the NVSP and direct and cumulative impacts must be evaluated separately.

²³ State of California, Employment Development Department, Labor Market Information Division, Labor Force Data for Sub-County Areas, website: <http://www.calmis.ca.gov/file/lfmonth/monosub.xls>.

Response to Comment B13-65

The commenters do not address the adequacy of the Draft EIR, nor do the commenters raise a new environmental issue; therefore, no further response is required. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-66

Infrastructure Impacts: The DEIR states “Infrastructure associated with the Project would serve the Project site and would not facilitate additional development as a result of increased infrastructure. Additionally, the Project is consistent with the adopted General Plan. Therefore, impacts associated with the development of the Project would be *less than significant* and no mitigation measures are required.”

The DEIR contradicts this statement elsewhere when it emphasizes the project’s compatibility with General Plan and NVSP goals in terms of retail, recreation services and public gathering places provided. Further analysis is required to clear up this confusion and accurately assess impacts associated with the development of the project.

Response to Comment B13-66

It is assumed the commenters are referring to Threshold (a) of Appendix G of the State *CEQA Guidelines*, which states a project would have a significant impact on population and housing resources if the project would induce substantial population growth in an area, either directly (for example, through extension of roads or other infrastructure. The Project would be served by existing roadways. Regional access is provided by U.S. Highway 395 and California State Route 203 (“SR 203”). Local roadways that provide access to the Project site include Minaret Road, Main Street, Lake Mary Road and Canyon Boulevard. SR 203 is known as Main Street throughout the Town up to the Main Street-Lake Mary Road/Minaret Road intersection and then continues north through the North Village along Minaret Road to connect to Mammoth Mountain Lodge. As discussed in Section IV.N, Utilities, of the Draft EIR, the Project would be served by the Mammoth Community Water District wastewater and water lines, Southern California Edison electricity supply distribution lines, and existing propane supply distribution. Furthermore, as noted in Section IV.I, Land Use and Planning, the Project was found to be consistent with the General Plan.

Comment B13-67

Permanent vs. Transient housing: Project as described indicates that 48 rooms could result in permanent year-round condominium residential housing rooms. Unless these rooms are specifically prohibited as transient lodging, the higher factor of 4 PAOT per unit should be used in the DEIR analysis.

Response to Comment B13-67

As noted in Section III, Project Description, the 48 condominium rooms are intended to serve as permanent year-round residents and were analyzed in Section IV.K, Population and Housing, of the Draft EIR accordingly.

Comment B13-68

Impact of Hispanic and Seasonal workers: The DEIR states “true number of overcrowded households is likely greater than reflected in the census due to seasonal overcrowding, which was not, accounted for in the census data.” Census data likely does not also take into account higher occupancies per household for Hispanic households, and this impact should be analyzed.

Response to Comment B13-68

The implication by the commenters that population and housing impacts should be based on seasonal overcrowding and ethnicity does not address the adequacy of the Draft EIR, nor do the commenters raise a new environmental issue; therefore, no further response is required. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-69

Inadequate Project Description: The DEIR does not describe a unit mix and therefore potentially understates PAOT, as a direct room to unit to PAOT calculation cannot be performed. This clarity is particularly important given DEIR footnotes asserting that one unit equals 3 rooms (Tanavista) and the absence of any restrictions on alternate sleeping areas like lofts and sofa beds.

Response to Comment B13-69

Regardless of the types of units developed the number of hotel/condominium rooms would not exceed 742 as presented in Section III, Project Description, of the Draft EIR. The calculation methodology used to estimate PAOT in the Draft EIR is consistent with methodology employed in the 2007 General Plan Update and EIR, and with other recent project analysis performed by the Town. Regarding the reference to Tanavista, see Response to Comment B13-54 and Topical Response 2, Project Description.

Comment B13-70

Off-site affordable housing units (13.4) are not included in PAOT analysis.

Tanavista: Tanavista’s impacts on population and housing are not discussed. As Site 4 is proposed [*sic*] to be included into the revised NVSP, its impacts should be included to permit a holistic analysis of

project impacts. Without Tanavista's inclusion, it is difficult to reconcile the varying room numbers quoted in the DEIR (1020 vs. 808 rooms).

No discussion is provided on the potential of the Project to affect the balance between jobs and housing. This is an important measure of economic health of our community and requires a discussion of certainty that proposed housing will be available coincident with the growth of jobs.

Response to Comment B13-70

The off-site affordable housing units have been considered in the PAOT. See Response to Comment B13-1. The replacement housing can be provided at a number of sites identified in the housing element of the General Plan consistently with the General Plan and the existing environmental review for that General Plan. As such, the development of the off-site units would be consistent with the Town's General Plan. See Response to Comment B21-3 for further discussion of off-site affordable housing.

Since the distribution of the Draft EIR, the Project Applicant has decided not to include Site 4 as part of the proposed Mammoth Crossing Project. See Topical Response 1, Project Description and Response to Comment B13-54.

Comment B13-71

Impact POP-1 Population Growth, Impact POP-4 Cumulative Impacts

The DEIR states "the Project is anticipated to contribute approximately nine percent of the remaining PAOT growth capacity (17,000); therefore development of the proposed Project would not exceed the Town's peak PAOT (52,000). Therefore, impacts to population growth associated with the development of the Project would be ***less than significant*** and no mitigation measures are required."

The DEIR goes on to state that "PAOT associated with the related projects (18,120) combined with the proposed Project's PAOT (1,527), could amount to as much as 19,647 PAOT for cumulative residential development."

In our opinion, anticipated population growth of 19,647 against growth capacity of 17000 [sic] would indicate a significant impact and require mitigation.

Response to Comment B13-71

It is the Town's opinion that the maximum PAOT associated with the related projects (18,120) combined with the proposed Project's PAOT (1,527), which could amount to as much as 19,647 PAOT for cumulative residential development is highly unlikely. Actual build-out population would depend on the types and density of units actually developed and not all 32 related residential projects listed in Table II-1, Related Projects, in Section II, Environmental Setting, of the Draft EIR, 32 include would be developed at

the maximum density. The analysis presented in the Draft EIR represents a conservative analysis, since, a) it is likely that not every related project listed would ultimately be built; and b) actual seasonal/visitor occupancy rates will reflect a range of unit types and sizes (including hotel rooms, as well as more typical residential units), and in many cases are likely to be less than 4.0 persons per unit.

The Town recently completed an updated PAOT Model that considers potential buildout of units and population, incorporating a series of reasonable assumptions regarding future development of vacant properties, redevelopment of existing uses, and buildout of entitled projects, Specific Plans (including the North Village Specific Plan) and Master Plans, and which also applies a “Unit Room Equivalent” calculation that equates one residential unit to two hotel rooms for the purposes of calculating PAOT. The analysis also applies a “blended” per unit multiplier of 3.47 persons/unit, which accounts for both year-round and seasonal/transient unit types. This analysis resulted in an estimate of between 52,716 and 55,908 PAOT, which is likely a more accurate assessment of the cumulative buildout of the town. The Mammoth Crossing Project would add 297 hotel rooms over and above that permitted at existing Specific Plan density, plus an estimated 115 rooms of workforce housing. Utilizing the same factors described in the DEIR, the 297 hotel rooms would equate to 148.5 Unit Room Equivalents (UREs) and the 115 rooms of workforce housing to 57.5 UREs. Together, the additional increment of density associated with the proposed Mammoth Crossing Project would contribute 594 PAOT ($148.5 * 4.0$) plus 132 PAOT ($57.5 * 2.3$) for a combined total of 726 PAOT to the estimated buildout. Utilizing the same “blended” multiplier of 3.47 persons/unit as used in the Town’s recent analysis would result in a similar number of 715 additional PAOT.

Although the 2005 General Plan Update Final Program EIR (May 2007) analyzes a maximum PAOT to be 60,700, General Plan Land Use Policy L.1.A limits total peak population of permanent and seasonal residents and visitors to 52,000. The related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved. The Town would monitor the overall PAOT through the project approval process, and would consider project approvals in the light of existing and projected PAOT, and the other considerations set forth in the General Plan intended to limit total population. Therefore the cumulative population generation would not exceed the anticipated PAOT of 52,000. The cumulative impacts to PAOT would therefore be less than significant and no mitigation measures are required.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” See Topical Response 1, Standards for Responses to Comments and Focus of Review of Comments.

Comment B13-72

Related Projects: The whole cumulative PAOT analysis relies heavily on the Related Projects list included in the DEIR as Table II-1. This list is badly flawed and needs to be reformulated for the following reasons:

- It relies on the use of standardized conversion factors that may not be accurate to convert units to PAOT (e.g. Tallus is listed as 19 units, but it is unrealistic to assume peak population of 4 x 19 or only 76 residents given the unit size.)
- The list calls apples oranges, or in this case rooms units, further distorting the accuracy of cumulative PAOT estimates. (e.g. Snowcreek IIIV) [sic]
- It fails to assign any population inducing effects to commercial or public projects.
- It misses projects from the Master Facilities Plan - where is child care facility, recreation center, airport, civic center
- The list does not include 250 units of airport density which are likely to be reassigned
- The list does not capture currently contemplated density increases under the North Old Mammoth Road District Study.

Response to Comment B13-72

Sections 15126 and 15130 of the State *CEQA Guidelines* provide that EIRs consider the significant environmental effects of a proposed project as well as “cumulative impacts.” Cumulative impacts refer to two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts (State *CEQA Guidelines* Section 15355). Cumulative impacts may be analyzed by considering a list of past, present, and probable future projects producing related or cumulative impacts (State *CEQA Guidelines* Section 15130(b)(1)(A)).

All related projects (i.e., those projects with pending applications, recently approved, under construction, recently completed or reasonably foreseeable projects that could produce a related or cumulative impact on the local environment when considered in conjunction with the proposed Project) were included in the Draft EIR in Table II-1, Related Projects, in Section II, Environmental Setting, of the Draft EIR. The related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved. The list includes projects of various land uses, including Low-Density Residential, High-Density Residential, Commercial, Institutional Public Resort, Industrial and the North Village Specific Plan. Furthermore, it should be noted that the Related Project List is not the sole basis for all cumulative analysis in the EIR, which relies both on the assumed buildout and identified impacts of the 2007 General Plan (as described in the 2007 General Plan EIR) and on the cumulative project list. The 2007 General Plan EIR analyzed a buildout scenario of up to 60,000 PAOT, making this analysis more conservative relative to the amount of development that can ultimately be

approved under the Town's policy to limit population to 52,000 PAOT. Also refer to Response to Comment B13-71.

Comment B13-73

Impact POP-2 Housing Displacement, Impact POP-3 Resident Displacement

The DEIR states "the Project is proposing to build 24 permanent year-round residential housing units and 33 on-site affordable housing units to realize a total of 57 permanent year-round housing units, which exceeds the number of units proposed to be removed. Therefore the Project impacts related to housing displacement would be ***less than significant*** and no mitigation measures are required."

This argument is circular. Housing impacts of the project should include replacement of existing affordable housing, plus new affordable housing based on FTEE, and other population increase impacts.

The DEIR analysis also fails to consider that the type of housing being removed is not easily replaceable with market rate condos. Housing currently present on the project sites appeals to Hispanic, seasonal, and construction workers because of its price point. While the project contemplates (but does not guarantee) 24 permanent year-round housing units, it is unrealistic to assume that those units will target the same market as the currently existing units.

Without the referenced Existing Supply Report and stipulated conditions for which the housing is to be replaced, it is difficult to determine whether displacement will occur. As no guarantees of alternate housing for displaced residents have been offered, the DEIR should conclude that the Project impacts related to housing and resident displacement would be potentially significant and require mitigation measures. Perhaps construction could be staged to require the construction of some mix of both on and offsite affordable housing before existing housing is removed.

Response to Comment B13-73

As noted in Section IV.K, Population and Housing, on page IV.K-13, there are 18 residential units located within the existing North Village Inn located on Site 2 that would be removed as a result of the proposed Project. There are no existing residential units located on Site 1 or Site 3. Since the release of the Draft EIR it has been confirmed that out of the 18 residential units only one is currently occupied and it is rented on a month-to-month basis. The Project Applicant would be required to submit an Existing Supply Report ("ESR") pursuant to Town Municipal Code 17.52 "Conversion of Existing Residential Facilities." The ESR is intended to describe the existing housing and stipulate the conditions for which the housing is to be replaced. The ESR is required to be submitted and approved prior to the issuance of building permits by the Town. Additionally, the Project shall comply with the Affordable Housing Mitigation Regulations and shall provide housing for all of the full-time equivalent employees associated with the

Project. Therefore, the Project impacts related to housing displacement would be remain less than significant as they were presented in the Draft EIR and no mitigation measures are required.

Comment B13-74

IV.L. Public Services

Throughout the public services DEIR analysis, increased demands for public services have been described as significant, but less than significant after the payment of DIF fees. We believe it is unacceptable to assume that the payment of DIF will ensure that increased public services are made available in a timely manner. Overall economic conditions, the need to provide economic stimulus, budget considerations, cost overruns and factors outside the Town's control (like lawsuits) have, and will likely continue to, impacted the Town's ability to deliver services that were supposed to be funded via DIF. The continued lack of a North Village Parking Structure is a case in point.

Response to Comment B13-74

This comment contains an opinion regarding the payment of Developer Impact Fees ("DIFs"), but does not state a specific concern or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. DIFs are required as part of the Town's development approval process. The Town's Municipal Code 15.16.081 requires establishment of development fees and provision for their adoption by resolution of the Town council.

DIFs such as parkland acquisition fees, school facilities fees, or street construction fees, are fees charged to developers or builders as a prerequisite to construction or development approval to fund public improvements necessitated in part or in whole by the development.²⁴ The Town's schedule of development impact fees meets the intention and requirements of California Government Code Section 66000, which provides for the levy of impact fees as an authorized method of financing the public facilities necessary to mitigate the impacts of new development. The fee is "a monetary exaction, other than a tax or special assessment, which is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development..."

The Town has identified the need to levy impact fees to pay for law enforcement, fire suppression, circulation system, storm drain collection, government service, community amenities, and park and open space facilities. The fees reflect the current projected costs of the facilities which have been identified as

²⁴ *State of California, Governor's Office of Planning and Research, A Guide to Planning in California, March 1988 (revised August 1990), website: http://ceres.ca.gov/topic/env_law/ceqa/more/tas/Planning_Guide.html, October 23, 2008.*

community needs in the Master Facilities Plan.²⁵ The current Town Developer Impact Fee Schedule is included in Appendix J, Town of Mammoth Lakes Current Fee Schedule, of the Draft EIR. As with the proposed Project, each of the related projects would be responsible for paying the appropriate fees to offset any impacts on public services associated with development of the project, ensuring cumulative needs are met. As discussed in Section IV.L, Public Services, each of the related projects, similar to the Project, would be required to implement project specific mitigation measures and to pay required DIFs which support the development of additional facilities and increase staffing to maintain acceptable service ratios, response times and performance objectives.

Overall economic conditions as described by the commenters are outside the scope of the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-75

Cumulative increased demands for public services have been similarly downplayed, based on a commitment from the Town to monitor PAOT through future development approvals and to mitigate via DIF. Based on the current trend in the Town to award higher densities in pursuit of “community benefits”, it is very possible that PAOT will be exceeded and that DIF will be inadequate to meet cumulative needs. Reliance on increased property taxes is similarly flawed, especially given current real estate market conditions.

Response to Comment B13-75

This comment speculates and expresses concerns about the possibility of PAOT being exceeded, DIFs being inadequate to meet cumulative demands, and reliance on increased property taxes, given current real estate market conditions. See Response to Comments B13-72 and B13-74.

Comment B13-76

No discussion is provided about Public Services provided by the county or other governmental agencies, and it appears that these agencies were not contacted for input. This must happen.

²⁵ Town of Mammoth Lakes, Community Plan Information Sheet, Development Fees, website: <http://www.ci.mammoth-lakes.ca.us/Community%20Plan/Community%20Plan%20pdfs/Development%20Fees.pdf>, October 23, 2008.

Response to Comment B13-76

As discussed in Section IV.L, Public Services, of the Draft EIR, the following agencies would serve the Project site and surrounding area: the Town of Mammoth Lakes Police Department (police services); the Mammoth Lakes Fire Protection District (fire protection and backup emergency response services); Mono County²⁶ (primary emergency medical paramedic services); the Mammoth Unified School District (public school services); the Town of Mammoth Lakes Parks and Recreation Department (parks and recreational facilities); the Town of Mammoth Lakes Public Works Department (snow removal services – non-state and non-federal public roadways); and Caltrans (snow removal services – State Route 203).

Pursuant to Section 15082 of the *CEQA Guidelines*, when the Lead Agency determines that an EIR is required for a project, a Notice of Preparation (“NOP”) must be circulated to each Responsible and Trustee Agency advising them of its intention to prepare a Draft EIR. A Responsible Agency includes any public agency, other than the Lead Agency, which has discretionary approval power over a project (*CEQA Guidelines* Section 15381). A Trustee Agency is a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of California (*CEQA Guidelines* Section 15386) including: California Department of Fish and Game, State Lands Commission, Department of Parks and Recreation, and the University of California for particular lands.

The Town circulated a Notice of Preparation (“NOP”) of a Draft EIR for the proposed Project to the State Clearinghouse and interested agencies and persons on November 5, 2007 for a 30-day review period and a public scoping meeting was held November 13, 2007. The Draft EIR was made available to various public agencies, citizen groups, and interested individuals for a 45-day public review period from August 1, 2008 through September 17, 2008. The NOP of the Draft EIR was posted in the Mammoth Times.

Pursuant to State *CEQA Guidelines* Section 15087, a Notice of Availability (“NOA”) and the Draft EIR were distributed to various public agencies, citizen groups, and interested individuals, including the Fireside Condominiums, for a 45-day public review period from August 1, 2008 through September 17, 2008. A Planning Commission meeting was held on September 10, 2008 to gather public comments on the Draft EIR. Due to requests from the public at the Scoping Meeting the comment period was extended for an additional seven days. The Notice of Completion (“NOC”) of the Draft EIR was also circulated to state agencies for review through the State Clearinghouse of the Governor’s Office of Planning and Research. The NOA was published in the Mammoth Times and copies of the Draft EIR were available for review at the Town of Mammoth Lakes Community Development Department, Mono County Library, and via internet at www.ci.mammoth-lakes.ca.us.

²⁶ As shown in Table IV.L-2, Fire Stations that Serve the Project Area, in Section IV.L (Public Services) of the draft EIR, two paramedics employed by Mono County are currently based at MLFPD Station Number One.

Comment B13-77

As an example, it appears that the cumulative impacts of the project and related projects on county landfill capacity were not evaluated, despite the fact that only 26.5% of Benton Crossing Landfill capacity remains. Thresholds of significance similar to those implemented by Santa Barbara County should be evaluated to determine the project's individual and cumulative impacts on waste management, and appropriate mitigations should be required.

Response to Comment B13-77

Project impacts to solid waste were discussed in Section IV.A, Impacts Found to Be Less Than Significant, of the Draft EIR, under subheading "Utilities and Service Systems." As stated on page IV.A-6, solid waste disposal service for the Town is currently contracted to Mammoth Disposal Incorporated. Solid waste is disposed at the Benton Crossing Landfill, which is located within Mono County. The landfill has a remaining capacity of 1.7 million cubic yards of compacted waste and is anticipated to have the capacity to accommodate the Town's waste generation and disposal needs for the next 20 years. This is consistent with the finding in the Town of Mammoth Lakes 2005 General Plan Update Revised Draft Program EIR, which states sufficient capacity is available at the Benton Crossing Landfill to accommodate the Town's waste generation and disposal needs for the next 20 years, based on site life and loading rate calculations provided by the Mono County Department of Public Works ("MCDPW");²⁷ therefore, Project impacts on solid waste management were found less than significant. As such, the construction of a new landfill or the expansion of existing facilities would not be needed to accommodate the Project's solid waste disposal needs.

As Project impacts on solid waste would be less than significant, the Project would not create an incremental contribution to cumulative solid waste impacts and were therefore not discussed in the Draft EIR. However, based on MCDPW projections, sufficient landfill capacity is available with the existing capacity at the Benton Crossing Landfill as well as the option for disposal for five years at the Pumice Valley Landfill for the next 20 years and to accommodate the buildout projected under the General Plan.²⁸ As the related projects identified in Table II-1, Related Projects, in Section II, Environmental Setting, of the Draft EIR are generally consistent with respective land use and zoning designations, all 40 of the related projects have been accounted for in the General Plan.

The Santa Barbara Thresholds of Significance are not applicable to this Project as it only provides guidance for projects within the City of Santa Barbara and not the Town of Mammoth Lakes. As the Town does not have its own adopted thresholds of significance, the state's standard thresholds were used

²⁷ Town of Mammoth Lakes 2005 General Plan Update Revised Draft Program EIR (SCH No. 2003042155), 4.11 Public Utilities, October 2005, p. 4-273.

²⁸ Ibid.

in this analysis. Furthermore, as both Project and cumulative impacts would be less than significant, no mitigation measures are required. Accordance with AB 939²⁹ and SB 1374³⁰ will further reduce Project and cumulative impacts on solid waste facilities.

Comment B13-78

Specific concerns with the presented public services are outlined below.

Response to Comment B13-78

This comment introduces ensuing comments related to Section IV.L, Public Services, of the Draft EIR, which are addressed in Response to Comments B13-79 through B13-88 below. No response is required.

Comment B13-79

Impact PS-5 School Services, Impact PS-6 Cumulative School Services

The impact of the 185 FTE's [*sic*] (which may be understated) is not adequately considered in student generation rates, and must be addressed. Development generates jobs, and the children of both permanent and seasonal workers go to school.

The conclusion that developer fees currently charged by MUSD fully mitigate the impacts of new development on school services is absurd. If that were the case, why do we need Measure A, and Measure S and Measure K? Tax payers are subsidizing our schools, and with the current California budget crisis, this is likely to continue.

The analysis also fails to address the collective impacts put on our school systems by the ever increasing numbers of English Language Learners as the demands for low wage hospitality workers increase [*sic*]

²⁹ AB 939 (the California Integrated Waste Management Act) (September 1989) requires all cities and counties in the State to divert 25 percent of the solid waste stream from landfills by 1995 and 50 percent by the year 2000, or face potential fines. Local agencies must submit an annual report to the CIWMB summarizing its progress in diverting solid waste disposal. (Town of Mammoth Lakes 2005 General Plan Update Revised Draft Program Environmental Impact Report (SCH No. 2003042155), 4.11 Public Utilities, October 2005, p. 4-262.

³⁰ SB 1374 (2002) requires the annual report submitted to the CIWMB include a summary of the progress made in diversion of construction and demolition waste materials. SB 1374 requires the CIWMB, by March 1, 2004, to adopt a model ordinance suitable for adoption by any local agency to require 50 to 75 percent diversion of construction and demolition waste materials from landfills. Local agencies will be required to adopted construction and demolition ordinances with diversion rates by a specified timeframe in accordance with SB 1374 (*Ibid*, p. 4-263).

Response to Comment B13-79

In response to earlier comments, the fulltime equivalent employees (“FTEE”) have been increased from 185 FTEE to 230 FTEE. However, the permanent year-round population would remain 139; this includes both permanent and seasonal employees. See Response to Comment B13-63 and Section III, Corrections and Additions to the Draft EIR, of this Final EIR. Regardless, in accordance with State law as provided in Section 65996 of the California Government Code, the payment of Developer Impact Fees (“DIFs”), which are established by the individual school districts, is deemed to fully mitigate the impacts of new development on school services. Therefore, with payment of these required developer fees, Project impacts to school services would be less than significant and no mitigation measures are required.

For clarification, as noted in Section IV.L, Public Services, of the Draft EIR, the Town’s seasonal/visitor population would not contribute to a need for school services as this population is considered to be vacationing in Mammoth Lakes and would not have their children attend the school at this time. The term seasonal in this regard is not referring to seasonal employees. Seasonal employees have been accounted for in the permanent population.

No response is required to the commenters’ statements regarding taxpayers impacts, the California budget crisis or the fact that the Draft EIR does not address English Language Learners within the Mammoth Lakes Unified School District, as these issues are outside the scope of the Draft EIR.

Comment B13-80***Impact PS-7 Park and Recreational Services, Impact PS-8 Park and Recreational Services***

The DEIR fails to consider the impact of the proposed MC development on existing park and recreational services, and must do so. Current recreational uses of the project sites include a toboggan hill well used by locals and visitors alike, two Jazz Fest sites, and parking for skiing, mountain biking and numerous Sam’s Woods events. The Project’s proposed recreation and public amenities are inadequately described, and contradictory information is provided on whether those amenities will be made available to the public. Further discussion is required on whether proposed amenities will offset the loss of existing amenities, or whether existing amenities are contemplated to be relocated elsewhere, with resultant adverse physical impacts.

Response to Comment B13-80

The commenters incorrectly state that the Draft EIR fails to consider Project impacts on existing park and recreational services. Impacts to the 73.78 acres of parkland under management by the Town of Mammoth Lakes Parks and Recreation Department are discussed under Impact PS-7 Park and Recreational Services (Project impacts) and Impact PS-8 Park and Recreational (cumulative impacts) in Section IV.L, Public Services, of the Draft EIR, under subsection “Parks & Recreational Services.” As

discussed under Impact PS-7, the Project's proposed recreational and public amenities with the Town's current facilities and the payment of required DIFs would be adequate to accommodate the Project's demand for parks and recreational services. Similarly, as discussed under Impact PS-8, cumulative impacts to the Town's park and recreation services would be less than significant, because, as with the proposed Project, the applicants of the related projects would be required to pay DIFs that support the Town's park and recreation fund, payment of which would fully mitigate any impact that the related projects would have on park and recreational services.

The Project sites are privately owned and any recreational uses or recreational events held on the Project site have been at the discretion of the current owner. The Project is not responsible for replacing or offsetting the loss of these private recreational amenities. The proposed Project would also be a private Project and is not intended to provide public recreational amenities. The recreational amenities provided by the Project would be for paying hotel guests or residents of the Project.

As set forth in Section III, Project Description, of the Draft EIR, a key concept of the Project is to provide public spaces and pedestrian connectivity within the Specific Plan area and to facilitate walking and bike use. As such, building forms have been arranged to provide pedestrian access through the Project sites and to provide gathering spaces within open courtyards and a public plaza. The Project's placement of sidewalks, trails, and paths, and public plazas would aim to connect the hotels and residents with the Town core as well as with the North Village. The walkways and paths would connect internally and with existing or planned Town paths and trails. Pursuant to Specific Plan and *Town of Mammoth Lakes Design Guidelines*, trails and sidewalks would be appropriately landscaped. Pedestrian and bicycle circulation are discussed in more detail below.

The Project is designed to enhance and complement recreational amenities already available in the Town, specifically as provided for in the Specific Plan area. The Project would act as a link to provide pedestrian and bicycle connectivity from the North Village area to the Town core via trails and crosswalks. The Project would provide guests of the hotel with access to hotel amenities as previously described. Recreation features associated with the Project's three hotels may include swimming pools, bicycles, spa facilities and fitness areas. Residents of the on-site condominiums and affordable housing units would be provided common open space and recreational amenities consistent with Town Municipal Code requirements.

Comment B13-81

The DEIR fails to consider the impact that increased demand from 1527 new visitors and 185 FTE [*sic*] will have on current town operated facilities, the ski hill, other Forest Service venues, Bodie, Yosemite and the great outdoors. Facilities at a town level are discussed, but no consideration is given to county, state or federal lands and venues.

Response to Comment B13-81

See Response to Comments B13-63 and B13-80 and Section III, Corrections and Additions to the Draft EIR, of this Final EIR.

While the Project relies on existing recreational elements in the surrounding area, such as the Mammoth Mountain Ski Area, the Sherwin Range, and the Inyo National Forest, it will create some additional demand upon these existing recreational elements. The state and federal parks and forests in the area attract visitors from not only the Sierra Nevada region, but greater California, and the rest of the country as well. As the population in the region increases, usage of these state and federal lands is likely to increase as well. Consequently, increased usage could result in potentially adverse impacts.

The state and federal park and forests have several tools available to address environmental impacts resulting from both existing and future visitor usage such as fee collection, the ability to place limits on numbers of visitors, and periodically restricting or closing access to certain areas.³¹ The decision to use any or all of these measures, as well as others, would be dependent upon observed need and patterns of use and would be made by state and federal land managers responsible for protecting and managing visitor use within each of these areas. Therefore, Project specific and cumulative impacts to state or federal park and forest lands as a result of the Project would be less-than-significant and no mitigation measures would be required.

Comment B13-82

The DEIR also fails to address the cumulative effects that 19,647 persons plus related FTEs [*sic*] will have on demand for facilities and access to our many natural amenities. The DEIR says the Town's parkland dedication standard is five acres of parkland per 1000 residents - where will those 100 acres of parkland come from, and who will pay for them?

Response to Comment B13-82

This comment claims that the Draft EIR fails to address cumulative impacts to the Town's parks and recreational services, which are in fact discussed in Section IV.L, Public Services, of the Draft EIR, under subsection "Parks & Recreational Services", specifically under Impact PS-8 Park and Recreational Services on page IV.L-19 (under subheading "Cumulative Impacts"). The commenter refers to the cumulative effects of 19,647 persons, which is a conservative calculation of persons at one time ("PAOT") in Town. PAOT represents the permanent and visitor populations present in Town at one time, which takes place during the peak visitor months. The related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved.

³¹ Phone correspondence with Mike Schlafmann, Inyo National Forest Winter Recreation Specialist, January 9, 2007, CAJA Staff.

The Town would monitor the overall PAOT through the project approval process, and would consider project approvals in the light of existing and projected PAOT, and the other considerations set forth in the General Plan intended to limit total population. Therefore the cumulative PAOT is likely overstated.

The Town has proposed to expand its park and recreation facilities to allow the Town to maintain its standard of five acres per 1,000 residents. The Project Applicant, as with the applicants of the related projects, would be required to pay Developer Impact Fees (DIFs) that support the Town's park and recreation fund; payment of these fees would fully mitigate any impact that the related projects would have on park and recreational services. The dedication standard (and resultant fees/exaction) is based on the Town's permanent population, and not its visitors.

The State Quimby Act of 1975 (California Government Code Section 66477) authorized cities and counties to enact ordinances that would require the dedication of land or payment of fees for park or recreational purposes for projects involving residential subdivisions with the aim of reducing impacts to open space and the development of parks from property improvements.

As with the Project, the applicants of the related projects would be required to pay DIFs that support the Town's park and recreation fund (as required by Town Municipal Code 15.16.081). Per the discussion under Impact PS-8 Park and Recreational Services, the payment of these fees would fully mitigate any impact that the Project and related projects would have on park and recreational services.

See Response to Comment B13-81.

Comment B13-83

Per the Thresholds of Significance provided, a project could have a significant impact if new facilities are required to be built, or if the expansion of existing recreational facilities might have an adverse physical effect on the environment. Yet, the DEIR fails to address the adverse physical impacts of increased demand on existing facilities like our tennis courts, the need to create new facilities like trails and recreation centers, and the increased usage of our natural amenities through activities like fishing, biking, hiking, snowmobiling, etc.

Response to Comment B13-83

This comment correctly summarizes Threshold (c) of the Thresholds of Significance provided on page IV.L-18 in Section IV.L, Public Services, of the Draft EIR. Additionally, the commenters suggest the Draft EIR does not address the adverse physical impacts of increased demand on existing facilities. According to the discussion under Impacts PS-7 Park and Recreational Services and PS-8 Park and Recreational Services, payment of DIFs would be required to be paid to the Town's park and recreation fund, as required by Town Municipal Code 15.16.081, by both the Project Applicant and applicants of the related projects to mitigate the impacts the projects would have on park and recreational services.

Pursuant to Town Municipal Code 15.16.089 (Use of Funds), “funds collected from development impact fees shall be used for the purpose of paying: (1) the actual or estimated costs of constructing and/or improving the public facilities within the Town to which such specific fee or fees related, including any required acquisition of land or rights-of-way therefore...” As described on page IV.L-19, the DIFs paid to the Town’s park and recreation fund would be used to offset the construction and maintenance of Town park and recreational facilities.

Comment B13-84

The DEIR also fails to address the adverse physical impacts of increased demand on both Mammoth and June Mountains. Mammoth Mountain already operates at close to maximum capacity on busy weekends, yet the impact of almost 20,000 potential skiers is neglected – more skiers devalues the Mammoth experience, and likely means more traffic, more lodges, more lifts, more snow making, etc. What is the impact on economic sustainability if we have to start turning people away from the mountain, like they do at Big Bear?

Response to Comment B13-84

Both Mammoth Mountain Ski Area and June Mountains are privately operated recreational resorts and analyzing the adverse physical impacts to either facility is outside the scope of this Draft EIR. However, since the ski areas manage capacity and use of their facilities (as required through lease agreements with the U.S. Forest Service) through the discretionary sale of ski lift tickets and passes, there would not be impacts on these facilities beyond those anticipated and planned for by the ski resorts. See Response to Comments B13-80 through B13-83.

Comment B13-85

Again, any reliance on DIF to offset the creation and maintenance of parks and recreation venues is flawed. If DIF fees were effective as described, we would not need Measure R, our skating rink would have a roof, and our recreation center would be more than a dream.

Response to Comment B13-85

While this comment expresses an opinion that the reliance on DIFs to offset the construction and maintenance of parks and recreational facilities is flawed, the commenters do not elaborate on how this discussion is inadequate under CEQA. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-86

Impact PS-9 Snow Removal Services, Impact PS-10 Snow Removal Services

The DEIR fails, and must be required, to adequately address the additional snow removal demands caused by the proposed project. In Mammoth, snow removal is a given, not an emergency, yet there is no discussion, for instance, of increased emissions and noise generated by the increased time and vehicles required to clear proposed sidewalks, plazas, roundabouts or off street parking.

Response to Comment B13-86

Snow removal services are discussed in Section IV.L, Public Services, under the subheading “Snow Removal Services.” As discussed in this section, the management of snow at the Project site would be the sole responsibility of Mammoth Crossing property owners or their designated representative association. Snow management would be addressed with each building to ensure that residents and visitors are provided safe and convenient access to and from lodging and within the public use areas throughout the winter season. Snow management would be designed in accordance with Town Municipal Code Chapter 12.16 “Snow Removal” regulations and the Project Applicant would be required to submit a Snow Management Plan (“SMP”) for approval by the Town, Caltrans, and the Mammoth Lakes Fire Protection District (see Response to Comment A4-2). Additionally, the Town and Caltrans would continue to provide snow removal services within the area.

Sections IV.C, Air Quality, and IV.J, Noise, of the Draft EIR both include on-site snow removal as part of the operational impacts analysis.

Comment B13-87

Engineering Services states that there are currently enough vacant parcels to facilitate snow storage along Minaret, but there is no discussion of cumulative impacts of where snow from Minaret will be stored when all the related projects are completed, nor of the negative impacts of trucking snow away.

Response to Comment B13-87

The comment expresses a concern that adequate snow storage along Minaret Road under cumulative conditions and the negative impacts associated with the trucking required to move haul snow was not addressed in the Draft EIR.

As noted on page IV.L-21 under the heading “Snow Removal Services” in Section IV.L, Public Services, of the Draft EIR, the portion of Minaret Road north of the Lake Mary Road-Main Street/Minaret Road intersection is part of State Highway 203 and as such snow removal services are the responsibility of Caltrans. Caltrans anticipates no change to their current SR 203 snow removal activities.³² Also, page IV.L-23 provides a discussion on cumulative impacts to snow removal services and states that as development in the Town reaches build-out, improvements would be made to the fronting streets such

³² Gayle Rosander, IGR/CEQA Coordinator, Caltrans D-9, correspondence, CAJA staff, October 25, 2007.

that there would be an impact to the snow removal operations performed by the Town and by Caltrans for SR 203 which is concurrent with Main Street to the Lake Mary Road-Main Street/Minaret Road intersection and Minaret Road north of the Lake Mary Road-Main Street/Minaret Road intersection. The addition of streetlights, landscaping and irrigation within the right-of-way, driveways, public sidewalks and the heat-trace within the public sidewalks will increase the effort and the costs for maintenance. The related projects requiring the need for such improvements would be required to be annexed into a benefit maintenance district to cover these costs.³³ Additionally, trucks hauling stored snow would do so at night and as such any impacts associated with the removal of stored snow is considered de minimis.

Comment B13-88

Proposed mitigation that requires MC to provide snowplowing and cindering of town and state roads is impractical given risk management considerations. The project should be redesigned to eliminate dangerous conditions and /or [sic] other mitigation measures must be imposed to ensure this does not become a public liability and expense.

Other mitigation measures should include a provision that no snow shed is allowed onto sidewalks, plazas or neighboring properties. Geothermal should be evaluated as less energy intensive than boiler fired heat melt sidewalks, and one or the other should be required as a mitigation measure to minimize the drain on town coffers to clear sidewalks.

MC should be required to be annexed into a benefit maintenance district to cover increased costs for snow removal and maintenance as a mitigation measure.

Response to Comment B13-88

This comment is in response to mitigation measures contained within the Draft EIR. The comment contains several opinions and recommendations, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-89

IV.M TRAFFIC AND CIRCULATION

³³ Correspondence with Jeff Mitchell, Town of Mammoth Lakes Engineering Services Division, June 23, 2008.

Transportation modeling comments apply to all of the Transportation Impacts. Rather than repeat our comments for all categories, we will make them here and assume that they will be considered in our comments for further analysis of the individual impacts.

Response to Comment B13-89

This comment introduces ensuing comments and confirms that the transportation modeling comments apply to all of the Transportation impacts. However, this comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No response is required. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-90

A traffic model was updated by the Town's consultant (LSC) as part of the General Plan. Intersection volumes from that model were provided to the traffic consultant for the Project (LSA). No new traffic modeling was done by LSA, although intersection analysis (using HCM Worksheets) was. We have reviewed the link volumes as provided by the model and have the following comments (all comments are for the peak hr used in the Project's traffic analysis).

Response to Comment B13-90

This comment confirms that the commenter has reviewed the link volumes as provided by the model and introduces ensuing comments. No response is required.

Comment B13-91

1. In the model, Berner Street is connected to Minaret Road. While this may not be a significant issue on a Town wide basis, it does provide issues for the DEIR. Because Berner Street is so close to the study area, it will impact traffic on Minaret Rd (south of Berner Street to the Main Street intersection). As Berner Street has been re-routed to Forest Trail, the opportunity to turn directly from Minaret Road to Berner Street is no longer available. Therefore, these east-west volumes will have to be either added to Main Street or to Forest Trail. It appears that this has resulted in a shortfall of more than 200 vehicles from Minaret Road to either Main Street or Forest Trail. In addition, westbound volumes from Berner Street to Minaret Road of over 100 vehicles will have to be routed to Forest Trail. This will result in much more opposing traffic on the Minaret Road/Forest Trail intersection. This could also impact turning movements onto Forest Trail as conflicts from the Berner Street/Forest Trail intersection could make Forest Trail less attractive.

Response to Comment B13-91

This comment is in reference to the traffic volumes anticipated with Project development presented in the Draft EIR. Because vehicles are no longer able to turn directly from Minaret Road to Berner Street, the commenter notes that traffic volumes should be reevaluated to reflect this change.

In response to this comment, LSC Transportation Consultants, Inc. re-routed Berner Street to Forest Trail (rather than Minaret Road) and re-ran the model. As a result, turning movement volumes to/from Forest Trail at the Minaret Road/Forest Trail intersection increased. The LOS at the intersections of Minaret Road/Main Street and Minaret Road/Forest Trail were re-evaluated with the Berner Street connection. The LOS at these intersections remains at an acceptable level with the new volumes created by the re-routing of Berner Street. The revised LOS worksheets have been included in the Appendix B, Revised Traffic Data, of this Final EIR.

Comment B13-92

2. It appears that the model has been run with either too many iterations, or to equilibrium. This has spread the traffic onto many minor roads and off the main roads where the desire is. This makes traffic infiltration look too high into the neighborhoods such as the Knolls, while significantly reducing the volumes on the major roads, such as Minaret Road and Main Street. The reduced volumes on Minaret Road and Main Street have been carried through into the intersection analysis, making LOS appear better than it actually would be. This equilibrium state can be seen as the model has diverted southbound traffic from Minaret Road, onto Mammoth Knolls Rd, to Grindelwald, to southbound Forest Trail and finally onto eastbound Main Street. These are all vehicles which should have remained on Minaret Road, and turned left at Main Street (eastbound). It is unfathomable that a driver (typically a tourist in the Saturday PM peak) would wind through the Knolls to get to Main Street. In the 2004 plus Project, model run, this accounts for 100-200 incorrect vehicle volumes.

Response to Comment B13-92

This comment expresses an opinion regarding the number of iterations used in the traffic analysis. As a result of previous comments, the network was revised and the model was re-run to reflect the change to Berner Street. The level of service at the two closest intersections (Minaret Road/Main Street and Minaret Road/Forest Trail) was recalculated. The revised traffic volumes did not result in any new significant impacts. See Appendix B, Revised Traffic Data, of this Final EIR, for the revised LOS worksheets.

The model is based on peak winter (congested) conditions, and it is run with 10 iterations. It is necessary to run 10 iterations in order to reflect the effect of congestion. The model was developed and calibrated

to existing conditions under congestion. Running fewer iterations for future conditions would not be appropriate, as it would not be consistent with the conditions used to develop the well-calibrated model.

The comment suggests that 100-200 vehicles use Knolls as a bypass. While it has not been verified if this level of traffic is using the Knolls as a bypass, LSA has evaluated the potential impact of reassigning this traffic to Minaret. LSA tested whether 100-200 additional southbound vehicles could be added to the intersection of Minaret/Forest Trail and the southbound left turn movement from Minaret Road to Main Street.

The attached Level of Service (“LOS”) worksheets document that this additional traffic can be accommodated without creating significant impacts and still maintain Town level of service criteria.

Comment B13-93

3. Another significant example of the underlying problem with the model is illustrated as more than 100 vehicles take the circuitous route of Berner St., Alpine Circle, Mountain Blvd., Sierra Blvd, Pinecrest, Forest Trail, and finally onto eastbound Main Street. Add to this eastbound Forest Trail traffic routed onto Rusty Lane, Mountain Blvd., Sierra Blvd., Pinecrest, Forest Trail (again), and onto eastbound Main. Incredibly the model shows volumes (2-way) on Alpine Circle (near Mountain Blvd. as 550 vehicles, when due to Alpine Circle’s local configuration, one would expect only 20 or 30 vehicles. The model in earlier iterations would leave these trips on Minaret/Main, but traffic volumes would be heavy and delays would occur. The more iterations, the more the model looks for under-utilized routes, even if they make no sense. After enough iterations, the traffic is spread evenly over the entire network. By doing this, and considering only the 2 examples presented above, 250 vehicles have been removed from the Minaret Road (southbound) thru the left turn at Main Street. This error represents more than 50% (250/439) vehicles missing from the volumes as presented in Figure IV.M-8, and omitted from the Cumulative Plus Project Intersection LOS. Another anomaly of the model which may be attributed to excessive iterations is the high westbound link volume on Forest Trail just west of Minaret Road. It appears very few vehicles enter the Village parking garage, so one questions the origin-destination pairings which caused such high volume. Other anomalies exist between model runs. Why are WB Forest Trail volumes slightly higher between 2004 with Project, and GP with Project similar, as expected, yet EB volumes more than triple? We have identified anomalies on numerous roads west of the North Village, but will not list them here. We assume our point has been made.

Response to Comment B13-93

This comment expresses concern regarding the results of the traffic model, including the anticipated traffic volumes for several local streets, and notes several errors have been made. The traffic model was validated so that it matches reality for all critical links in the system. The traffic model meets and exceeds

industry standards. The approach to the validation process was to conduct a “point validation” analysis, which represents a higher standard for calibration than is typically used. Furthermore, as described in the *Mammoth Lakes Transportation Model and LOS Analysis Methodology Background Paper* (LSC Transportation Consultants, Inc., May 13, 2005), the model substantially exceeds Caltrans standards for the validation of traffic models. Specifically, (1) 100 percent of the link volumes evaluated are within the acceptable error ranges, substantially exceeding the Caltrans standard of 75 percent, (2) the model results indicate a model-wide correlation coefficient of 0.99, substantially exceeding Caltrans’ standard of 0.88, and (3) the model results in a Root Mean Square Error equal to 11 percent, substantially exceeding the Caltrans standard of 40 percent. Therefore, it can be concluded that the effects of any “underlying problems” with the model are minimal in comparison with the industry standard.

This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-94

4. In all model runs (including the build-out run) public mountain parking has been shown at the parking lot at Chair 15. In build-out, most of this public parking is no longer available, as the parking has been allocated to the condos in the Eagle Lodge development. This loss of parking will mean that the 243 vehicle trips from park and ski vehicles will have to be reassigned to either Main Lodge or Canyon Lodge. Either of these locations will result in the majority of these trips being routed through the Main/Minaret/Lake Mary intersection.

Response to Comment B13-94

The comment is made in reference to the loss of public mountain parking, which the commenter claims will increase traffic trips through the Main Street/Minaret Road/Lake Mary Road intersection. Implementation of the Eagle Lodge development would increase the portion of trips made via non-auto modes. The traffic model reflects an increase in trips to and from the Traffic Analysis Zone (“TAZ”) in which this development will occur. As such, the model accounts for these trips. With regards to the loss of parking resulting from the development, the Eagle Lodge EIR includes mitigation measures to address this issue. Therefore, the potential for existing trips to “shift” to the other base areas due to lack of parking would be minimal.

Comment B13-95

5. The model does not take into account the Forest Trail round-about, or the proposed round-about at Minaret and Meridian.

Response to Comment B13-95

The traffic model does not reflect traffic control devices at intersection locations but the subsequent analysis of the model data does. The comment claims that the traffic model fails to take into account the Forest Trail round-about or the proposed round-about at Minaret Road and Meridian Boulevard. This comment is correct. The original model was developed and calibrated without intersection turning-movement penalties for any type of traffic control, meaning the turning movement demand at intersections is not influenced by the type of traffic control either existing or proposed at intersections. So whether there are stop signs, traffic signals or roundabouts the traffic demand is not affected. Once the traffic demand is produced by the model then the type of traffic control is analyzed and a level of service is calculated .

Comment B13-96

CONCLUSION. We request that the network be corrected as noted above and then the model be re-run with very few iterations to allow demand to closely resemble desires, rather than network/equilibrium calming. The current model is a good example of Garbage in –Garbage out modeling. The resulting intersection turning movements should be provided to LSA so that intersection LOS can be re-run, taking into account the comments made throughout this section of our response.

In all of the intersection LOS analysis done for the project, no mention has been made of the easterly shift of Minaret Road by Caltrans. Is the configuration of the lanes planned to stay constant when the shift occurs? We assume that the proponent is anticipating such a shift, as pedestrian flows have been shown on the west side of Minaret (north of Main Street, where no sidewalk currently exists.[sic] The DEIR needs to clarify this.

Response to Comment B13-96

The comment requests the traffic model be re-run, taking into consideration their comments regarding Section IV.M, Traffic and Circulation, of the Draft EIR. The traffic model is intended to reflect winter congested conditions. Re-running the model with very few iterations would not reflect the effect of congestion. As noted in Response to Comment B13-93 above, the current model meets and exceeds industry standards. The traffic model was validated so that it matches reality for all critical links in the system. The approach to the validation process was to conduct a “point validation” analysis, which represents a higher standard for calibration than is typically used. Furthermore, as described in the *Mammoth Lakes Transportation Model and LOS Analysis Methodology Background Paper* (LSC Transportation Consultants, Inc., May 13, 2005), the model substantially exceeds Caltrans standards for the validation of traffic models. Specifically, (1) 100 percent of the link volumes evaluated are within the acceptable error ranges, substantially exceeding the Caltrans standard of 75 percent, (2) the model results indicate a correlation coefficient of 0.99, substantially exceeding Caltrans’ standard, and (3) the model

results in a Root Mean Square Error equal to 11 percent, substantially exceeding the Caltrans standard of 40 percent. Modifications were made to the network as noted and the model has been run with those changes. However, it is not appropriate to use fewer iterations.

With respect to the second part of the comment, the “shift” of Minaret Road by Caltrans is a speculative project not approved/adopted by the Town or Caltrans. As such, no further analysis is needed.

Comment B13-97

TRANS-1 Existing Plus Project Intersection LOS

DEIR CONSIDERS. LOS analysis at study area intersections.

DEIR CONCLUSIONS. Impacts less than significant.

DEIR MITIGATION. No mitigation measures.

OUR COMMENT. Since the proponent has chosen a very high level of internal trip capture, the proposal includes a low number of vehicle trips to/from the site in the peak hour. While the traffic study (performed by LSA) has used the approved ITE trip rates for condos, restaurants, retail and supermarket, it has used only 39% (as per Figure 1 in the Mammoth Crossing Sustainable Transportation Report, dated July 3, 2008, produced by the Town’s own professional consultants) of the approved ITE trip generation rate for hotels. This questionable assumption would greatly reduce the Project traffic volumes, which would lower the LOS calculations as presented on ‘Table IV.M-7 Existing Plus Project Typical Winter Saturday Intersection LOS’ of the DEIR.

The LOS for the 4 intersections within the study area is analyzed through Worksheets provided in Appendix E. The worksheets however, do not take into account pedestrian movements through the intersections. Given the proponent has made the assertion that the vehicle trip generation for hotels can be reduced by 61% (due, we assume, to the close proximity of the Gondola, transit hub and North Village), then obviously a very high number of pedestrian trips must be occurring. Since no pedestrian grade-separation is provided, these pedestrians will be forced to cross Main St / Lake Mary Road at either the Minaret Rd or Canyon Blvd signalized intersections. However, rather than use a HCM Signalized Intersection Capacity Analysis (with Peds), the analysis was done using standard worksheets with no pedestrians.

Response to Comment B13-97

This comment is in reference to Impact TRANS-1 Existing Plus Project Intersection LOS on page IV.M-22 (continued on page IV.M-23) of Section IV.M, Traffic and Circulation, of the Draft EIR. The comment correctly reiterates what is analyzed under Impact TRANS-1, what the determination was in the Draft EIR, and states that no mitigation measures were provided in response to this impact. Additionally,

the comment questions the traffic study's use of 39 percent of the approved ITE trip generation rate for hotels and claims that the LOS worksheets provided in Appendix E do not take into account pedestrian movements though the four intersections within the study area.

Substantiation of trip generation rates and internal capture percentage is provided in Response to Comment A4-4. With respect to pedestrians, pages 30 and 34 of the Traffic Impact Analysis (TIA) provide an analysis of both intersections (Main Street/Minaret Road and Lake Mary Road/Canyon Boulevard) with the addition of pedestrian movements. The TIA states the following:

“Pedestrian traffic will increase as a direct result of guests within the project and pedestrians attracted to the retail and restaurant uses. These pedestrian increases will be most notable on the south and west leg of Main Street/Minaret Road and the east leg of Lake Mary Road/Canyon Boulevard. Pedestrians crossing the south and west legs on Main Street/Minaret Road have crossing distances of 48 feet and 72 feet, respectively. Pedestrians crossing the east leg of Lake Mary Road/Canyon Boulevard have a crossing distance of 48 feet. Pedestrians are assumed to cross at a rate of three feet per second, 25 percent lower than the standard of four feet per second, due to typical winter snow conditions. These two intersections were specifically analyzed with respect to pedestrian crossing impacts by inputting pedestrian crossings on those locations at a frequency of 30 calls per hour in the cumulative plus project scenario. It is important to note that each crossing (or call) represents an opportunity for a platoon of pedestrians to cross the street, not just a single walker. Therefore 30 calls per hour could represent in excess of 100-150 pedestrians. The results of this analysis indicate that this volume and frequency of pedestrian crossings can be accommodated without causing significant impacts. The LOS worksheets are included in Appendix D of the TIA, found in Appendix I, Traffic Data, of the Draft EIR.

It should also be noted that the pedestrian crossings of Minaret in the Village area will be addressed by the adopted North Village Pedestrian Monitoring Program triggered with development on the east side of Minaret Road, specifically the South Hotel.”

Comment B13-98

REQUESTED ANALYSIS AND MITIGATION. We request the LOS analysis be re-run with the approved ITE trip generation rate for hotels of 8.19, rather than the 3.19 used. If, the proponent can make a substantive argument that this site warrants significantly revised vehicular trip generation rates, than we request the LOS analysis be again re-run, but including the resultant high pedestrian volumes. Only with this additional analysis can an impact level be determined.

Response to Comment B13-98

This comment is in reference to Impact TRANS-1 Existing Plus Project Intersection LOS on page IV.M-22 (continued on page IV.M-23) of Section IV.M, Traffic and Circulation, of the Draft EIR. The comment requests the LOS analysis provided in Impact TRANS-1 Existing Plus Project Intersection LOS

on page IV.M-22 (continued on page IV.M-23) of Section IV.M, Traffic and Circulation, of the Draft EIR, be re-run with the approved ITE trip generation rate for hotels and include the resultant high pedestrian volumes. The comment asserts that only with this additional analysis can an impact level for Impact TRANS-1 be determined.

Substantiation of trip generation rates is provided in Response to Comment A4-4 and the resultant high pedestrian volumes have been evaluated. See Response to Comment B13-97.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-99

TRANS-2 Cumulative Plus Project Intersection LOS

DEIR CONSIDERS. Cumulative plus Project LOS at study area intersections.

DEIR CONCLUSIONS. Impacts less than significant after mitigation.

DEIR MITIGATION. Use DIF fees for addition of traffic signals at the Center St. and Main St. intersection.

OUR COMMENT. Winter conditions have not been taken into account in either the capacity calculations, or the intersection analysis. No analysis whatsoever has taken into account snow or ice conditions. These conditions have the potential to reduce roadway capacity, reduce operations including intersection LOS, reduce visibility from falling snow and vehicle spray, reduce visibility from snow storage, reduce capacity from interference from snow removal efforts, and reduce intersection and roadway LOS due to increased crossing times for pedestrians. In addition, safety to pedestrians in winter conditions has not been addressed. In fact winter conditions are not considered in the body of the DEIR. There is however, a discussion in the Traffic Data Technical Appendix (Appendix I) as to why winter conditions were ignored. We disagree with the argument made. The fact that the peak hour chosen takes place in the winter, in a location which averages 350 inches of snowfall per annum, at a time of day where pedestrian movements are also the highest, makes it imperative that traffic analysis be carried out under winter conditions. Once the analysis is complete, arguments for reductions in seasonal fluctuations, and possible economic reasons for reducing mitigation can be made. It is also unfathomable that, as a result of the

‘black ice’ which has been specifically noted as a concern on roadways as a result of the shading analysis outlined in Impact AES-5, winter conditions are totally ignored in the traffic discussion and impact analysis.

Response to Comment B13-99

The comment is in reference to the discussion included under subheading “Impact TRANS-2 Cumulative Plus Project Intersection LOS” on page IV.M-26 of Section IV.M, Traffic and Circulation, of the Draft EIR. The comment correctly reiterates what is analyzed under Impact TRANS-1, what the determination was in the Draft EIR, and summarizes the mitigation measure required to mitigate the Center Street/Main Street intersection to LOS D or better. Additionally, the comment notes that winter conditions were not taken into account in the capacity calculations or the intersection analysis, in addition to pedestrian safety during winter conditions, even when black ice was noted as a concern on roadways as a result of the shading analysis discussed under Impact AES-5 Shading/Shadows on page IV.B-53 (continued on page IV.B-54) in Section IV.B, Aesthetics, of the Draft EIR.

The recently adopted General Plan EIR addressed the issue of the design day versus the absolute peak conditions and the impact of severe winter or snow conditions on the assumed highway capacities. The following italicized text is from the response to written comments in the Final General Plan EIR:

As indicated in Section 4.13.2 of the Revised Draft Program EIR, the Town of Mammoth Lakes General Plan Transportation Element currently contains the following Policy:

“Policy 1.7: Establish and maintain a Level of Service D or better on a typical winter Saturday peak-hour for signalized intersections and for primary through movements for unsignalized intersections along arterial and collector roads. This standard is expressly not applied to absolute peak conditions, as it would result in construction of roadway improvements that are warranted only a limited number of days per year and that would unduly impact pedestrian and visual conditions.”

Level of service (LOS) is defined in terms of delay in Table 4.13.2 in the Revised Draft Program EIR. As indicated in Section 4.13.1 of the Revised Draft Program EIR, the following LOS thresholds were applied in the Revised Draft Program EIR traffic analysis:

1. For Signalized Intersections: Total intersection LOS D or better must be maintained. Therefore, if a signalized intersection is found to operate at a total intersection LOS E or F, mitigation is required. This same threshold was applied to roundabouts.

2. For Unsignalized Intersections: In order to avoid the identification of a LOS failure for intersections that result in only a few vehicles experiencing a delay greater than 50 seconds (such as at a driveway serving a few homes that accesses onto a busy street), a LOS deficiency is assumed to occur at an unsignalized intersection only if an individual local street movement operates at LOS E or F and total minor approach delay exceeds 4 vehicle hours for a single lane approach and 5 vehicle hours for a multilane approach. In other words, a deficiency is found to occur if the average number of vehicles queued over the peak hour exceeds 4 at a single lane approach, or exceeds 5 at a multilane approach. A vehicle hour is calculated by multiplying the average delay per vehicle during the peak hour by the number of vehicles experiencing that delay. For example, if 100 vehicles exit a roadway and experience an average delay of 20 seconds per vehicle, the vehicle hours of delay for that approach would be 0.6 vehicle hours (100 vehicles X 20 seconds of delay per vehicle / 3600 seconds per hour). Therefore, this threshold not only considers the average delay per vehicle, but also considers how many vehicles experience the delay. As the Town has adopted a standard that applies the LOS D threshold to a typical winter Saturday standard, the exceedance of LOS D on peak winter days during which traffic volumes are higher than the typical winter Saturday would not result in a significant LOS impact. This is typically done to avoid the need to build facilities that are only needed a few hours per year. Areas with uses that have typical peak hours not on Saturday shall be analyzed for the mid-week peak hours. According to A Policy on Geometric Design of Highways and Streets (American Association of State Highway and Transportation Officials, 2004):

“There are roadways for which there are unusual or highly seasonal fluctuations in traffic flow, such as resort roads on which weekend traffic during a few months of the year far exceeds the traffic during the rest of the year. [For such road], a design that results in somewhat less satisfactory traffic operation during seasonal periods than on rural roads with normal traffic fluctuations, will generally be acceptable to the public. On the other hand, design should not be so economical that severe congestion results during the peak hours. It may be desirable, therefore, to choose an hourly volume for design, which about 50 percent of the volumes expected to occur during a few highest hours of the design year...”

Applying LOS thresholds to a typical winter Saturday, which result in traffic volumes that are roughly 86 percent of the peak day traffic volumes, is a far more conservative approach than suggested by the American Association of State Highway and Transportation Officials in this nationally recognized document. In addition, the level of improvements that would be required by more restrictive LOS standards (such as those based upon a peak day analysis) would result in wider roads, more pavement, and would not fit within the existing character of the Town. No only would these improvements

create a more urban environment, but wider roads make for a less pedestrian-friendly environment.

Regardless, a limited quantitative evaluation of peak traffic days is provided here. As discussed below, the Town of Mammoth Lakes' use of a typical winter Saturday is consistent with but more conservative (i.e., results in higher design volumes) than the 30th highest hour design period recommended by the American Association of State Highway and Transportation Officials. Figure 1, Daily Variation in Traffic Volumes Along Main Street East of Minaret, in the Mammoth Lakes Transportation Model and LOS Analysis Methodology Paper, prepared by LSC Transportation Consultants, dated May 13, 2005, depicts the variation of traffic volumes along Main Street east of Minaret by day of the week. The Background Paper is contained in Appendix F, Traffic Study, of the Revised Draft Program EIR. As Figure 1 indicates, Saturdays consistently represent the day during which the peak traffic conditions occur. However, on some holiday weekends high traffic volumes may occur on days other than Saturday. For example, as shown in Table 3, 2003/2004 Winter Daily Traffic Volumes Along Main Street East of Minaret Sorted Highest to Lowest, of the Background Paper, the highest traffic volumes usually occur around the Christmas, New Years, President's Day, and Martin Luther King Jr. holidays. Figure 2, Peak-Hour Traffic Volumes Main Street East of Minaret (March 6, 2004), in the Background Paper presents the hourly traffic volume variation along Main Street east of Minaret Road on the day in the 2003/2004 winter season which most closely reflects the design day traffic volume. As Figure 2 indicates, the p.m. peak-hour traffic volumes are usually significantly higher than the a.m. peak-hour traffic volumes. This is mostly attributed to the fact that skiers generally leave the ski area during a smaller time period than they arrive. Therefore, it can be concluded that designing for the p.m. peak hour is appropriate.

According to 2003 peak-hour count data provided by Caltrans, some summer days also result in very high traffic volumes throughout the Mammoth Lakes. The following summer days ranked within the 30 highest peak-hour traffic volume days along Main Street East of Minaret Road:

- July 5, 2003 (three peak hours: 12:00 p.m., 2:00 p.m., and 4:00 p.m.)*
- August 5, 2003 (two peak hours: 11:00 a.m. and 4:00 p.m.)*
- August 15, 2003 (4:00 p.m.)*
- August 30, 2003 (two peak hours: 11:00 a.m. and 12:00 p.m.)*

However, in general, peak-hour traffic volumes are generally highest Town-wide during the winter season.

It is assumed that approximately ten of the 30 highest peak-hour volumes throughout the year on Main Street in Mammoth Lakes occur during the summer, which is a conservative estimate based upon the eight peak hours identified above. It is also assumed during the winter the p.m. peak-hour traffic volumes are significantly higher than any other hour of the day. Referring to Table 2 and Figure 3, Daily Traffic Volumes along Main Street East of Minaret, in the Background Paper, it can be seen that the design day roughly represents the day during which the highest 16th highest winter peak-hour traffic volumes occur. Taking into account summer traffic volumes, the design day roughly the day during which the 26th highest peak-hour traffic volumes occur, which is more conservative (i.e., results in higher design volumes) than the 30th highest hour design period recommended by the American Association of State Highway and Transportation Officials.

During these approximately 25 highest hours per year, the design day traffic volumes are exceeded, and LOS may drop below the Town standards. These 25 hours represent 0.3 percent of the hours in a year. Therefore, although the capacity of the roadway may be exceeded for 0.3 percent of the time during the year, traffic volumes will be accommodated by the roadway capacity 99.7 percent of the time.

In order to demonstrate traffic conditions that might occur during the 25 hours that result in higher traffic volumes than the design day, some additional LOS analyses were conducted. Referring to Table 2 in the Background Paper, the peak day winter average daily traffic (ADT) is approximately 16 percent higher than the design day ADT. Assuming a similar relationship occurs between the peak hours at all study intersections, it was estimated that on the peak day the peak hour volume was 16 percent higher than the design day peak-hour volume. Intersection LOS was re-run for the traffic volumes that were 16 percent higher than those generated by the Draft General Plan Update during the design day peak hour. The results of the analysis indicate that the implementation of the intersection LOS mitigation measures would result in adequate LOS (LOS D or better) at all intersections in the study area under the winter highest peak-hour conditions, with the exception of the US 395/Main Street, Meridian Boulevard/Majestic Pines, Minaret Road/Old Mammoth Road, and US 395 Northbound/Hot Creek Hatchery Road intersections, which would fail under peak conditions. However, these conditions would likely occur for no more than 26 hours per year, or 0.3 percent of the total year.

Also, consistent with standard analysis procedures applied in other high snowfall communities, such as Lake Tahoe and the Town of Truckee, LOS and capacity were not adjusted to account for snow conditions. The occurrence of stormy/snowy weather conditions and snow on the roadways actually occurs over a relatively small proportion

of the winter. Furthermore, as traffic capacity varies with the specific conditions of a storm, as well as “incidences” such as drivers stopping in travel lanes to adjust chains, identifying a “design condition” to reflect winter storms would largely be speculative. In accordance with Section 15145 in the CEQA Guidelines, if a thorough investigation is unable to resolve an issue and the answer remains purely speculative, then the discussion of the effects of the issue should be terminated. Consistent with Section 15145, since it would be too speculative to analyze the effects of high traffic volumes during heavy snowfall periods, additional design analysis during such conditions is not appropriate. In addition, this approach is consistent with other traffic analyses that LSC has prepared in areas with high annual snowfall, such as the Lake Tahoe region, Park City, Utah, and Aspen, Colorado.

Regardless, Figure 11 on page 287, ADT Along Main Street East of Minaret Versus Snowfall, in these responses to comments provides an analysis of the correlation between the traffic volumes along Main Street east of Minaret Road and precipitation at Mammoth Pass as reported by the California Department of Water Resources. As the figure indicates, for all winter days that the ADT along Main Street was higher than the design day ADT, the inches of precipitation on Mammoth Pass was less than 0.32 inches, which equates to approximately two inches of snow. In addition, during the top five snow days, the daily traffic volumes along Main Street were at least 26 percent less than those occurring on the design day. Although it cannot be concluded from this data that high traffic volumes will never occur during days when there is heavy snowfall, it can be concluded that such an event would be rare and it is not appropriate to design for such conditions.

As previously discussed, the occurrence of stormy/snowy weather conditions and snow on the roadways actually occurs over a relatively small proportion of the winter. Furthermore, as traffic capacity varies with the specific conditions of a storm, as well as “incidences” such as drivers stopping in travel lanes to adjust chains, identifying a “design condition” to reflect winter storms would largely be speculative. In accordance with Section 15145 in the CEQA Guidelines, if a thorough investigation is unable to resolve an issue and the answer remains purely speculative, then the discussion of the effects of the should be terminated. Consistent with Section 15145, since it would be to speculative to analyze the effects of high traffic volumes during heavy snowfall periods, additional design analysis during such conditions is not appropriate. Please see Response to Comment No. 011-209 for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, as established by Policy 1.7 in the Town of Mammoth Lakes General Plan Transportation Element.

With respect to the comment regarding the impact outlined in AES-5, black ice is mitigated under Impact AES-5. See page IV.B-53 in Section IV.B, Aesthetics, of the Draft EIR.

Comment B13-100

The Minaret Rd./Lake Mary-Main St. intersection (Intersection #2 in the DEIR), is a critical intersection in the Town. Figure IV.M-3 of the DEIR shows under existing conditions that 480 vehicles turning from southbound on Minaret to eastbound on Main St. This 480 number is used in the worksheet LOS analysis for the existing condition. Figure IV.M-3 shows that the approved projects (not including MC) will add 27 vehicles to this turning movement. Figure IV.M-7 shows that Project (MC) trip distribution will add 0 vehicles to the movement. As a result Figure IV.M-7, indicates that 480 ($480 + 0$) vehicles need to be accommodated if considering the ‘Existing Plus Project’ condition. When considering the ‘Cumulative Plus Project’, condition, it would follow that 507 ($480 + 27 + 0$) vehicles need to be accommodated in this movement. However, Figure IV.M-8, which represents such a condition, shows only 439 vehicles turning. Add this to the noted deficiencies in General Comments above with respect to Berner Street, and the diversion to Mammoth Knolls Drive, and this movement may be 250 vehicles (or more than 50%) underestimated. This error in vehicles has been carried through to the LOS worksheets presented in Appendix D.

Response to Comment B13-100

This comment references the existing peak hour traffic volumes, existing plus Project peak hour traffic volumes, and cumulative plus Project peak hour traffic volumes for the Minaret Road/Lake Mary Road – Main Street intersection (Intersection 2) on a typical winter Saturday, provided in Figure IV.M-3, Existing Condition Typical Winter Saturday Peak Hour Traffic Volumes, Figure IV.M-7, Existing Plus Project Typical Winter Saturday Peak Hour Traffic Volumes, and Figure IV.M-8, Cumulative Plus Project Typical Winter Saturday Peak Hour Traffic Volumes, respectively, in Section IV.M, Traffic and Circulation, of the Draft EIR. The comment asserts the number of vehicles turning from southbound on Minaret Road to eastbound on Main Street is incorrect as presented in Figure IV.M-8, under the Cumulative plus Project condition. When cumulative project trips are loaded by the model onto congested streets, through traffic can be expected to seek alternate routes with less travel time. One result of this would be the diversion of “Without Project” trips to other routes and other destinations. The redistribution of background traffic can result in a reduction in trips at an intersection or roadway segment, even with the addition of the cumulative project traffic. This is due to the shift in traffic caused by implementation of the cumulative project traffic onto Town streets.

Comment B13-101

As discussed in our response to TRANS-1, the trip vehicular generation rates used for this project have been significantly revised downward from the ITE rates. If the proponent can make a substantive argument that this site warrants significantly revised vehicular trip generation rates due to the high level

of walk ability to and from the site, then a high level of pedestrian crossings MUST be included on both Minaret Road and Main Street. Given this, it seems that the HCM Signalized Intersection Capacity Analysis with Pedestrians, as provided in Appendix D, must include the resultant high level of pedestrian movements in the ‘Conflicting Peds (#hr)’ section of the analysis.

Response to Comment B13-101

This comment is in regards to ITE vehicular trip generation rates and pedestrian movement. The comment asserts that the HCM Signalized Intersection Capacity Analysis provided as Appendix D of the Traffic Impact Analysis (included as Appendix I, Traffic Data, of the Draft EIR) must be revised to include the resultant high level of pedestrian movements that are noted under “Confl. Peds. (#hr)” in Appendix D of the traffic study. See Response to Comment B13-97 for substantiation of pedestrian analysis.

Comment B13-102

Not only are the pedestrian calls-to-cross unreasonably low (30/hr in peak hour), but certain conflicting movements, such as to SBL, have not been included. Figure III-14 ‘Pedestrian Circulation Map’, clearly proposes a pedestrian movement across Main Street on the east side of the Minaret intersection, and thus must be included in the analysis as a conflicting pedestrian movement. Our argument that 30 calls/hr of pedestrian crossing demand is low is based on observations of the existing Saturday peak hour demand at the current pedestrian crosswalk on Minaret across from The Village. While we are not privy to the calls/hr at this location, we have observed a constant stream of pedestrian crossings, prompting crossing guards to be employed to try and cluster pedestrian crossings. The Project would introduce a higher number of origin destination pairings across Main Street, than currently experienced on Minaret. It is our assertion that pedestrians would likely be cued to cross on every phase, making the 30 calls/hr unreasonably low.

Response to Comment B13-102

This comment expresses an opinion that the 30 calls-to-cross per hour by pedestrians used in the Cumulative plus Project scenario, as discussed on page 34 of the Traffic Impact Analysis (provided in Appendix I, Traffic Data, of the Draft EIR) is unreasonably low. In response to this comment, pedestrian movements (five calls per hour) across Main Street on the east side of the Minaret intersection were added to the intersection analysis (cumulative plus Project). Based on this test, the Minaret Road/Main Street-Lake Mary Road intersection continues to operate at an acceptable LOS D even with the addition of conflicting pedestrian movements. It is possible to cross Main Street on the east side of the intersection, but the demand is to the Gondola and Site 1 on the west side, and the analysis reflects this. It should also be noted that the 30 pedestrian calls per hour can represent platoons of pedestrians, not just a single pedestrian.

Comment B13-103

Further to this Appendix D analysis, the SB capacity of Minaret (north of Main St.) is included as 1900 vplph. This is inconsistent with the General Plan (Table B Roadway Capacity Summary), which states 1300. We would note that even 1300 vphpd is high due to the pedestrian crosswalk located in this stretch. This pedestrian crosswalk is so well used in the Saturday PM peak that the Town has provided crossing guards in an attempt to provide some vehicular capacity relief to this stretch of road although no mention of this is made in the DEIR. The same GP table states 1600 vphpd on Minaret south of Main, and this capacity should be lowered due to the pedestrian crossing proposed by the proponent at Minaret and 7B (The DEIR analysis also uses 1900 vplph for this stretch).

Response to Comment B13-103

This comment notes discrepancies in roadway capacity for Minaret Road between Appendix D of the Traffic Impact Analysis (included as Appendix I, Traffic Data, of the Draft EIR) and the capacity noted in the General Plan. Additionally, the comment expresses an opinion that the capacity should be lowered due to the pedestrian crossing proposed by the Project Applicant at Minaret Road and 7B Road. Link capacity differs from the capacity at the intersection. The General Plan establishes a capacity of 1,900 vehicles per hour per direction (vphpd) for intersections and 1,300 vphpd for segments, consistent with established capacities in the Highway Capacity Manual (HCM).

Comment B13-104

As per Table IV.M-8 in the DEIR, the analysis of the unsignalized Minaret Rd./Forest Trail intersection will be LOS F. Footnote 3 to this table states, "Roundabout implemented as an improvement since it is required by cumulative project". However, while the proponent is responsible for addressing cumulative impacts, we can find no modeled traffic analysis which includes this roundabout or the proposed roundabout at Minaret and Meridian. This is a key shortfall, as a roundabout will make the movement from southbound Minaret Rd. to Forest Trail unopposed and therefore, an easy way for vehicles to avoid the congestion through the North Village. This may have very significant impacts to traffic infiltration into the Forest Trail neighborhood, and needs to be analyzed and addressed by the DEIR.

Response to Comment B13-104

This comment reiterates information provided in Table IV.M-8, Cumulative Plus Project Typical Winter Saturday Intersection LOS, on page IV.M-27 of Section IV.M, Traffic and Circulation, of the Draft EIR. Additionally, the comment notes that there is no modeled traffic analysis of the roundabout at Minaret Road/Forest Trail or the proposed roundabout at Minaret Road/Meridian Boulevard, and claims this needs to be analyzed and addressed in the Draft EIR. The current transportation demand model does not include penalties for turning movements. Modeling a roundabout at a single intersection without turning movement penalties at other intersections would be meaningless. The overall model does not address

individual intersection capacity and a roundabout was appropriately analyzed as a traffic control methodology to meet projected demands at this intersection. In addition, the Specific Plan has an existing on-going monitoring and reporting program with improvement requirements to protect the Forest Trail neighborhood from increasing through traffic. This comment is addressed further below under Response to Comment B13-107.

Comment B13-105

REQUESTED ANALYSIS AND MITIGATION. We request that the traffic analysis account for adverse winter conditions. This needs to be a full analysis, complete with a discussion of mitigations for both operational and safety concerns.

We request that the traffic analysis in Appendix D be re-run with the above noted amendments. We have only reviewed the Minaret Rd/Lake Mary-Main St intersection from an accuracy point-of-view. Based on the number of issues we had with that intersection, we request that the other intersections be reviewed for accuracy. In addition, it is clear that pedestrian movements must be included, and that the analysis in Appendix D be done for all study area intersections, not just the 2 intersections currently provided in Appendix D.

Response to Comment B13-105

This comment includes various issues the commenters would like to see be addressed in the Draft EIR and Appendix D of the Traffic Impact Analysis (included in Appendix I, Traffic Data, of the Draft EIR). With respect to analysis accounting for adverse winter conditions, please refer to Response to Comment B13-99. The two intersections directly impacted by pedestrians (Main Street/Minaret Road and Canyon Boulevard/Lake Mary Road) from the Project were included in the analysis. The Project does not add significant pedestrian volumes to any other intersection.

Comment B13-106

Trip reducing benefits are not adequately addressed through standard trip-generation estimation models coupled with HCM intersection analysis. Therefore, due to the importance of the project location to the 'feet first' goals of the General Plan, a more progressive sustainable transportation planning analysis should be completed by the Town of Mammoth Lakes. The results of the analysis with a reasonable pedestrian component may result in significant impacts requiring mitigation.

Response to Comment B13-106

The comment notes that a more progressive sustainable transportation planning analysis should be completed by the Town and that trip reducing benefits are not adequately addressed through standard trip generation estimation models. The Town of Mammoth Lakes does not have adopted pedestrian Level of Service thresholds at this time; therefore, it would be inappropriate to analyze pedestrian LOS in the

Mammoth Crossing Draft EIR. It should be noted that existing pedestrian safety provisions bordering and adjacent to the site currently meet Town standards. Pedestrian facilities included as part of the Mammoth Crossing Project will also be constructed consistent with Town standards. The Mammoth Crossing Project would provide pedestrian, bicycle, and other connectivity consistent with the most recent versions of the Sidewalk Master Plan, Bikeway Plan, Trails System Master Plan, and other applicable mobility plan or report.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-107

We also request that the roundabout at Forest Trail be included in the transportation model, so that traffic infiltration into the adjacent residential neighborhoods can be addressed. The results of the analysis may result in significant impacts requiring mitigation.

Response to Comment B13-107

It is assumed the commenters are referring to the roundabout at Minaret Road/Forest Trail, which the comment requests be included in the Traffic Impact Analysis (included as Appendix I, Traffic Data, in the Draft EIR). Modeling a roundabout at a single intersection without modeling the traffic control at other intersections will give meaningless results. It would not be appropriate to include a roundabout at a single intersection using the current travel demand model. This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-108

As per the DEIR analysis of certain cumulative traffic impacts, we do not agree that DIF payments be used as a specific mitigation measure. There is no certainty that DIF collected will adequately fund the proposed mitigation measure, or be used for the planned purpose, or guarantee timely mitigation.

Response to Comment B13-108

The comment expresses the commenters' disagreement with the use of Developer Impact Fee payments as mitigation. The Town has the Developer Impact Fee ("DIF") program with specific improvements. See Response to Comment A3-17 regarding the DIF program.

Comment B13-109

TRANS-3 Internal Circulation and Access

DEIR CONSIDERS. LOS measurements at 4 access locations to the Project.

DEIR CONCLUSIONS. Impacts less than significant.

DEIR MITIGATION. No mitigation measures.

OUR COMMENT. We are concerned with the close proximity of the entrance to Site 1 to the Fireside development. This could include light intrusion from headlights into the Fireside condominium units, fumes from idling vehicles, and delivery trucks in the arrival plaza. Consideration of entrance spacing should also be included. On Canyon Blvd the Project would include the entrance to Site 1, followed immediately to the north with the Fireside loading zone entrance, which is followed immediately with the only entrance to the 80/50 project (which includes the above ground, as well as the underground parking for all 3 80/50 buildings plus Fireside).

Response to Comment B13-109

This comment is in regards to Impact TRANS-3 Internal Circulation and Access, included on pages IV.M-27 through IV.M-30 of Section IV.M, Traffic and Circulation, of the Draft EIR. The comment correctly reiterates what is analyzed under Impact TRANS-3, what the determination was in the Draft EIR, and notes that no mitigation measures are required. Additionally, the comment expresses concerns regarding the proximity of the Site 1 entrance to the Fireside Condominiums. The Project would include landscaping between the proposed ramp to the underground parking on Site 1 which would protect adjacent residential development from headlights for nighttime entry. Fumes from idling vehicles have been analyzed and is discussed in Section IV.C, Air Quality, in the Draft EIR under the heading "Impact AQ-2 Operational Emissions" beginning on page IV.C-28.

See Topical Response 2, Project Description.

Comment B13-110

REQUESTED ANALYSIS AND MITIGATION. We request that the above potential impacts be addressed. The level of detail in the DEIR does not allow us to analyze light intrusion, etc., as design

details, wall heights, etc, are not included. The impacts may be significant and if so, require mitigation such as relocating access drives, screening for headlight intrusion, etc.

Response to Comment B13-110

See Response to Comment B13-109.

Comment B13-111

TRANS-4 Parking

DEIR CONSIDERS. A brief description of Project parking needs, plus 100 public parking spaces.

DEIR CONCLUSIONS. Impacts less than significant.

DEIR MITIGATION. No mitigation measures.

OUR COMMENT. The parking requirements in Table IV.M-5 are for hotel requirements only, and do not consider parking for the other land uses included in the Project. There is no provision for 69,150 square feet of amenities, and 40,500 square feet of retail. In addition, parking for onsite affordable housing have [sic] not been included. Guest parking requirements of an additional 10% have also not been included.

Response to Comment B13-111

This comment is in regards to Impact TRANS-4 Parking included on page IV.M-30 of Section IV.M, Traffic and Circulation, of the Draft EIR. The comment correctly reiterates what is analyzed under Impact TRANS-4, what the determination was in the Draft EIR, and notes that no mitigation measures are required. Additionally, the comment claims that the parking requirements provided in Table IV.M-5, Parking Requirements, on page IV.M-18 are only for hotels, and do not consider any of the other land uses that are part of the Project. Parking was calculated pursuant to the parking code provided in the Specific Plan. See Response to Comment B13-52.

Comment B13-112

REQUESTED ANALYSIS AND MITIGATION. The DEIR has not provided a unit mix (in terms of number of rooms) so we cannot check the consistency with the NVSP with respect to the adequacy of parking spaces for hotel use. Why have parking requirements for all other uses (other than hotel) not been included?

Response to Comment B13-112

See Response to Comment B13-52.

Comment B13-113

The comment is in reference to the amount of parking required under the Project. A full parking analysis is requested under the above comment. Because the amenities and retail have not been documented by specific use (restaurants for example have higher parking requirements than other uses), we cannot calculate the additional parking required. NVSP requirements in the RG district, based on square footages provided (and a very conservative 20% restaurant estimate) suggest that an additional 384 parking spaces would be required. In the PR district (for which the proponent is lobbying) an additional 440 parking spaces would be required.

If our estimates prove correct, the 100 public parking spaces proposed by the DEIR as a public benefit, are in fact not a credit, but a means of camouflaging a huge parking deficit. We request a full parking analysis be provided, with details provided as per zoning, site, and allocation of the specific commercial/retail use. Given current Village parking shortfalls, any project that does not at least meet minimum parking standards should not be considered to be an environmentally acceptable alternative.

Response to Comment B13-113

Parking was calculated pursuant to the parking code provided in the Specific Plan, including calculation of commercial/restaurant/retail uses. See Response to Comment B13-52. The 100 public parking spaces would be provided in excess of Town requirements.

Comment B13-114**TRANS-5 Bicycle and Pedestrian Facilities**

DEIR CONSIDERS. A brief overview of the facilities, but no assessment of appropriateness, except to state that the Town will review the internal access and pedestrian and bicycle facility system to ensure a safe movement of people.

DEIR CONCLUSIONS. Impacts less than significant.

DEIR MITIGATION. No mitigation measures.

OUR COMMENT. A well thought-out bicycle plan needs to be included, and the consistency with the Mammoth Lakes Draft Trails Plan addressed. In terms of Pedestrian facilities and movements, the project must be based on the 'feet first' principles specified in the Mobility section of the General Plan. For instance Policy M.3.D of the General Plan states "Encourage visitors to leave vehicles at their lodging by developing pedestrian, bicycle, transit and parking management strategies." In order to achieve this, a high LOS for pedestrian movements must be applied. If there are long waiting times required to cross Main or Minaret, and therefore a long, or inconvenient walking experience to the North Village and the gondola, then people will revert back to taking cars.

Response to Comment B13-114

This comment is in regards to Impact TRANS-5 Bicycle and Pedestrian Facilities included on page IV.M-31 of Section IV.M, Traffic and Circulation, of the Draft EIR. The comment summarizes what is analyzed under Impact TRANS-5, what the determination was in the Draft EIR, and notes that no mitigation measures are required. Additionally, the comment claims that a well thought-out bicycle plan needs to be included, the consistency with the Mammoth Lakes Draft Trails Plan be addressed, and the Project be based on the ‘feet first’ principles described in the Mobility section of the General Plan.

As previously discussed, following the Town of Mammoth Lakes’ adoption of the revised *North Village Specific Plan*, the Project would require the approval of Use Permits, Tentative Tract Maps, Grading and Building permits, and would undergo Design Review. The Project would provide pedestrian and bicycle connectivity consistent with the most recent adopted versions of the Sidewalk Master Plan, Bikeway Plan, and Trails System Master Plan at the time of Use Permit. During the approval process the Town would review all Project plans for consistency with any other applicable Town regulations, including consistency with General Plan policies which support transit ridership and pedestrian activity including safe and convenient pedestrian and bicycle access. During Design Review, the Town would review all final proposed bicycle and pedestrian designs for consistency with the Town’s design standards and Town Mobility Planning requirements. See Topical Response 2, Project Description, and Response to Comments B3-2, -5, B7-6, and B13-56. In addition, see Response to Comment B13-97 for substantiation of pedestrian analysis.

Comment B13-115

REQUESTED ANALYSIS AND MITIGATION. The Mammoth Crossing Sustainable Transportation Report, dated July 3, 2008, analyzes pedestrian delay. It concludes, “The resulting pedestrian delay (or pedestrian LOS) is likely to be unacceptable (LOS F). Crossing Lake Mary at Canyon is only somewhat better due to a narrower 4-lane cross-section. These crossing delays immediately compromise the North Village vision of a walk able [*sic*] district and impact the ability to reduce vehicle trips. A seamless pedestrian interface is necessary to create a pedestrian-oriented district south of Lake Mary Road. Even with nice pedestrian spaces on-site, the lack of easily accessible walking destinations could leave these well-designed spaces underutilized.” This conclusion represents a significant impact, which needs to be mitigated. Four potential mitigation measures are laid out in the above noted study, and include narrowed lanes, curb extensions, pedestrian refuge islands, and elimination of slip lanes. We request that pedestrian LOS be evaluated and these, and potentially other, mitigation measures be analyzed.

Response to Comment B13-115

The comment requests pedestrian LOS and the mitigation measures provided in the Mammoth Crossing Sustainable Transportation Report be evaluated and analyzed in the Draft EIR. The proposed Project would include additional crosswalks, sidewalks and pathways and would improve existing conditions. As

set forth in Section III, Project Description, of the Draft EIR, a key concept of the Project is to provide public spaces and pedestrian connectivity within the Specific Plan area and to facilitate walking and bike use. The Project would provide pedestrian access throughout the Project's three sites and subsequently provide pedestrian and bicycle connectivity within the Specific Plan area and link to the larger Town-wide existing and planned recreational trail network, which includes pedestrian trails, bike lanes and sidewalks that are adjacent to major roadways. See Topical Response 2, Project Description, and Response to Comments B3-2, -5, B7-6, and B13-56. In addition, see Response to Comment B13-97 for substantiation of pedestrian analysis.

As described in the cover letter to the Mammoth Crossing Sustainable Transportation Report ("Report"), dated July 3, 2008, the Report is intended to be an evaluation tool during the design phase of the Project. The Report discusses potential areas of opportunity to enhance pedestrian connectivity, as well as bicycle and transit connectivity. The Report does not provide specific Level of Service ("LOS") analysis for vehicles, pedestrians, or other modes of travel, nor does it include specific analysis to assess the engineering feasibility of potential design features and suggested improvements. The Town of Mammoth Lakes does not have adopted pedestrian LOS thresholds at this time; therefore, it would be inappropriate to analyze pedestrian LOS in the Mammoth Crossing Draft EIR. The feasibility of all potential design features associated with the Mammoth Crossing project would be assessed during the Use Permit phase as part of a detailed site design proposal. Furthermore, existing pedestrian safety provisions bordering and adjacent to the site are consistent with current Town standards. The Mammoth Crossing project would provide pedestrian, bicycle, and other connectivity consistent with the most recent versions of the Sidewalk Master Plan, Bikeway Plan, Trails System Master Plan, and other applicable mobility plan or report.

Comment B13-116

Caltrans input to the DEIR requests that the bike path currently under construction along Lake Mary be continued through the project, but we see no indication that this has been done.

Response to Comment B13-116

See Response to Comment B13-115.

Comment B13-117

TRANS-6 Transit

DEIR CONSIDERS. Existing transit plus specialty shuttles to handle demand.

DEIR CONCLUSIONS. Impacts less than significant.

DEIR MITIGATION. No mitigation measures.

OUR COMMENT. The DEIR states, “It is not anticipated that any increases in transit use would result in demand for the Mammoth Lakes or the Mammoth Mountain Ski Area that cannot be accommodated”.

We request that a more quantitative analysis be undertaken. The high pedestrian and transit splits that have been assumed in the traffic study will introduce heavy peak hour demands on the gondola and the bus system. In the DEIR, the proponent must consider the cumulative impacts of existing plus approved projects plus the Project. We request a peak hour transit analysis be conducted.

Response to Comment B13-117

This comment is in reference to Impact TRANS-6 Transit included on page IV.M-31 of Section IV.M, Traffic and Circulation, of the Draft EIR. The comment summarizes what is analyzed under Impact TRANS-5, what the determination was in the Draft EIR, and notes that no mitigation measures are required. Additionally, the comment requests a more quantitative transit analysis be undertaken and that a peak hour transit analysis be conducted and analyzed in the EIR. However, the Town has not established any thresholds or capacity to assess transit impacts. It should also be noted that the Project pedestrian generation is not oriented to transit, but rather the nearby attractions, primarily to the Gondola. Furthermore, to address the Project’s demand for transit, the Project has committed an exclusive shuttle service provided for all three sites to local areas of attraction, ski lifts, the Gondola, and the airport in addition to the Mammoth transit service within the vicinity of the Project.

As noted in footnote (14) of Table IV.M-6, Project Trip Generation, on page IV.M-21, the Mammoth Crossing shuttle could be anticipated to serve the Project site three times during the Saturday peak hour.

Comment B13-118

REQUESTED ANALYSIS AND MITIGATION. The Mammoth Crossing Sustainable Transportation Report, dated July 3, 2008, states that “While sufficient capacity remains in the overall transit system for this and other projects, several peak hour buses are already reported over capacity”. We have experienced this on numerous occasions, and feel strongly that a peak hour analysis, done on a cumulative basis, will highlight a significant LOS issue. We would expect that the conclusion of this study will lead to a significant impact, and that mitigation will need to be developed.

Response to Comment B13-118

This comment includes a quotation from the Mammoth Crossing Sustainable Transportation Report and expresses an opinion that a peak hour analysis would indicate a significant LOS issue. See Response to Comment B13-115 and -117.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency

and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-119

In addition to peak hour issues, safety issues need to be considered, which will add to the significance of the impact. These safety issues are highlighted in the above mentioned study which states, “As noted in Figure 11, its mountain-bound stop is located at the furthest edge of the site, requiring at least one street crossing from all proposed Mammoth Crossing buildings. Therefore, the high quality of transit service in general does not serve this site well as currently configured”. The report also discusses the safety issues that are inherent to bus access to the project. Further analysis should identify potential mitigation measures, including bus rerouting options which will better serve the site.

Response to Comment B13-119

The comment includes a quotation from the Mammoth Crossing Sustainable Transportation Report and requests safety issues be considered in the EIR, in addition to potential mitigation measures. See Response to Comment B13-115 and -117.

Comment B13-120

TRANS-8 Emergency Impact

DEIR CONSIDERS. Vehicle staging proposed, fire lanes around buildings to be designed later.

DEIR CONCLUSIONS. Impacts less than significant.

DEIR MITIGATION. No mitigation measures.

OUR COMMENT. We are concerned with the potential for a fire lane in the 8’ setback between the proposed northern building on Site 1 and the entire southern boundary of the Fireside property. Not providing any detail of such a lane does not allow the public to sufficiently comment within the DEIR

Response to Comment B13-120

This comment is in reference to Impact TRANS-8 Emergency Access included on page IV.M-32 (continued on page IV.M-33) of Section IV.M, Traffic and Circulation, of the Draft EIR. The comment summarizes what is analyzed under Impact TRANS-8, what the determination was in the Draft EIR, and notes that no mitigation measures are required. Additionally, the comment expresses concerns regarding

the potential for a fire lane in the setback between Site 1 and the southern boundary of the Fireside Condominiums property and the lack of information provided in the Draft EIR.

As illustrated on Figure III-16, Emergency Vehicle Access & Staging Areas Map, on page III-36 of Section III, Project Description, of the Draft EIR there is no fire lane proposed between the Fireside Condominiums and Project Site 1. Instead two standpipe systems would be installed. A standpipe system is an arrangement of piping, valves, hose connections and allied equipment installed in a building or structure with the hose connections located in such a manner that water can be discharged in streams or spray patterns through attached hose and nozzles. The installation of the standpipes would benefit property adjacent to the proposed Project. The proposed standpipes are illustrated on Figure III-16.

As noted in Section IV.L, Public Services, of the Draft EIR, on page IV.L-10, standpipe and fire suppression systems connections would be incorporated into architectural and landscaping design elements where practical and in location accessible to fire equipment. In addition, the Project would incorporate a number of fire safety features in accordance with applicable MLFPD fire-safety code and Town regulations for construction, access, fire flows, and fire hydrants. These fire safety features include, but are not limited to, ample roads, adequate building spacing, use of fire resistive building materials, and adequate vegetative clearance around structures.

Comment B13-121

REQUESTED ANALYSIS AND MITIGATION. We request that such a major design detail be specified in the DEIR. We feel that a fire lane directly adjacent to the Fireside property line could cause major ancillary impacts such as the noise and fumes from snow removal in an area which is constantly fully shaded in the winter equinox; an unattractive hardscape directly adjacent to our recreation area; and an additional access lane which could conflict with pedestrian movements. Any of these issues may be significant and need to be considered, along with mitigation, in the DEIR.

Response to Comment B13-121

This comment requests more detail on the proposed fire lane be included in the EIR and expresses an opinion regarding the potential impacts such a design feature could have. As illustrated on Figure III-16, Emergency Vehicle Access & Staging Areas Map, on page III-36 of Section III, Project Description, of the Draft EIR there is no fire lane proposed between the Fireside Condominiums and Project Site 1. Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” Furthermore, emergency response conditions are not

anticipated to be normal routine occurrences and as such are not the standard to which the impact analysis is based upon. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Response to Comment B13-120.

Comment B13-122

TRANS-11 Cumulative Impacts

DEIR CONSIDERS. Long-range Town General Plan build out LOS at study area intersections.

DEIR CONCLUSIONS. Impacts ‘less than significant’.

DEIR MITIGATION. None

OUR COMMENT. As discussed in our response to TRANS-2, winter conditions have not been taken into account in either the capacity calculations, or the intersection analysis. No analysis whatsoever has taken into account snow or ice conditions. These conditions have the potential to reduce roadway capacity, reduce operations including intersection LOS, reduce visibility from falling snow and vehicle spray, reduce visibility from snow storage, reduce capacity from interference from snow removal efforts, and reduce intersection and roadway LOS due to increased crossing times for pedestrians. In addition, safety to pedestrians in winter conditions has not been addressed. In fact, winter conditions are not considered in the body of the DEIR.

There is however, a discussion in the Traffic Data Technical Appendix (Appendix I) as to why winter conditions are ignored. We disagree with the argument made. The fact that the peak hour chosen takes place in the winter, in a location which averages 350 inches of snowfall per annum, at a time of day where pedestrian movements are also the highest, makes it imperative that traffic analysis be carried out under winter conditions. Once the analysis is complete, arguments for reductions in seasonal fluctuations, and possible economic reasons for reducing mitigation can be made. It is also unfathomable that, despite “black ice” which has been specifically noted as a concern on roadways as a result of the shading analysis outlined in Impact AES-5, winter conditions are totally ignored in the traffic discussion and impact analysis.

Response to Comment B13-122

This comment is in reference to Impact TRANS-11 Cumulative Impacts included on pages IV.M-34 through IV.M-39 of Section IV.M, Traffic and Circulation, of the Draft EIR. The comment summarizes what is analyzed under Impact TRANS-11, what the determination was in the Draft EIR, and notes that no mitigation measures are required. The comment erroneously states that winter conditions are ignored in the traffic discussion and impact analysis. As discussed in Section IV.M, Traffic and Circulation, of the Draft EIR, on page IV.M-6 under heading “Project Analysis Methods,” typical winter Saturday peak-hour baseline conditions were used to analyze traffic impacts for the existing and cumulative (existing

plus approved projects) conditions. The “design” day used in the traffic study is a typical winter Saturday, which occurs 15 to 20 times a year. The typical winter Saturday represents a conservative approach to traffic planning and mitigation. The Traffic Impact Report (“TIA”) describes “design” day conditions of the Adopted General Plan in detail; see Response to Comment B13-99.

Comment B13-123

As discussed in our response to TRANS-1, the trip vehicular generation rates used for this project have been significantly revised downward from the ITE rates. If the proponent can make a substantive argument that this site warrants significantly revised vehicular trip generation rates due to the high level of walk ability to and from the site, then a high level of pedestrian crossings MUST be included on both Minaret Road and Main Street. Given this, it seems that the HCM Signalized Intersection Capacity Analysis with Pedestrians, as provided in Appendix D, must include the resultant high level of pedestrian movements in the ‘Conflicting Peds (#hr)’ section of the analysis. Not only are the pedestrian calls-to-cross unreasonably low (30/hr in peak hour), but certain conflicting movements, such as to SBL, have not been included.

Response to Comment B13-123

This comment is in reference to the vehicle trip generation rates used for the Project, which has previously been addressed; see Response to Comment B13-97. Substantiation of trip generation rates and internal capture percentage is provided in Response to Comment A4-4. Regarding pedestrian movements, see Response to Comment B13-102.

Comment B13-124

Figure III-14 Pedestrian Circulation Map, clearly proposes a pedestrian movement across Main Street on the east side of the Minaret intersection, and thus must be included in the analysis as a conflicting pedestrian movement. Our argument for 30 calls/hr of pedestrian crossing demand being low is based on our observed existing Saturday peak hour demand at the pedestrian crosswalk on Minaret. While we are not privy to the calls/hr at this location, we have observed a constant stream of pedestrian crossings, prompting crossing guards to be employed to try and cluster pedestrian crossings. Once the build out of the North Village is complete, east of Minaret, these pedestrian movements across Minaret will increase.

Response to Comment B13-124

This comment has been previously addressed. See Response to Comments B13-56, -97 and -102 regarding pedestrian movements.

Comment B13-125

The Project will introduce a higher number of origin destination pairings across Main Street, than currently experienced on Minaret. It is our assertion that pedestrians would likely be cued to cross on every phase, making the 30 calls/hr unreasonably low. Further to this Appendix D analysis, the SB capacity of Minaret (north of Main St.) is included as 1900 vplph. This is inconsistent with the General Plan (Table B Roadway Capacity Summary), which states 1300. We would note that even 1300 vphpd is high due to the pedestrian crosswalk located in this stretch. This pedestrian crosswalk is so well used in the Saturday PM peak that the Town has provided crossing guards in an attempt to provide some vehicular capacity relief to this stretch of road. The same GP table states 1600 vphpd on Minaret south of Main and this capacity should be lowered due to the pedestrian crossing proposed by the proponent at Minaret and 7B.

Response to Comment B13-125

This comment has been previously addressed. See Response to Comments B13-56, -97 and -102 regarding pedestrian movements, and Response to Comment B13-103 regarding vehicle capacities.

Comment B13-126

Transportation engineers agree that HCM Signalized Intersection Capacity Analysis (even when run with Peds) does not do a good job at analyzing intersections with high pedestrian conflicts, and is not an appropriate tool to use in designing and analyzing pedestrian and bicycle friendly livable communities. A more progressive analysis tool should be used for all such areas within Mammoth Lakes, including this project. Any analysis should be adjusted to include the pedestrian crosswalks north and south of Main Street on Minaret Rd., and the cumulative impacts of pedestrian traffic from neighboring related projects.

Response to Comment B13-126

The comment expresses an opinion regarding the industry standards regarding the HCM Signalized Intersection Capacity Analysis. The Traffic and Circulation section in the Draft EIR occurs in the context of a CEQA analysis, and under CEQA the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The HCM methodology for analyzing signalized intersections has been approved and adopted by the Town. There is a provision in the HCM methodology that accounts for pedestrian activity at the intersection and therefore the analysis of the two intersections directly impacted by pedestrians as presented in the Draft EIR has been determined to be adequate. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-127

As per Table IV.M-10 in the DEIR, the analysis of the unsignalized Minaret Rd. /Forest Trail intersection will be LOS F. Footnote 4 to this Table states, “Roundabout implemented consistent with General Plan mitigation”. However, while the proponent is responsible for addressing cumulative impacts, we can find no modeled traffic analysis which includes the roundabout. This is a key shortfall, as a roundabout will make the movement from southbound Minaret Rd. to Forest Trail unopposed and therefore provide an easy way for vehicles to avoid the congestion through the North Village. This may have very significant impacts to traffic infiltration into the Forest Trail neighborhood, and needs to be analyzed and addressed by the DEIR.

Response to Comment B13-127

This comment has been previously addressed. See Response to Comments A4-9 and B12-104 regarding the roundabout at Minaret Road/Forest Trail.

Comment B13-128

REQUESTED ANALYSIS AND MITIGATION. As with our response to TRAN-2, we request that the traffic analysis account for adverse winter conditions. This needs to be a full analysis, complete with a discussion of mitigations for both operational and safety concerns.

Response to Comment B13-128

This comment has been previously addressed. See Response to Comments B13-22 and -99.

Comment B13-129

We request that, at a minimum, the traffic analysis similar to that in Appendix D (HCM Signalized with Peds) is run for all intersections under the General Plan build-out scenario, with the above noted amendments. However, trip reducing benefits are not adequately addressed through standard trip-generation estimation models, coupled with HCM intersection analysis. Therefore, due to the importance of the project location to the ‘feet first’ goals of the General Plan, a more progressive sustainable transportation planning analysis should be considered by the Town of Mammoth Lakes. The results of the analysis with a reasonable pedestrian component may result in significant impacts requiring mitigation.

Response to Comment B13-129

With respect to the comment regarding pedestrians, the analysis of the two key intersections that are directly impacted by pedestrian activity (Canyon Boulevard/Lake Mary Road and Minaret Road/Main Street-Lake Mary Road) in the cumulative plus Project is adequate in identifying any pedestrian impacts to the operation of the intersection. In regard to the comment about a more sustainable transportation

planning analysis, the traffic analysis methodology prescribed by and adopted by the Town adequately addresses Project impacts.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” See Topical Response 1, Standards for Responses of Comments and Focus of Review of Commenters.

Comment B13-130

We also request that the roundabout at Forest Trail and at Meridian be included in the transportation model, so that traffic infiltration into the adjacent residential neighborhoods can be addressed. The results of the analysis may result in significant impacts requiring mitigation.

Response to Comment B13-130

This comment has been previously addressed. See Response to Comments B13-95, -104 and -107.

Comment B13-131

As per the DEIR analysis of certain cumulative traffic impacts, we do not agree that DIF payments be used as a specific mitigation measure. There is no certainty that DIF collected will adequately fund the proposed mitigation measure, or be used for such a use.

Response to Comment B13-131

This comment expresses an opinion regarding the payment of Developer Impact Fees as mitigation. The Town has the Developer Impact Fee (“DIF”) program with specific improvements. See Response to Comment A3-17 regarding the DIF program.

Comment B13-132

IV. N. UTILITIES

UTIL-8 Cumulative Water Supply

DEIR CONSIDERS. Town-wide water needs for related projects plus the Project.

DEIR CONCLUSIONS. Impacts significant.

DEIR MITIGATION. No significant mitigation measures proposed.

OUR COMMENTS, ANALYSIS AND REQUESTED MITIGATION. The DEIR states, "With respect to the Town's overall water supply condition, the water supply requirements for any project that is consistent with the Town's General Plan Update Draft DEIR have been taken into account in the planned growth of the water system in the 2005 UWMP. According to the Town, all of the related projects are generally consistent with their respective land use designations".

Response to Comment B13-132

This comment is in reference to Impact UTIL-8 Cumulative Water Supply from Section IV.N, Utilities, of the Draft EIR and correctly lists information presented, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters and Topical Response 6, Water Services. Also, see Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B13-133

The MCWD's assessment concludes, "This water supply assessment shows that with the inclusion of several additional water supply projects, the District would have sufficient supplies in normal and wet water years through the next 20 years to meet the demands of the Mammoth Crossing Project in addition to other projected development in Mammoth Lakes. However, as noted in this assessment, there are uncertainties regarding existing supplies and the implementation of these additional supplies. It is essential that additional water supplies are developed and demand reductions are utilized to their full potential to ensure that future demands can be met, especially in dry year conditions. The development of additional groundwater sources would require permits and approvals from the State Department of Health Services and the U.S. Forest Service where potential well sites are located on federal land. This project also would require both State of California and federal environmental review if USFS lands were utilized."

Response to Comment B13-133

This comment provides a quotation from page 23 of the *SB 610 Water Supply Assessment For the Mammoth Crossing Project*, prepared by the Mammoth Community Water District on March 14, 2008 (included in Appendix L, Water Supply Assessment, of the Draft EIR), but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for

Responses to Comments and Focus of Review of Commenters and Topical Response 6, Water Services. Also, see Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B13-134

Later in the analysis, the DEIR states, “Consequently, as shown in Table IV.N-10, there would also be insufficient water for the Project plus the related projects during dry water years”. The DEIR concludes, “Thus, impacts of the Project together with the related projects on overall MCWD water supply during single and multiple dry year scenarios would be significant”.

Response to Comment B13-134

This comment accurately provides two quotations from page IV.N-27 of Section IV.N, Utilities, of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters and Topical Response 6, Water Services. Also, see Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B13-135

To paraphrase: We hope to have enough water for future development, but can’t be sure. We know we won’t have enough water in dry water years.

Response to Comment B13-135

This comment is in reference to the two quotations presented in Comment B13-134 above, and includes the commenters’ interpretations of their meaning, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters and Topical Response 6, Water Services. Also, see Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B13-136

How has the Project considered this analysis in the DEIR? How has the DEIR considered the uncertainty documented by MCWD as to the implementation of additional supplies?

Response to Comment B13-136

The commenters request clarification as to how the issue of future water supplies has been analyzed in the Draft EIR, including the uncertainty expressed by the Mammoth Community Water District (“MCWD”) as to the implementation of additional supplies.

A discussion of future water supplies was presented in Section IV.N, Utilities, of the Draft EIR, under subheading “Water Services” was provided for environmental setting purposes and the water supply impact analysis did not rely on the use of future water sources. The MCWD’s 2005 Urban Water Management Plan (“UWMP”) provides information about MCWD’s responsibilities towards water supply and water recycling in the community including wastewater generation, collection, treatment, and disposal.

However, as previously discussed in Topical Response 6, Water Services, Project is consistent with the General Plan’s overall density, and although there is proposed to be higher site-specific density by the proposed amendment to the *North Village Specific Plan* (and related amendment to the General Plan), the overall build-out analyzed in the General Plan Final EIR (60,700 PAOT) would not be exceeded by those amendments, nor will the General Plan Land Use Policy L.1.A, which limits total peak population of permanent and seasonal residents and visitors to 52,000 PAOT. Therefore, the Project’s specific and cumulative water supply impacts have been accounted for in the General Plan Update Final Program EIR, which determined water supply impacts at Town build-out to be less than significant.

As such, Project compliance with General Plan Policy R.4.A, which states that the Town shall work with MCWD to ensure that land use approvals are phased so that the development of necessary water supply sources is established prior to development approvals, would ensure both Project specific and cumulative water supply impacts would be less than significant.

See Topical Response 6, Water Services.

Comment B13-137

The DEIR has concluded a significant impact (but only in dry water years), yet offers no mitigation on the basis that “...all of the related projects are generally consistent with their respective land use designations.” In fact, the Project is not consistent with its current land use designation and is asking for significantly higher density, significantly more units, and significantly more commercial development. This of course, will require significantly more water demand. This is a huge problem, not just for the well-being of the Town, but for the Project’s viability.

Response to Comment B13-137

This comment is in reference to Impact UTIL-8 Cumulative Water Supply in Section IV.N, Utilities, of the Draft EIR. While the commenters correctly quote from page IV.N-27 that “...all of the related

projects are generally consistent with their respective land use designations,” as determined by the Town, the quotation is incorrectly applied to the Project, in that the Project is not considered one of the related projects. While the Project’s proposed site-specific density is higher, the Draft EIR found the Project to be consistent with the General Plan’s overall density. This comment has been previously addressed. See Response to Comment B13-136 and Topical Response 6, Water Services.

Additionally, the commenters reiterate general information on the Project, while introducing their opinions on Project design and impact of Project development. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-138

The law says that any contribution to a cumulatively significant impact is in itself significant. Generally, such impacts are required not only to be mitigated, but to be mitigated enough to offset the impacts of the substandard condition. Given this, how is it possible that the DEIR does not consider, as mitigation, development to within its existing approved land use designations (as per the NVSP)? In fact, given the law noted, the project should be required to offset the impacts of the current condition, and therefore, should be forced to consider a LESSER land use.

Response to Comment B13-138

As noted in Topical Response 2, Project Description, while, by definition, mitigation may require that changes be made to the project proposed by an applicant for purposes of minimizing environmental impacts, the Draft EIR’s proposed mitigation measures do not alter the description of the Project contained in Section III, Project Description, or the actual Project analyzed. Rather, the purpose of the Draft EIR is to fully disclose the environmental impacts of the Project as proposed. As previously discussed in Topical Response 6, Water Services, the General Plan Final Program EIR has already found the Project’s potential cumulative impact on water supply to be less than significant with implementation of Mitigation Measure 4.11-1, which requires the Project to comply with General Plan Policy General Plan Policy R.4.A, as established in the General Plan Final Program EIR. The Draft EIR can, thus, rely upon this previous analysis for purposes of the Project’s specific and cumulative water supply analysis.

The Town General Plan Policy R.4.A states the Town shall work with MCWD to ensure that land use approvals are phased so that the development of necessary water supply sources is established prior to development approvals. The Project as well as any new development in the Town would be required to comply with this policy. See Response to Comments B13-136, -137, and -138 and Topical Response 6, Water Services. See Section V, Alternatives to the Draft EIR and Topical Response 4, Alternatives, for a discussion on alternatives to the proposed Project with reduced density and commercial land uses. Also, see

Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B13-139

The General Plan includes as Goal R.4: Conserve and enhance the quality and quantity of Mammoth Lakes' water resources. Policy R.4.C states "Support and encourage water conservation and recycled water within private and public developments". Given this, it is imperative that a development of this magnitude require state of the art mitigation measures to conserve water, including, but not limited to those documented at

http://www.sbcountyplanning.org/PDF/ManualsReports/Manuals/Environmental_Thrshlds.pdf.

Response to Comment B13-139

This comment correctly reiterates Goal R.4 and Policy R.4.C of the *Town of Mammoth Lakes General Plan 2007* ("General Plan"). It should be noted that the Santa Barbara Thresholds of Significance described by the commenter are not applicable to this Project as it only provides guidance for projects within the City of Santa Barbara and not the Town of Mammoth Lakes. Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even "[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts." See Response to Comments B13-136, -137, and -138 and Topical Response 6, Water Services. Also, see Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B13-140

Aggressive mitigation is even more critical given that there may be an issue with existing supply levels not just in multiple drought years, but in normal years as well.

Response to Comment B13-140

This comment includes further justification for the requiring state of the art mitigation measures to conserve water, as discussed in Comment B13-139 above, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No response is required. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1,

Standards for Responses to Comments and Focus of Review of Commenters and Topical Response, 6 Water Services.

Comment B13-141

UTIL-4 Cumulative Wastewater Infrastructure

DEIR CONSIDERS. Town-wide wastewater collection system needs for related projects plus the Project.

DEIR CONCLUSIONS. Impacts significant.

DEIR MITIGATION. MM UTIL-4 states that additional capacity will be built on Manzanita Road by Shady Rest Tract. If Shady Rest tract is not built, Project will co-ordinate [*sic*] with MCWD to build equivalent sewer upgrade. After mitigation, impacts after less than significant. [*sic*]

OUR COMMENT. The DEIR states that MCWD has identified deficiencies in the collection system, as per the 2005 Connection Fee Study. However, while the Project was included in that study (with densities as per the NVSP), the higher densities proposed by the project have not been taken into account in the study, nor in the sewer model. As a result the impacts of the higher level of development of the Project have not been analyzed. In addition, precedence for higher densities as set by the Project could increase the related project requirements. This cumulative impact has also failed to be modeled.

Response to Comment B13-141

This comment provides an overview of the discussion provided under UTIL-4 Cumulative Wastewater Infrastructure on page IV.N-10 in Section IV.N, Utilities, of the Draft EIR, under subsection “Wastewater”, as well as a reiteration of Mitigation Measure UTIL-4 Cumulative Wastewater Infrastructure provided on page IV.N-11. Additionally, the commenters correctly reiterate the reference made to the 2005 *Connection Fee Study* conducted by the MCWD and presented under UTIL-4 Cumulative Wastewater Generation on page IV.N-10 of the Draft EIR. As a deficiencies already exist with the Project considered at 48 rooms per acre residential density, it is assumed those deficiencies would also exist at the Project’s increased density of 80 rooms per acre residential density. As set forth in Mitigation Measure UTIL-4, the Project Applicant is required to coordinate with MCWD to design and construct an equivalent sewer upgrade project to increase the capacity of sewer lines along Manzanita Road between Dorrance Road and Center Street if the Shady Rest Tract project is not complete by occupancy of the Mammoth Crossing Project. See Response to Comment A5-5 for revisions to Mitigation Measure UTIL-4.

Comment B13-142

REQUESTED ANALYSIS AND MITIGATION. Since the added densities proposed in the Project (as well as the cumulative related projects potential increases in wastewater capacity needs) have not been

modeled through the sewer model, how can the proponent accurately quantify the sewer capacity requirements? Without this quantification, the reviewers cannot comment on impacts. We request this modeling be done, including an updated Connection Fee Study, and the public and agencies given a chance to comment on the findings. Without this, a 'less than significant' finding is inappropriate.

Response to Comment B13-142

As identified by the Mammoth Community Water District in Comment Letter A5, the cumulative impacts to the wastewater supply capacity would not be reduced to a less than significant level with the incorporation of Mitigation Measure UTIL-4 Cumulative Wastewater Infrastructure as presented in the Draft EIR. As such, this mitigation measure has been revised with the approval of the MCWD in consideration of the fact that the Project at Town build-out exceeds the capacity of the existing wastewater infrastructure. See Response to Comment A5-5 for revisions to Mitigation Measure UTIL-4.

Comment B13-143

VI. Alternatives to the Proposed Project

EIR CONSIDERS.

Alternative A: No Project No Build

Alternative B: No Public Parking

Alternative C: On-site Affordable Housing

Alternative D: Existing North Village Specific Plan Build-Out Condominium Only

EIR CONCLUSIONS. Alternative D would be the Environmentally Superior Alternative.

EIR MITIGATION. Not applicable.

OUR COMMENT. Alternatives to the Proposed Project (Alts To) are required under CEQA to be developed to reduce the significant environmental impacts resulting from the project. Alternative analysis is based on two key factors:

1. The DEIR must have produced a thorough and impartial analysis of impacts, using reasonable thresholds of significance, in order to have properly identified all possible potentially significant impacts. Since the Alts To are developed to avoid or significantly reduce the identified significant impacts, they will only be developed if a correct base of significant impacts is provided.

2. Alternatives must be developed which specifically address the significant impacts. Typical straw alternatives only mock the CEQA requirements.

Response to Comment B13-143

The commenters do not address the adequacy of the Draft EIR, nor do the commenters raise a new environmental issue; therefore, no further response is required. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-144

OUR ANALYSIS. As we have argued numerous times in this response, the DEIR has either ignored a significant impact entirely, has used a flawed argument to disregard a significant impact, or has used an unreasonable threshold of significance to minimize the impact. Rather than repeating that impact analysis here, we will review the alternatives proposed in the DEIR with regard to our impact analysis.

Alternative A: No Project No Build. Required by CEQA.

Alternative B: No Public Parking. Putting forward this alternative is puzzling. There is no discussion in the DEIR as to why this alternative was even developed in the first place. The DEIR states that this alternative would slightly reduce the height of development on Site 3. However, height of Site 3 is not brought up in the DEIR as an issue with any resulting significant impacts. Even the obvious height issue, Public Views of Scenic Vistas (AES-1), would not benefit from this alternative. The DEIR on AES-1 indicates View 6 and View 8 result in significant impacts. However, Site 3 is not visible from View 6, and a slight reduction to height of Site 3 will not aid in the view improvement from View 8 (unless an alternative was considered which increased setback from 12' proposed to approximately 36', or reduced the building height by 2 or more storys [*sic*]). The small reduction in Air Quality impact achieved by having no public parking is not reason to develop such an alternative. The significant impacts identified in the DEIR are construction related air quality, and a reduction in public parking would have little impact in improving air quality. The DEIR analysis says that due to fewer trips generated, this Alternative B would lessen overall traffic impacts. However, since Traffic and Circulation are not listed as a significant impact, Alternative B should not have been developed as mitigation.

Therefore, Alternative B is a straw alternative, generated with no regard to minimizing significant impacts. We can only assume that Alternative B was generated as a pat on the proponent's own back for including public parking in the project. One must wonder if suggesting removal of public parking as an alternative could be construed as a warning to the Town, that if you don't like our Project as proposed, we may consider removing public parking from an area where the Town desperately needs it. Considering that our analysis suggests that the project suggests significantly less parking than required under the NVSP makes consideration of this alternative even less appropriate.

Alternative C: On-Site Affordable Housing Alternative

As with Alternative B, the DEIR does not discuss why this alternative was developed. We cannot see any of the potentially significant project impacts, as listed on page VI-1, which would have even the slightest chance of being reduced with Alternative C. The DEIR includes, “This would eliminate the need to find an off-site location and would ensure that the Project’s affordable housing obligation would be met in a timely manner”, in the description. But even this does not explain why this alternative was developed. Finding an off-site location for housing is not identified in the DEIR as a significant impact, or for that matter even identified as an issue. The same applies for the timeliness comment.

This is again a straw alternative. Is including affordable housing on-site at the Town’s flagship tourist location intended to be a warning to the Town (or the general public) that if you don’t like our Project as proposed, we may go ahead and displace TOT (transient occupancy tax) generating units with affordable housing?

Alternative D: Existing North Village Specific Plan Build-out Condominium Only Alternative

Again, the DEIR does not discuss why this alternative was developed. While conformity with the NVSP would be an obvious reason, the DEIR refuses to acknowledge any significant impacts as a result of the non-conformity. Because alternatives are required to be developed to reduce or eliminate significant impacts, the DEIR needs to have first identified the significant impact. Also perplexing, is the fact that if an alternative [sic] was created to be consistent with an existing Specific Plan, one would assume the alternative would adhere to the Specific Plan land uses.

Specifically, why would Alternative D consider condominiums only? Site 1 is zoned RG which allows hotels, resort condominiums, inns, restaurants (both within or separate from a hotel), bars and night clubs in a hotel, accessory commercial uses within a hotel, services, etc. Sites 2 and Site 3 are designated SL in the NVSP. Under the SL designation, hotels, resort condominiums and inns are allowed, as well as restaurants, bars, night clubs and accessory commercial uses within a hotel. So why are only condominiums (and affordable housing rooms) considered?

Why are the varied land uses supported in the NVSP not included in an alternative? Why is Alternative D even developed when the DEIR states, ‘Development under Alternative D would not include any retail or commercial land uses and as such would be inconsistent with General Plan and Specific Plan policies that encourage restaurants, retail, entertainment, lodging and other visitor support services.’?

As per the DEIR, this Alternative is set up to be inconsistent with existing plans, has been developed to fail, and is yet another straw alternative

It is our contention that the proponent has offered no reasonable Alternatives to the Proposed Project and has therefore produced a seriously flawed DEIR.

Response to Comment B13-144

This comment expresses an opinion regarding the Alternatives analysis presented in Section VI, Alternatives to the Proposed Project, in the Draft EIR.

As noted in Section VI, Alternatives to the Proposed Project, of the Draft EIR the alternatives analysis was prepared in compliance with Section 15126.6(b) of the State *CEQA Guidelines*, which states: “Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.”

As set forth in Section VI, Alternatives to the Proposed Project, of the Draft EIR, four alternatives were identified by the Town to be a reasonable range of potentially feasible alternatives that would foster informed decision-making and public participation. CEQA does not preclude the inclusion of alternatives that show alternative designs to the proposed Project. The alternatives analysis was presented as a comparative analysis to the proposed Project. Differences between the alternatives included changes to the site plan, number of the residential units, density, building height and setbacks, and the amount of affordable housing. A thorough description of each of the alternatives is provided in Section VI, Alternatives to the Proposed Project, of the Draft EIR. The alternatives that were analyzed in comparison to the proposed Project include:

Alternative A: No Project No Build

Alternative B: No Public Parking

Alternative C: On-site Affordable Housing

Alternative D: Existing North Village Specific Plan Build-Out Condominium Only

Of the four alternatives presented in Section VI, Alternatives to the Proposed Project, of the Draft EIR, two were determined to be consistent with the existing *North Village Specific Plan*: 1) Alternative A, No Project No Build and 2) Alternative D, Existing North Village Specific Plan Build-Out Condominium Only. The existing Specific Plan does not restrict development to one type, but rather allows for a range of development scenarios.

In response to comments on the Draft EIR which requested a greater range of potentially feasible alternatives be provided in order to foster informed decision making and public participation, two additional alternatives have been prepared: 1) Alternative E, Reduced Density: 65 RPA and 2) Alternative F, Reduced Density, 48 RPA. See Topical Response 4, Alternatives.

Table VI-2, Alternatives Impact Analysis, summarizes the comparative impacts of each of the alternatives when compared to the Project. As noted on this table Alternatives A, B, and D would reduce the height of the Project therefore reducing the Project's significant impacts of public views of scenic vistas, including the public views of the scenic Mammoth Knolls. Alternatives A, B and D would also result in less construction and would reduce Project's significant construction noise and air quality impacts related to respirable particulate matter ("PM₁₀"). Section IV.C, Air Quality, of the Draft EIR notes that PM₁₀ is classified as non-attainment, any PM₁₀ emissions will contribute substantially to an existing air quality violation; therefore, no alternative would fully reduce this impact. Similar to significant air quality impacts, Alternatives A and D would reduce the Project's significant cumulative impacts to water supply. However, similar to air quality standards in the Town, the water supply at Town build-out without the Project would be insufficient in single and multiple dry years; therefore, no alternative would fully reduce this impact.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-145

We request that real, defensible alternatives be developed. Considered alternatives may include:

1. Existing NVSP with mixed land-uses. This alternative should be consistent with the General Plan and the NVSP, and have the varied land uses which provide for a vibrant North Village. Building heights, mass, and set-backs should comply with the NVSP. We have argued all through are response that the height, density, and reduced set-backs of the Project create significant impacts. This alternative would be developed to directly address those impacts.

Response to Comment B13-145

See Response to Comment B13-144 and Topical Response 4, Alternatives.

Comment B13-146

2. Reallocation of density to Sites 2 and 3. We have argued throughout this response that the development of Site 1 is inconsistent with the neighboring Fireside condominiums. We have said that significant impacts should have been documented in the DEIR under AES-3 (Visual Character and Design), AES-4 (Light and Glare), AES-5 (Shading/Shadows), AES-6 (Temporary Construction), and AES-7 (Cumulative Impacts) in the Aesthetics section alone. An alternative to reduce these types of impacts should be developed that greatly lowers the density and height of the buildings on Site-1, and transfers it to Sites 2 and 3. A lesser development on Site 1 will allow flexibility to design buildings which better complement neighboring land uses (General Plan Policy C.2.V). It should be noted that as proposed, the density on Site 1 would need to increase

229% above existing Specific Plan maximum allowable. Sites 2 and 3 are much lower. An alternative should be considered which does not introduce such a disparate split.

Response to Comment B13-146

The commenters suggest speculative environmental impacts as a result of Project development, yet offer no substantial evidence to support their finding. The Project's significant impacts, associated mitigation measures and level of significance after mitigation are summarized in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, on page I-5 of the Draft EIR. See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR and Topical Response 2, Project Description.

The commenters are referring to the density specific Site 1 of the proposed Project. As discussed in Section III, Project Description, on page III-10 of the Draft EIR, the current density allowed on Site 1 under the existing *North Village Specific Plan* is 48 Rooms Per Acre (RPA) and the Project is proposing 110 RPA. This represents a 62 RPA increase, which is equivalent to a 129 percent increase over what is currently approved. See Topical Response 2, Project Description.

See Topical Response 2, Project Description and Topical Response 4, Alternatives.

Comment B13-147

3. Increase setbacks and introduce step back building forms into designs. This alternative should be developed to minimize the visual impacts on Major View Corridors and Vistas. See our analysis of AES-1 (Public Views of Scenic Vista); as well as AES-5 (Shading/Shadows).

Response to Comment B13-147

The commenters suggest speculative environmental impacts as a result of Project development, yet offer no substantial evidence to support their finding. See Response to Comments B13-144, -145, -146 and Topical Response 4, Alternatives.

Comment B13-148

4. Construct a pedestrian bridge over Lake Mary Road. Our analysis of pedestrian movements in TRANS-5 (Bicycle and Pedestrian Facilities) reveals a pedestrian LOS of F, and therefore, introduces a significant impact. Add to this, pedestrian safety issues, and LOS impacts to traffic when winter driving conditions are considered in TRANS-2 (Cumulative Plus Project Intersection LOS); as well as road safety issues in AES-5 (Shading/Shadows), and an alternative which separates pedestrians from traffic would be justified.

Response to Comment B13-148

The commenters suggest speculative environmental impacts as a result of Project development, yet offer no substantial evidence to support their finding. Additionally, the inclusion of a pedestrian bridge would potentially worsen views of the scenic Mammoth Knolls. See Response to Comments B13-56, -97 and -106, and see Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-149

5. Realign Minaret Rd. to the east side of the North Village. This alternative should be considered to address the same significant impacts as 4 above.

Response to Comment B13-149

The commenters suggest speculative environmental impacts as a result of Project development, yet offer no substantial evidence to support their finding. See Response to Comments B13-56, -97 and -106, and see Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-150

6. Reconstruct Lake Mary Road as a narrower cross-section. This alternative should be developed to address the significant impacts in our analysis of TRANS-5 (Bicycle and Pedestrian Facilities), in order to improve the LOS for pedestrians and help to not compromise the North Village as a walkable district.

Response to Comment B13-150

The commenters suggest speculative environmental impacts as a result of Project development, yet offer no substantial evidence to support their finding. See Response to Comments B13-56, -97 and -106, and see Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B13-151

Again, it is our contention that the proponent has offered no reasonable Alternatives to the Proposed Project which has resulted in a seriously flawed DEIR.

Response to Comment B13-151

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the

Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Topical Response 4, Alternatives.

RESPONSE TO COMMENT LETTER B14

Annette and Joseph Oltmans

Comment B14-1

We are Annette and Joseph Oltmans located at 192 Emerald Bay, Laguna Beach, California 92651. Our phone number in Orange County is 949-376-7132. The office number at Oltmans Construction Company is 562-948-4242. We own unit 307 at Fireside at the Village (Mammoth Fireside), which is adjacent to Site 1 of the Mammoth Crossings [*sic*] project. We use the unit as a vacation home and also rent it out when we are not there. We estimate we use it around 20 days per year and rent it out around 340 days per year. We rent our unit in a long term lease.

We support development of the project area, but with a development that is compatible with surrounding uses and consistent with General Plan and existing North Village Specific Plan. We are quite concerned about how the Town is proceeding with what we view to be significant breaches with the General Plan and North Village Specific Plan. Significant development projects such as what has been proposed at Mammoth Crossings [*sic*], will have potentially devastating effects on the Town's character, traffic, village access as well as the well-being of its residents in general, and residents at Fireside in particular.

Response to Comment B14-1

This comment contains general information on the commenters themselves and expresses an opinion about the Draft EIR and introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is virtually identical to the comments provided in Comment Letter B4. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Topical Response 2, Project Description.

This comment has been previously addressed. See Response to Comment B4-1.

Comment B14-2

We believe that the Draft Environmental Impact Report (DEIR) prepared for Mammoth Crossing project, does not comply with state law. It does not accurately describe the project and fails to adequately analyze and mitigate the impacts caused by the project. To mention just a few, and perhaps most overtly, the DEIR acknowledges that the project will result in significant environmental harm, especially to neighboring residents, such as Fireside, but fails to consider or even to propose feasible mitigation measures that would reduce the impacts caused by the project. How do you justify proceeding with the

Mammoth Crossing project without submitting significant mitigation proposals to accommodate adjacent properties and all those adversely effected [*sic*] in the town in general?

Response to Comment B14-2

With respect to the portion of the comment stating that the Draft EIR does not take into consideration the impact the proposed development would have on the Fireside Condominiums, pursuant to CEQA requirements the Draft EIR considers adjacent land uses to the proposed Project. The Draft EIR analyzes impacts to sensitive receptors, nearby residents, or residential land uses located adjacent to the Project site, which includes the Fireside Condominiums.

The Project's significant impacts, associated mitigation measures and level of significance after mitigation are summarized in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, on page I-5 of the Draft EIR. See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR. This comment is virtually identical to the comments provided in Comment Letter B4. See Response to Comment B4-1.

Comment B14-3

Mammoth Crossings [*sic*] will increase density significantly in the Village. How do you justify the substantial disproportionate [*sic*] allowances being offered to this one project when there are other locations not yet developed in the Village? Why would you force or favor this density increase in such a condensed location causing the natural bottlenecks in street traffic, pedestrian traffic, pollution, noise etc.? Is this one project any indication that the TOML have non disclosed intentions to increase density even more for the Village in the future? Is the TOML intending to phase in additional increases in density project by project or are you offering significant favoritism [*sic*] to this one project? Explain why you answer yes or no to each part of these previous questions.

Response to Comment B14-3

This comment requests responses to a series of questions regarding the proposed Project. While the questions contained in this comment make inferences about the Project, the commenters do not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Response to Comments B14-1 and B14-2.

Comment B14-4

In the DEIR page IV.B=14.[sic] it states "The usable outdoor spaces associated with the nearby residences (e.g., yards, balconies, etc.) are routinely used in the summer months; however, these outdoor spaces are rarely used in the winter months" [sic] This is not true. We use our balcony to experience direct sunlight and bring in fresh air other than on snowy or wind filled days. In addition, Fireside Condominiums have an out door [sic] patio in front of the pool building which will be shadowed in the winter by the Mammoth Crossing building. This pool area is used by residents and guests to relax after using the sauna or jacuzzi [sic].. Why would you consider approving a project which totally eliminates light and direct sun in a valued recreational area to an already existing project? Why would you approve of a plan that would be responsible for creating slippery ice on our entire pool area? Why was not the shading of this outdoor space considered in the DEIR? How do you justify the significant impact darkness will have on our complex, the severe drop in temperature it will cause, the snow build up, black ice and blocked areas due to the inability for the sun to melt our snow? How do you propose to mitigate these issues?

Response to Comment B14-4

The shading impacts to the sensitive land uses to the north of Project Site 1, including Fireside Condominiums, were considered in the Shading/Shadow analysis presented in the Draft EIR on page IV.B-25 and as illustrated on Figure IV.B-25, Winter Solstice Shading 9:00 a.m., 12:00 p.m., 5 p.m. Pacific Standard Time, in Section IV.B, Aesthetics. This comment is virtually identical to the comments provided in Comment Letter B4. See Topical Response 5, Shading/Shadows, and Response to Comment B4-2.

Comment B14-5

There is also a walkway close to the property line along the northern border of site 1 that will be shaded all winter, resulting in increased costs to Fireside for snow removal and a potential hazard to pedestrians due to ice formation. Why was this walkway not considered in the DEIR analysis? How do you justify a minimal set back which removes all sun, creates roof top snow fall onto our property, and the impact of ice on a heavily traffic walk way? The height of the buildings and the small setback will cause a great increase in the winter snow pack on the southern side of our buildings which might cause damage to our buildings, safety issues, and increased snow removal costs on our walkways as there is no current vehicular access to the south side of our buildings facing Site 1, making snow removal difficult. Currently this area is wide open to the winter sun and snow removal is not a problem. Why was this walkway and these specific issues not analyzed in the DEIR? How do you propose to mitigate these issues?

Response to Comment B14-5

This comment is virtually identical to the comments provided in Comment Letter B4. See Topical Response 5, Shading/Shadows, and Response to Comments B4-3 and B4-4.

Comment B14-6

In the DEIR section IV.B Aesthetics, with regards to "Public Views of Scenic Vistas", a view (number 4) was done looking South on Canyon Boulevard, but there was no similar view taken looking South from Minaret from a similar point about 100 yards up Minaret from the Main street/Minaret intersection. All the views from that part of Minaret were taken from farther up the street, where the Mammoth Crossing buildings were not visible. We believe there is an obstruction of the public view from that part of Minaret. Why was there no view taken from this position and analyzed as part of the DEIR? We believe that not every view angle can be preserved but why do you not make allowances for ANY view corridor from our Fireside location? Even the highest of elevations in our view corridor have been eliminated. Why would you not offer an even bottom of the barrel compromise to our buildings which have been in place for three decades? View equity has prevailed in California court of late [*sic*]. Why do you not place any value on Fireside's view equity?

Response to Comment B14-6

In response to this comment and other similar comments four additional viewpoints were analyzed and found to have less than significant impacts to public views of scenic vistas. This comment is virtually identical to the comments provided in Comment Letter B4. See Topical Response 3, View Analysis.

Comment B14-7

The parking for Mammoth Crossings [*sic*] seems to be significantly inadequate. Do you plan to add obtrusive parking structures and or stalls to accommodate the increase in density? If so where do you plan to place this parking? If not, where do you propose people will be directed to park and how will that impact the Mammoth Lakes area in general and village specifically? How do you plan to mitigate the overwhelming vehicular and pedestrian traffic this will create on this busy corner and more specifically on our Fireside property?

Response to Comment B14-7

Parking for the proposed Mammoth Crossing Project is described in Section IV.M, Traffic and Circulation, of the Draft EIR. Parking for the Project was calculated pursuant to the parking code provided in the *North Village Specific Plan*, including calculation of commercial/restaurant/retail uses. As shown in Table IV.M-5, Parking Requirements, on page IV.M-18, parking would be provided in excess of Specific Plan requirements. While no public parking is required for the Project, the Project would provide 100 public parking spaces on Site 3. The provision of public parking on Site 3 would

provide 100 more parking spaces than what is required under the Specific Plan. On page IV.M-30, the impact analysis for parking (Impact TRANS-4) identifies the Project's impacts to be less than significant.

See Response to Comment B13-52.

Comment B14-8

We request that the project be redesigned to avoid environmental impacts and interference with the use and enjoyment of existing homeowner property, and that the DEIR be revised and recirculated. The DEIR should consider alternatives to the proposed project, such as a project design that is consistent with the existing North Village Specific Plan.

Thank you for your consideration. We look forward to receiving answers to our questions.

Response to Comment B14-8

This comment contains closing language for this comment letter, as well as a request to revise and recirculate the Draft EIR, which has been previously addressed. This comment is virtually identical to the comments contained in Comment B4-6. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Topical Response 4, Alternatives.

RESPONSE TO COMMENT LETTER B15

C.E. Mammoth, LLC and Styx Partners, L.P.

Comment B15-1

We are submitting these comments in the above-referenced matter on behalf of C.E. Mammoth, LLC, c/o Cypress Equities ("Cypress"), the owner of real property located near the Mammoth Crossing Project ("Project"), and Styx Partners, L.P. ("Styx"), the lender and holder of security interests in real property in the vicinity of the Project. We have reviewed the draft Environmental Impact Report ("DEIR"), SCH # 2007112002, dated August 1, 2008, with respect to the Project and appreciate the opportunity to comment on the DEIR and work together with the Town of Mammoth Lakes ("Mammoth" or "Town") to ensure that the development is successful, both for the Project and for Mammoth.

Response to Comment B15-1

This comment confirms the commenter has reviewed the Draft EIR and introduces ensuing comments. No response is required.

Comment B15-2

The scope of the Project, as it is currently designed, does not follow the development plans that have been established to preserve the use and enjoyment of the Town. The Project would require amendments to these plans for its completion, and the DEIR addresses in part the results of such amendments. We believe that the DEIR should also consider the consequences of this change to the development plans for Mammoth. While such changes are not necessarily a legal precedent for other developments, it is likely, if the Project is approved, that other property owners would seek the same types of amendments or benefits. The DEIR therefore raises a basic question of whether the Project can be considered as a single project, or whether it sets a larger precedent. The question in the balance is the degree to which the Project, and similar developments, will – collectively – change the character of Mammoth as a whole, and the North Village itself.

Considering only the Project for the moment, it has the potential to downgrade the local environment, by allowing taller structures and greater population densities. The long-term impacts created by this Project include visual impacts, increased traffic volume, and increased noise. These impacts could significantly alter the character, use, and enjoyment of the neighborhood within which the Project is located, and when combined with similar developments, could materially change the atmosphere of this small mountain town. Fundamentally, the Project is out of character with past and pending project approvals, and requires amendments to the General Plan and Specific Plan applicable to the Project. The Project would cause a complete restructuring of the land use criteria for the entire area surrounding the Project, and areas beyond that. The DEIR does not address the change in character that would need to result if later developments are afforded the same latitude as the Project. If there are benefits associated with these changes, they are not adequately presented or balanced against the impacts in the DIER discussion.

Response to Comment B15-2

The commenter correctly identifies the Project includes a series of amendments to the Specific Plan as originally adopted in 2000 and amended in 2008, as well as amendments to the *Town of Mammoth Lakes General Plan* (“General Plan”), which would be required to accommodate the Project’s proposed land uses. This is identified in Section III, Project Description, of the Draft EIR, on page III-1. Also, identified on page III-1, the Project being considered in the Draft EIR is conceptual and represents what could be developed once the proposed amendments have been approved and adopted by the Town. See Topical Response 2, Project Description.

The Project’s land use compatibility and consistency with the Town’s General Plan and North Village Specific Plan policies are discussed in detail in Section IV.B, Aesthetics, and Section IV.I, Land Use and Planning, in the Draft EIR. To speculate what other developers would request from the Town with regards to their projects is outside the scope of this Draft EIR. The commenter is referred to Section V, General Impact Categories, of the Draft EIR for a discussion growth inducing impacts associated with the Project. As set forth on page V-4 and V-5, the requested amendments necessary to approve the proposed

Project is not a precedent-setting action that could lead to growth, given that such actions occur often and are a regular aspect of the planning process for towns and counties. The degree to which the requested discretionary action associated with the Project would encourage or facilitate other amendments to the General Plan and Specific Plan for areas in the vicinity of the Project site to allow uses that are not consistent with the existing land use designations and zoning cannot be estimated at this time. If in the future such actions were requested, the Town would review those requests on a case-by-case basis to determine the appropriateness of the actions and whether the actions would lead to any significant environmental impacts, as is currently being done for the Project. To allow changes to the land use designation and zoning of any property within the Town is solely at the discretion of the Town decision-makers and is exclusive of the Project.

The commenter is directed to read Section IV, Environmental Impact Analysis (IV.A through IV.N), of the Draft EIR, where the environmental impacts for both construction and operation of the proposed Project have been analyzed for each of the areas the commenter mentions above (i.e., aesthetics, land use and planning, noise, population and housing, public services, and traffic and circulation)

Comment B15-3

Visual and Aesthetic Impacts

Mammoth is a recreation resort community that is known and visited due to its valuable visual resources and small mountain town atmosphere. Mammoth has shown its support for the preservation of these visual resources and character by instituting the Town of Mammoth Lakes General Plan 2007 (“General Plan”), the North Village Specific Plan (“NVSP”), the Town of Mammoth Lakes Municipal Code (“Municipal Code”), and the Town of Mammoth Lakes Design Guidelines (“Design Guidelines”). Each of these plans, guidelines and codes (the “Plans and Guidelines”) has consistently followed a principle of preservation and controlled growth consistent with the character of the Town.

Response to Comment B15-3

This comment identifies the *Town of Mammoth Lakes General Plan 2007*, the *North Village Specific Plan*, the *Town of Mammoth Lakes Municipal Code*, and the *Town of Mammoth Lakes Design Guidelines* but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No response is required. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B15-4

General Plan

The General Plan promotes Mammoth’s beautiful natural setting as one of the major attractions to residents and visitors, and encourages careful development to preserve the small town charm and

interaction with the natural environment. Specifically, the General Plan encourages the retention of major landscape characteristics and unique natural features, and identifies major view corridors and vistas. Limiting building heights and densities is a key component of the Plans and Guidelines, and the primary means of mitigating the effects of development on these key characteristics.

Simulations of visual impacts show that the views from Lake Mary Road looking east, and Minaret Road looking north would be significantly obstructed. The simulations also showed that other views would be affected, notably the view on Canyon Boulevard looking south, Main Street looking west, and the lake [sic] Mary Road looking northeast. These impacts are significant enough on their own, but they also open the door to significant new construction and set a precedent for future construction. The views are some of the most prized elements of life in Mammoth.

Furthermore, the view simulations do not convey the most significant impacts because they are limited to roadways, where visual impacts are already significant. But the visual impacts extend well beyond the narrow corridors examined in the DEIR. The visual impacts – particularly the impairment of view corridors and vistas – would primarily be incurred by residents and existing businesses whose residential and commercial views were carefully chosen. These existing developments were generally constructed in conformity with the Plans and Guidelines, in consideration of the Town's character.

The Project therefore requires that the General Plan be amended to allow for the obstruction of some of these major view corridors and vistas. The benefits accrue entirely to the Project and its future residents and visitors. The costs, in terms of obstructed views and degraded visual aesthetics, are borne primarily – if not exclusively – by the existing owners and residents who were previously required to comply with building height and other limitations designed to prevent exactly these types of impacts. No mitigation measures, short of restricting certain building heights and setbacks, i.e. adherence to the General Plan, are available to minimize these effects to achieve the goals embodied in the General Plan.

Response to Comment B15-4

As noted in Section IV.B, Aesthetics, of the Draft EIR in the area surrounding the Project site, the existing viewsheds are defined primarily by major view corridors and vistas (refer to Figure IV.B-1, Major View Corridors and Vistas, and Figure IV.B-2, Vistas and Landmarks) as well as the nearby roadways (e.g., Lake Mary Road, Main Street and Minaret Road). The major view corridors and vistas that could be potentially affected by the development of the Project as well as other viewpoints of interest are identified above and discussed in detail below. The locations of these viewpoints are depicted in Figure II-1, Viewpoint Location Map, of this Final EIR. Public views are those which can be seen from vantage points that are publicly accessible, such as those from streets, freeways, parks and vista points. These views are generally available to a greater number of persons than are private views. As identified in Figure IV.B-1 and IV.B-2, the Town has identified public view and public view corridors that visually connect community to surroundings (General Plan Policy C.2.W). Private views are those which can be

seen from vantage points located on private property. Private views are not considered to be impacted when interrupted by land uses on adjacent blocks.

See Topical Response 3, Views Analysis.

Comment B15-5

North Village Specific Plan

The NVSP establishes architectural and landscaping guidelines to strengthen the North Village's image as a resort activity node in Mammoth and encourages the preservation of views, in support of the Town's overall goal and consistent with the goals of the General Plan. The NVSP contains development and design standards describing density, site coverage, building area and heights, building setbacks, and other building design specifications.

Because the Project is inconsistent with these goals, it would require amendments to the NVSP to accommodate the Project's proposed land uses. The amendments that are being requested seek increased building heights, increased density, and reduced setback distances. Not only do these types of changes adversely affect the community in the case of this individual Project, but they open the door to any number of subsequent developments in which the same issues will be presented. The likely cumulative impacts of this development and future developments weigh heavily against granting these amendments.

Response to Comment B15-5

As noted previously in Response to Comment B15-2, the Project's land use compatibility and consistency with the Town's General Plan and North Village Specific Plan policies are discussed in detail in Section IV.B, Aesthetics, and Section IV.I, Land Use and Planning, in the Draft EIR. While the Project includes a series of amendments to the Specific Plan as originally adopted in 2000 and amended in 2008, as well as amendments to the General Plan, which would be required to accommodate the Project's proposed land uses, it meets the overall intent of the Specific Plan by creating a developed "Town Visitor Core" by redeveloping the underdeveloped parcels within the Specific Plan area and to completing development of the North Village.

To speculate what other developers would request from the Town with regards to their projects is outside the scope of this Draft EIR. See Response to Comment B15-2 and Topical Response 2, Project Description.

Comment B15-6***Municipal Code***

The Municipal Code acknowledges that much of the Town's economy is based on tourism. To encourage and support tourism, the Municipal Code focuses on lighting, signage, and transportation safety.

Travel in Mammoth will be affected by areas of increased shading since it promotes the increased and rapid icing of public and private walkways. Whether such shading is significant depends on (i) whether shadow-sensitive uses are in the shade for significant amounts of time, and/or (ii) whether a project would require an exception to the policies and regulations in the area's general plan, planning code, or uniform building code. As mentioned above, height and setback amendments to the NVSP are being requested as part of the Project, which will result in increased shading on neighboring roads, sidewalks, and properties.

The shadow simulations show that, during the winter solstice, shadows would be cast onto portions of Lake Mary Road, Main Street, and Minaret Street for more than three hours, exceeding the standard set forth in the DEIR. The consequences of this shading were found to be significant since shading results in dangerous travel conditions on roads and sidewalks and affects the use of nearby residences (such as yards and balconies). The resulting snow plowing and cinderling plan will help to mitigate these effects on the public roadways and sidewalks, but does not apply to the neighboring private properties which would likely also experience increased icing and related hazards. There is no mitigation planned or really available for the effect of the shading on the nearby residences. Adherence to the Municipal Code would help to alleviate these safety problems and the burden on use for the adjoining areas.

Response to Comment B15-6

The commenter correctly identifies that while a portion of Minaret Road north of the Main Street-Lake Mary Road/Minaret Road intersection would be shaded in the winter months, thus potentially fostering hazardous conditions associated with black ice, Mitigation Measure AES-5 Shading/Shadows on page I-5 in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, and as identified on page IV.B-54 and IV.B-55 in Section IV.B, Aesthetics, of the Draft EIR is required to reduce the significant impacts associated with black ice as a result of development of the Project.

While the Project would shade a section of the sidewalk that is north of Site 1, as noted in Section IV.L, Public Services, of the Draft EIR, on page IV.L-21, roadway maintenance and snow removal on private roads and private property is the responsibility of the land owners. The commenter speculates that adherence to the Municipal Code would help to alleviate hazards associated with black ice on adjacent properties. See Topical Response 5, Shading/Shadows.

Comment B15-7**Design Guidelines**

The Design Guidelines are provided to review development projects to ensure an environmentally sensitive design that preserves this attractive community. This includes the maintenance of important views and vistas and the natural beauty of the area. The site design is supported to integrate the relationship between the site's topography, existing vegetation, other natural features, adjacent properties, views, solar access, and the proposed uses. The Project does not meet these guidelines since it blocks some of the area's prominent views and causes excessive shading.

The DEIR found that the Project was either consistent or generally consistent with the plans and code addressed above. This determination conflicts with those impacts to be significant that are not mitigated, such as blocked vistas and the excessive shading. The DEIR treats these effects as unavoidable in connection with the proposed development. But clearly these impacts are avoidable, since adherence to the pre-established height and setback limitations would minimize the Project's negative effects.

Response to Comment B15-7

As required by CEQA and *CEQA Guidelines* Section 15126.4, the Draft EIR also proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact. *CEQA Guidelines* Section 15370 defines "mitigation" as including: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of an action and its implementation; (3) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (5) compensating for the impact by replacing or providing substitute resources or environments. While, by definition, mitigation may require that changes be made to the project proposed by an applicant for purposes of minimizing environmental impacts, the Draft EIR's proposed mitigation measures do not alter the description of the Project contained in Section III, Project Description, of the Draft EIR or the actual Project analyzed. Rather, the purpose of the Draft EIR is to fully disclose the environmental impacts of the Project as proposed.

See Topical Response 2, Project Description.

Comment B15-8**Noise**

Construction activities associated with the Project have the potential to cause noise that would result in a significant impact to existing and future off-site receptors for the twelve year period during which the Project is being completed.

Response to Comment B15-8

The commenter incorrectly identifies the total construction period as 12 years. Twelve years is a speculative period of time and possibly assumes the Project would begin construction in 2008, which did not occur.

In Section IV.J, Noise, of the Draft EIR, on pages IV.J-16 through IV.J-21, a complete analysis of construction-related noise and vibration impacts upon existing sensitive receptors is provided. In addition, pursuant to Section 15125 of the *CEQA Guidelines*, “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of publication is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical condition by which a Lead Agency determines whether an impact is significant.” Therefore, any future possible sensitive receptors are not included in the existing sensitive receptor inventory and therefore are not required to be analyzed.

Comment B15-9

In addition, once the Project is completed, there will be an increase in noise due to an increase in vehicular traffic on the surrounding roadways and the canyon effect of tall new structures on both sides of busy roadways. Implementation of the Project is expected to increase local noise levels off-site by up to four dBA.

Though this increase does not exceed the 5.0 dBA standard set forth in the DEIR, the increase in noise measurements reflects a logarithmic scale, in which even a 3.0 dBA increase is not only noticeable, but significant. In addition, the increase of the Project alone does not accurately reflect the actually likely impact. The cumulative impact taking into account existing and planned developments could exceed the 5.0 dBA threshold. The DEIR does not address this concern, even though it analyzes the cumulative effect of Mammoth’s foreseeable development (approximately 40 projects) on ambient noise during their construction periods. The important effect is not the temporary construction impact, but the long-term permanent impact of noise increases, a factor that does not seem to have been included in the review or conclusion.

Response to Comment B15-9

In Section IV.J, Noise, of the Draft EIR, the cumulative baseline and cumulative plus Project ambient noise levels are presented in Table IV.J-13, Cumulative Roadway Noise Levels, on page IV.J-27. This task was accomplished using the Federal Highway Administration Highway Noise Prediction Model (“FHWA-RD-77-108”) and traffic volumes from the Project traffic analysis (included as Appendix H, Noise Data, of the Draft EIR). The noise model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The

average vehicle noise rates (energy rates) utilized in the FHWA Model have been modified to reflect average vehicle noise rates identified for the state of California by Caltrans. As shown in Table IV.J-13, cumulative development would increase local noise levels by a maximum of 2.1 dBA L_{dn} at the segment of Minaret Road, south of Meridian Boulevard. Because the increase in local noise levels along roadway segments resulting from implementation of the Project would not exceed the established thresholds of significance, this would not represent a substantial permanent increase in ambient noise levels. Therefore, this impact would be considered less than significant and no mitigation measures are required.

Comment B15-10

As mentioned previously, the Project, if built as planned, will require that the NVSP be amended to allow for increased density. If the Project adheres to the previously established NVSP density levels, it would generate a lower volume of traffic associated with the Project, which will in turn reduce the noise impact of the Project.

Response to Comment B15-10

This comment is a general comment in regards to Project design and the Specific Plan, and includes speculation on traffic levels, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B15-11

Traffic

Higher traffic volumes resulting from the Project will have other consequences.

Under current conditions, taking into consideration only those projects that have been approved (to forecast background traffic conditions), there are multiple intersections that are expected to result in unacceptable traffic delays. Mitigation measures have been considered for all those areas and are expected to restore an acceptable traffic flow. These improvements, including additional traffic signals and the installation of roundabouts, are all speculative at this point.

When considering the addition of this Project only to the existing traffic patterns, there are multiple intersections which are deficient and would operate at unacceptable traffic levels. Again, it is expected that Mammoth will be installing a traffic signal at at [sic] least one of these intersections to alleviate the burden on traffic caused by the Project.

Finally, the study reviewed the cumulative effects of the approved projects with that of this proposed Project. Mitigation measures were again necessary to allow for an acceptable flow of traffic.

This methodology does not consider or provide for the long-term development of the Mammoth area since it only considered quick-fix mitigation measures for the cumulative effects of currently approved projects and this Project. It does not consider or allow for the careful planning of future projects that have not yet been approved, but which may be necessary. The excessive density imposed by the Project may strain the traffic patterns excessively so that the Mammoth area is not able to support it and develop to meet future requirements.

Response to Comment B15-11

This comment is in reference to Section IV.M, Traffic and Circulation, of the Draft EIR, which analyzes potential impacts of the proposed Project on the Town's traffic and circulation. The comment correctly reiterates information provided within Section IV.M. Additionally, the comment expresses an opinion regarding mitigation measures proposed within the Draft EIR. The Developer Impact Fee ("DIF") program is not a quick-fix mitigation program; it provides specific long-term mitigation measures approved in the General Plan. See Response to Comment A3-17 regarding the DIF program.

Comment B15-12

Other

There are, no doubt, other impacts upon the local environment and the future development of Mammoth that result from the Project and its related amendment of the Plans and Guidelines. These could include impacts upon schools, impacts upon local wildlife, impacts due to increased demand on utilities and increased generation of wastewater, additional impervious areas that generate more rapid runoff of stormwater, and deviations from the prevailing aesthetic designs that characterize the quaint Mammoth community. While we have not been able to review all of the background information and reports in the record for this proceeding to provide specific comments, we believe that there are two fundamental problems with the proposed Project. It requires substantial amendments to building height and density restrictions that were put in place, and the precedent set and cumulative impacts have not been adequately considered and mitigated.

Response to Comment B15-12

Project impacts upon schools, wildlife, utilities, hydrology and aesthetics are analyzed in the Draft EIR in the following sections: Section IV.L, Public Services; Section IV.D, Biological Resources; Section IV.N, Utilities; Section IV.H, Hydrology and Water Quality; and Section IV.B, Aesthetics. Additionally, cumulative impacts are discussed in Section IV, Environmental Impact Analysis (IV.A through IV.N), of the Draft EIR.

Furthermore, this comment expresses the opinion of the commenters of two fundamental problems with the proposed Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B15-13

Discussion

The California Environmental Quality Act (“CEQA”) governs the DEIR process. Under CEQA, the DEIR has two main purposes: (i) to inform the public and decision makers of the consequences of environmental decisions before those decisions are made and (ii) to require public agencies to identify ways that environmental damage can be avoided or significantly reduced by requiring changes in projects through the use of alternatives or mitigation measures. *Woodwork Park Homeowners Assoc. v. City of Fresno, Inc.*, 150 Cal. App. 4th 683, 690-91 (Cal. App. 4th 2007). The environmental impact report should examine all phases of the project including planning, construction, and operation. *CEQA Guidelines*, § 15161. The Town must be able to show that it has proceeded in a manner required by law and that its determination is supported by substantial relevant information. *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184, 1198 (Cal. App. 4th 2004). In addition, the Town must adopt a statement of overriding considerations if it approves a project in spite of significant, unavoidable environmental impacts that cannot be sufficiently mitigated. *Woodward Park Homeowners Assoc., Inc.*, 150 Cal. App. 4th at 717.

As discussed above, we believe that the Project involves relatively significant changes, and that the current DEIR did not adequately review Project-specific and cumulative impacts in a manner required by CEQA. The Project will cause significant impacts by avoiding existing land use restrictions. The Project obstructs major view corridors and vistas by seeking to amend the permissible height, setback distances, and density. By allowing this Project to move forward as currently planned, the natural beauty and small town atmosphere will be negatively impacted by the Project itself, but also by the trend created by the Project.

CEQA requires that projects be considered for the cumulative impacts associated with related development. Under CEQA, “proper cumulative impact analysis is vital.” *Bakersfield Citizens for Local Control*, 124 Cal. App. 4th at 1213-15. The long-term consequences of the development on Mammoth, and of the changes advocated in connection with the Project, are cumulative impacts that should be considered and avoided, if possible. The Project, as designed, may impose an excessively large burden on the traffic and aesthetics of the area, without providing long-term solutions for future projects. But the precedent set by the Project could result in many times the impact that was considered in the DEIR.

Cypress and Styx believe that the Project, like earlier projects and pending projects, should conform to the General Plan, the NVSP, the Municipal Code, and the Design Guidelines, which support the nature and character of Mammoth and allow for the careful, well-planned development of the area.

Response to Comment B15-13

This comment includes a general discussion on the processes of CEQA and opinions of the commenter relating to the adequacy of the Draft EIR and Project design. It is the opinion of the commenter that the Draft EIR did not adequately analyze Project-specific and cumulative impacts in such a way as required under CEQA, but does not elaborate on how the Draft EIR is inadequate under CEQA. Additionally, the comment provides the commenter's opinion that the Project should conform to the Town's General Plan, Specific Plan, Municipal Code and Design Guidelines, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No response is required. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B15-14***Conclusion***

Cypress and Styx are not opposed to planned development of Mammoth. Indeed, as property owners/developers and lenders, respectively, we are interested in maintaining the character of the Town and in contributing to its future. We believe that development can be conducted in a manner that accomplishes the objective of preservation of the Town's character while improving its infrastructure.

Our objections to the DEIR are focused on the lack of analysis of the long-term and cumulative impacts of approving projects that deviate from the Town's established standards. The Project steps outside of these boundaries, and depends upon exceptions to the rules in order to be completed. The DEIR does not fully evaluate the long-term impact, including the precedential impact, of allowing the exception required for the Project. If the Project is approved as proposed, then these changes would essentially represent a decision to amend the Town's plans in a more general way. While those sorts of changes might be acceptable to the Town, the DEIR needs to anticipate such changes and incorporate an analysis of them into the planning and approval of the Project.

Response to Comment B15-14

This comment states the commenter's reasons for opposing the Project; however, this comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures

contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

To speculate what other developers would request from the Town with regards to their projects is outside the scope of this Draft EIR. See Response to Comment B15-2 and Topical Response 2, Project Description.

Comment B15-15

Cypress and Styx look forward to receiving the Town of Mammoth Lakes Community Development Department's responses and resolving the issues noted above. Please contact Mr. R. Steve Black, PE, Robert S. Black, Inc., at (760) 914-2722, with any questions or comments.

Response to Comment B15-15

This comment contains closing language for this comment. No response is required.

RESPONSE TO COMMENT LETTER B16

John Walter, Chair (Advocates for Mammoth)

Comment B16-1

This DEIR should never have been brought to the public for comment and ultimately to the Planning Commission for Certification. It ignores the Town General Plan both in vision and in detail, the North Village Specific Plan and the Town zoning codes. The applicant has the freedom to propose whatever they want for their land but it is the Town that is actually responsible that the EIR adequately present the data that the decision makers will use to make their decisions. The Town has the responsibility to supervise the preparation of the EIR to insure that it represents a true and accurate presentation of the facts. The Town should not circulate a document until it presents a complete and balanced presentation of potential effects of a project. A glaring example of the unbalance in this document is evidenced in Table IV.I-2 which goes on for over 30 pages cherry picking phrases, some apparently out of context, that purport to show that the proposed project is generally consistent with the General Plan. This ignores the entire effort in the recent General Plan process to insure that we have a Town that limits its growth to a set population, restrains the mass and height of structures, and remains respectful of our view sheds and environment. To claim that the proposed project with eight story massive structures surrounding the key intersection in the Towns [*sic*] resort corridor and proposing a large increase in number of condo/hotel units meets the Towns [*sic*] vision is disingenuous.

The North Village Specific Plan is summarily ignored. This plan was designed to look at the North Village as a whole, integrating retail, circulation, parking, events areas, etc. and involving many parcels and owners into a single specific plan. To take a large portion of that area and responsibly replan it

without going back and looking at the entire area is impossible. The new General Plan accounts for this by calling out a District Plan and Planning process that requires that specific areas such as the North Village be looked at as a whole. The revisions that this project proposes to the land uses and building specifications called out in the North Village specific plan place it well outside the limits evaluated in the NVSP EIR. This cumulative effect should be analyzed, but because district planning was not done there is no base of information on cumulative effects such as parking and circulation upon which to perform an analysis. An example would be, since the project appears to rely on the use of the Village Gondola, does the gondola have the capacity to handle the additional visitors anticipated by this project?. [sic]

The entire discussion of the massive violations of current zoning rules seems to be “we’ll just amend them to what we want or require”. The effects of these proposed changes should be the subject of detailed analysis.

In summery [sic] it is recommended that this document be withdrawn as an inaccurate description of the environmental effects of this proposed project. Preferably the applicant and the Town should work together to insure that the proposed project is consistent with the Towns [sic] vision and planning before an EIR is written. It would seem that following the district planning process would be the preferred way to insure that the proposed project meets the towns [sic] vision at least in scope prior to the preparation of the EIR. CEQA requires that the EIR present an accurate description of the project. This is impossible if the project is just entering the planning phase and will require large changes in the Towns [sic] land use documents and zoning ordinances and undoubtedly many changes in project scope prior to final approval. If the applicant insists on proceeding with what is a premature EIR, then the Town through its staff should insist on a complete documentation of all environmental effects, particularly with respect to land use planning (General Plan, North Village Specific Plan and Zoning Ordinances) prior to release for comment. It is the Towns [sic] document, and the Town should be responsible for it.

Response to Comment B16-1

This comment expresses opinions regarding the submittal of the Draft EIR and the Project’s proposed amendments to the General Plan, Specific Plan and Town zoning codes as described in Section III, Project Description, of the Draft EIR. The commenter requests the document be withdrawn or made to include a complete documentation of all environmental impacts, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Topical Response 2, Project Description, and Response to Comments B4-1, B4-6 and B13-84.

With regards to the commenter’s question regarding the capacity of the Village Gondola, the Village Gondola is a privately operated recreational facility and analyzing the adverse physical impacts to this facility is outside the scope of this Draft EIR.

The commenter incorrectly asserts that the requirements of the Town's policy regarding district planning have not been followed. The Town's policy, adopted in 2007 and amended in April 2008, requires major project applications, such as Mammoth Crossing, to conduct a more detailed study of a broader geographic area surrounding a project site. The Town has undertaken such a study for the North Village Specific Plan area; a draft of the North Village District Planning study was presented to the Mammoth Lakes Planning Commission on November 12, 2008. The Study is an advisory document that provides information and analysis intended to inform the Town's consideration of the Mammoth Crossing Project proposal. The study includes recommendations regarding potential future amendments to the broader North Village Specific Plan, but does not itself include new regulation or policy for adoption by the Town, or involve authorization or approval of any physical land use changes. For these reasons the Town has therefore determined that the North Village District Planning Study is not subject to CEQA.

The Town has not initiated an action to update to the North Village Specific Plan at this time. The amendments proposed by the Mammoth Crossing project are not dependent on, nor are they necessitated by, any broader updates to the North Village Specific Plan that the Town may choose to make at an unspecified future date.

Comment B16-2

WATER:

1. The DEIR states that not enough water is currently available for the proposed project. Since the law requires an adequate water supply before a project can be approved by the Town, why is a DEIR being submitted and circulated at this time?

Response to Comment B16-2

This comment incorrectly states that current water supply would be insufficient to meet the water demands of the proposed Project. As discussed under Impact UTIL-6 Water Supply in Section IV.N, Utilities, of the Draft EIR, it was determined that there would be sufficient water supply at average and peak times in both normal and multiple dry years for the Project, based on existing water supply available to the Mammoth Community Water District ("MCWD"). Implementation of Mitigation Measure UTIL-6 Water Supply would further reduce the Project's demand on water services.

As previously discussed in Topical Response 6, Water Services, Project is consistent with the General Plan's overall density, and although there is proposed to be higher site-specific density by the proposed amendment to the *North Village Specific Plan* (and related amendment to the General Plan), the overall build-out analyzed in the General Plan Final EIR (60,700 PAOT) would not be exceeded by those amendments, nor will the General Plan Land Use Policy L.1.A, which limits total peak population of permanent and seasonal residents and visitors to 52,000 PAOT. Therefore, the Project's specific and

cumulative water supply impacts have been accounted for in the General Plan Update Final Program EIR, which determined water supply impacts at Town build-out to be less than significant.

As such, Project compliance with General Plan Policy R.4.A, which the Town shall work with MCWD to ensure that land use approvals are phased so that the development of necessary water supply sources is established prior to development approvals would ensure both Project specific and cumulative water supply impacts would be less than significant.

See Topical Response 6, Water Services and Response to Comment A6-5.

Comment B16-3

2. The DEIR mentions new wells being considered in town and in Dry Creek. Where are the proposals and who will be responsible for the costs of them?

Response to Comment B16-3

As set forth on page IV.N-28 of Section IV.N, Utilities, of the Draft EIR, while the Draft EIR identifies that MCWD has future water sources from future groundwater. Additional groundwater production wells in the Mammoth Basin would require environmental review and hydrogeology analysis to ensure that additional volumes of water can be safely extracted from the basin. Well development in the Dry Creek Basin would also require environmental review and hydrogeology analysis prior to utilizing this water source. The MCWD has budgeted \$1,965,198 through 2025 for the development of additional groundwater resources. See Topical Response 6, Water Services.

Comment B16-4

3. The EIR follows the law in evaluating whether there is an actual source of water but because they are requesting more than 500 units it is the developer must provide proof that the water is available. [sic]

Response to Comment B16-4

This comment is in regards to verifying adequate water supplies are available to serve the proposed Project. It is unclear which requirement the commenter is referring to which states the developer must provide proof that the water is available. See Topical Response 6, Water Services.

Comment B16-5

3. No building at all should be approved until the Mammoth Creek EIR is certified.

Response to Comment B16-5

This comment is in reference to the fact that the MCWD is currently preparing an EIR that evaluates the environmental effects of the proposed bypass flow requirements for Mammoth Creek and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. As noted on page IV.N-16, of Section IV.N, Utilities, of the Draft EIR, the outcome of the Mammoth Creek EIR and the resulting decision by the State Water Resources Control Board could modify the existing temporary bypass flows to a different regime that could result in less surface water being available to MCWD. Surface water supply volumes used in the preparation of the Project WSA assumed that the existing bypass flow requirements will remain as they are currently established. Potential reductions in surface water supplies in the future are a possibility, but the amount of these reductions is currently unknown.³⁴ The water supply impact conclusions of the Draft EIR can only be expected to rely on existing known data. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 6, Water Services.

Comment B16-6

NOISE

1. Noise, after project completion, from resident/guest use is not addressed. Will there be music performances or other public events? Will noise level conform to TOML noise level codes?

Response to Comment B16-6

The commenter incorrectly states that operational noise impacts associated with the Project were not addressed in the Draft EIR. In Section IV.J, Noise, of the Draft EIR, all anticipated major on-site operational sources of audible noise were discussed and calculated on pages IV.J-24 and IV.J-25. In addition, on-site noise from traffic can be found in Table IV.J-11, Future Plus Project Roadway Noise Levels On Site, on page IV.J-22 of the Draft EIR.

It is the policy of the Town to prohibit unnecessary, excessive and annoying noises from all sources. The Town's Planning Commission or Noise Control Officer has the authority to issue a variance or permit for any noncommercial public speaking, public assembly or other activity. Special events at this site would require a Special Events permit, which would also specify music volumes and time limits when amplified music would be permitted. The Project, once approved, shall comply with all applicable local, state and federal regulations, which includes all adopted policies identified by the Town.

³⁴ MCWD SB 610 WSA for the Mammoth Crossing Project, page 9, March 25, 2008.

Comment B16-7

2. Construction and traffic noise does not evaluate solutions if other nearby projects occur at same time: e.g., Hillside, Holiday Haus and South Hotel. Staggered time lines for projects to reduce excessive noise?

Response to Comment B16-7

It would be difficult to know exactly which projects would be constructed simultaneously. The cumulative impact analysis, discussed in Section IV.J, Noise, in the Draft EIR, on pages IV.J-25 through IV.J-28, considers development of the Project in combination with ambient growth and other development projects within the vicinity of the Project. See Response to Comment B13-41.

Comment B16-8

3. Does not consider the effect of “temporary” construction noise slated to cover future construction for 10 years (to 2020).

Response to Comment B16-8

See Response to Comment B13-41.

Comment B16-9

4. No discussion of cumulative traffic noise when this and other near-by projects are completed.

Response to Comment B16-9

The commenter incorrectly states that cumulative traffic noise was not discussed in the Draft EIR. In Section IV.J, Noise, of the Draft EIR, the cumulative baseline and cumulative plus Project ambient roadway noise levels are presented in Table IV.J-13, Cumulative Roadway Noise Levels. As shown in Table IV.J-13, cumulative development would increase local noise levels by a maximum of 2.1 dBA L_{dn} at the segment of Minaret Road, south of Meridian Boulevard. Because the increase in local noise levels along roadway segments resulting from implementation of the Project would not exceed the established thresholds of significance, this would not represent a substantial permanent increase in ambient noise levels. Therefore, this impact would be considered less than significant and no mitigation measures are required.

Comment B16-10**AESTHETICS**

1. The gross non-conformity to present requirements of height and density (present NVSP) are not consistent with the “small village” alpine atmosphere cited in the DEIR (e.g., IV.I, p. 16: Land use) and is contrary to the frequently expressed wishes of the community (contrary to claim on Aesthetics, p. 45 that they are “generally consistent” and claim in IV.I, p. 22 that the proposal is consistent with small town character).

Response to Comment B16-10

The commenter expresses an opinion regarding the Project’s consistency with General Plan policy, but the commenter does not elaborate on how this discussion is inadequate under CEQA. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B16-11

- a. These are not minor modifications. Density increases (units per acre) are often double present code.

Response to Comment B16-11

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B16-12

- b. Heights while variable, are nearly all (in the case of one site 100%) over what is allowable. Maximum heights are double or more the code maximum. This will create a much more massive project, in look and feel, than anything desired by the citizens or allowed in the General Plan or the NVSP. It will be like a large castle plopped down in the middle of a village.

Response to Comment B16-12

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B16-13

- c. Height when combined with stated goal of putting the greater density at the edges of each site will create a truly large urban look and feel to drivers on the roads through this project that is unsuitable to a mountain village. Compare maximum 7 story in this proposal to 3-4 story maximum in Telluride. Mammoth should emulate those ski resort areas that have successfully managed their environments and aesthetics rather than those that have botched the job.

Response to Comment B16-13

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B16-14

2. Change from Resort General to Plaza Resort expands the village core significantly, making the NVSP more intrusive and aesthetically disruptive.

Response to Comment B16-14

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B16-15

3. Insufficient consideration is given to the effect of building heights on the tree canopy. There are no pictures of the present canopy nor any computer generated graphics of the proposed project on the canopy. The effect of the Westin hotel that extends beyond the canopy illustrates the negative aesthetic effect on the view shed as seen from above and a number of places in town. Citizens do not want buildings whose tallest portions extend beyond the canopy. Contrary to the claim in IV. I. 15 (Land Use...) the effect on the view shed is significant due to the effect on the tree canopy.

Response to Comment B16-15

Section IV.B, Aesthetics, of the Draft EIR discusses the impacts to public views of scenic vistas under the heading "Impact AES-1 Public Views of Scenic Vistas" on page IV.B-16 through IV.B-39 and provides visual simulations of the Project, which show the Project in relation to the existing tree canopy. In addition, four new public viewpoints and visual simulations have been provided in Topical Response 3, View Analysis, presented earlier in this section of the Final EIR.

The Project's consistency with General Plan and Specific Plan policies, and compatibility with surrounding land uses is discussed in Section IV.I, Land Use and Planning, of the Draft EIR, starting on pages IV.I-9 and IV.I-44, respectively. The Draft EIR found that the Project was generally consistent with applicable policies in the General Plan and Specific Plan; however, ultimately the determination of consistency remains with the Town of Mammoth of Lakes. In reviewing quasi-legislative acts or decisions concerning consistency with the general plan, the "arbitrary and capricious" standard would apply. The inquiry centers on whether or not the decision was arbitrary, capricious, entirely lacking of evidentiary support, unlawful, or procedurally unfair. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. Additionally, because a general plan consists of policies reflecting a wide range of competing interests, projects need not satisfy each and every policy. "It is beyond cavil that no project could completely satisfy every policy stated in [a general plan], and that state law does not impose such a requirement." (*Sequoiah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App. 4th 704, 719.) Finally, inconsistency with General Plan or Specific Plan policy does not necessarily equate with a physical impact on the environment, and thus may not result in a significant impact. See Topical Response 2, Project Description, and Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

The comment expresses an opinion regarding the building heights and the surrounding tree canopy with relationship to other development in the Town. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B16-16

4. No rationale other than “varying heights” is given for the multiple towers extending far beyond current height limits. Multiple towers are aesthetically intrusive to the canopy view shed.
 - a. “Variable heights” as a desired design is not stated in the village guidelines as a rationale or excuse to exceed code height limits.

Response to Comment B16-16

The comment expresses an opinion regarding aesthetics, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

The Project’s consistency with General Plan and Specific Plan policies, and compatibility with surrounding land uses is discussed in Section IV.I, Land Use and Planning, of the Draft EIR, starting on pages IV.I-9 and IV.I-44, respectively. The Draft EIR found that the Project was generally consistent with applicable policies in the General Plan and Specific Plan; however, ultimately the determination of consistency remains with the Town of Mammoth of Lakes. In reviewing quasi-legislative acts or decisions concerning consistency with the general plan, the "arbitrary and capricious" standard would apply. The inquiry centers on whether or not the decision was arbitrary, capricious, entirely lacking of evidentiary support, unlawful, or procedurally unfair. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. Additionally, because a general plan consists of policies reflecting a wide range of competing interests, projects need not satisfy each and every policy. "It is beyond cavil that no project could completely satisfy every policy stated in [a general plan], and that state law does not impose such a requirement." (*Sequoiah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App. 4th 704, 719.) Finally, inconsistency with General Plan or Specific Plan policy does not necessarily equate with a physical impact on the environment, and thus may not result in a significant impact. See these two sections of the Draft EIR for detailed analysis describing how the proposed Project’s varying heights were found to be consistent.

This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B16-17

5. Fireside views – contrary to what is said on IV.B., p. 10, the additional height is not justifiable if it negatively impacts a private view . If the proposal is built according to existing code height requirements, this view would not be so negatively impacted.

Response to Comment B16-17

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Topical Response 3, View Analysis, and Topical Response 4, Alternatives.

This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B16-18

6. Building heights obscure public views of scenic Mammoth Knolls (view 6 photos, IV.B. pp 30-31). This would be avoided if buildings adhered to 40 foot height limit. Also, while view 4 (IV.B., pp. 26-27) is described as “insignificant”, this is not accurate and would better be described as somewhat significant or significant. Trees, which together with the mountain view, constitute the view shed are replaced by massive building blocks totally altering the aesthetic effect of the view.

Response to Comment B16-18

The commenter expresses opinions regarding the viewpoint analysis presented in Section IV.B, Aesthetics, of the Draft EIR and speculates that if the Project were constructed with a maximum 40-foot height limit view impacts to the scenic Mammoth Knolls would be avoided. See Section VI, Alternatives to the Proposed Project, of the Draft EIR where reduced building heights were analyzed, and Topical Response 4, Alternatives, which includes a fifth alternative to the proposed Project, which also analyzes a reduced height project.

The aesthetics analysis conducted in the Draft EIR relied on the standards set forth in the Town’s General Plan, which identifies major view corridors and vistas toward these important landscape features are identified in the General Plan, and are shown in Figure IV.B-1, Major View Corridors and Vistas, and Figure IV.B-2, Vistas and Landmarks, in Section IV.B, Aesthetics, of the Draft EIR. In the area surrounding the Project site, the existing viewsheds are defined primarily by major view corridors and vistas (refer to Figure IV.B-1 and IV.B-2) as well as the nearby roadways (e.g., Lake Mary Road, Main Street and Minaret Road). See Topical Response 3, View Analysis.

Comment B16-19

7. Density over code will affect not only the aesthetic feel (too crowded for a village) but also the PAOT cap of 52,000. The PAOT is mentioned but not addressed in the DEIR (cf. p. 21 of IV, I: Land Use). Density code should be strictly enforced until the Town has a plan to ensure that the total (cap) will not be exceeded. A single project cannot be judged in isolation.

Response to Comment B16-19

See Section IV.K, Population and Housing, of the Draft EIR, where the “Persons at One Time or PAOT” threshold used by the Town to measure population intensity or total peak population, which represents an average winter Saturday is discussed in detail. In addition, see Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B16-20

8. Shading: shadows are considered mainly for their safety effect and not for aesthetic affect.
 - a. The DEIR does not address how much additional shading results from the additional height over code as compared with what would result if built to code. There should be comparative graphics.
 - b. Despite what is claimed, the photos (p. 59, section IV) clearly show significant shading on Main, Lake Mary, and Fireside at the winter solstice – a time of year when obviously there is less light to begin with and when we have the greatest number of guests. Extensive shaded areas will not add to the aesthetic experience of guests.
 - c. Fireside is shaded at winter solstice for most of the day. The shading of Fireside would be greatly reduced if present code heights were enforced. .
 - d. What is the basis for the claim that 4 hours of shading is a reasonable guideline for “no (or little) significant impact”? 4 hours in winter is about ½ of the full daylight time.

Response to Comment B16-20

CEQA does not require the alternatives analysis to be conducted at the same level of detail as that of the proposed Project. See Section VI, Alternatives to the Proposed Project, of the Draft EIR. Of the four alternatives presented in Section VI, two were determined to be consistent with the existing *North Village Specific Plan*: 1) Alternative A, No Project No Build, and 2) Alternative D, Existing North Village Specific Plan Build-Out Condominium Only. Both Alternative A and Alternative D found aesthetics impacts to be less than those of the proposed Project. In addition, a fifth alternative (Alternative E: Reduced Density) was prepared as described under Topical Response 4, Alternatives. Alternative E also found aesthetics impacts to be less than those of the proposed Project.

As set forth in Section IV.B, Aesthetics, of the Draft EIR, on page IV.B-13, shadow lengths are dependent on the height and size of the building from which it is cast and the angle of the sun. The angle of the sun varies with respect to the rotation of the earth (i.e., time of day) and elliptical orbit (i.e., change in seasons). The longest shadows are cast during the winter months and the shortest shadows are cast

during the summer months. A reasonable expectation for direct sunlight is generally after 9 a.m. and before 3 p.m. in the winter. Shadows are too prevalent before 9 a.m. and after 3 p.m. due to the angles.

This comment speculates what the shading/shadow impacts would be if the Project were built to existing Specific Plan standards, yet offers no substantial evidence to support their finding. The commenter incorrectly describes the winter shading threshold as four hours. As noted on page IV.B-15, a project impact would normally be considered significant if shadow-sensitive uses would be shaded by Project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April). See Topical Response 5, Shading/Shadows.

Comment B16-21

9. Lighting during construction: references to nighttime security lighting imply that nothing can be done to mitigate this. It can be mitigated in same way as for post-construction lighting. Construction lighting needs can be mitigated by hiring night time guards if security is a problem.

Response to Comment B16-21

As noted on page IV.B-63 in Section IV.B, Aesthetics, of the Draft EIR, there were no significant impacts associated with lighting during construction; therefore no mitigation is required. Nighttime lighting during construction would be done for security and to ensure the safety of those working in dark conditions. As set forth in the Draft EIR on page IV.B-63 and -64, in accordance with Chapter 15.08.020 (hours of working) in the Town's Municipal Code, operations permitted under a building permit would be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Saturday. Work hours on Sundays and Town recognized holidays would be limited to the hours between 9:00 a.m. and 5:00 p.m. and permitted only with the approval of the building official or designee. All construction-related lighting would be located and aimed away from adjacent residential areas and would consist of the minimal wattage necessary to provide safety at the construction site. A Construction Safety Lighting Plan would also be submitted to the Town for review concurrent with Grading Permit application. Residential uses adjacent to the site may be impacted as a result of nighttime security lighting used during construction activities; however, construction activities would cease after 8:00 p.m.

Comment B16-22

COMMENTS RELEVANT TO OTHER TOPICS

1. Traffic and pedestrian flow: although it is not shown in the graphics that I saw, the text mentions a mid-block crossing on Lake Mary (Appendix N, p. 8). With two traffic lights in less than a normal block, plus the additional traffic (foot and vehicle) generated by the project, and a mid-block crosswalk in addition, this could result in an unacceptable impediment to vehicle traffic along Lake Mary. The change from Resort General to Plaza Resort zoning will cause much more

congestion on a major traffic route (to the Lakes Basin) that carries a significant amount of large vehicle (RV and trailer) traffic. This is not addressed in the DEIR.

Response to Comment B16-22

The comment is referring to Appendix N, North Village Specific Plan Proposed Amendments, which is included in the Draft EIR Technical Appendices. It is assumed the commenter is referring to page 6, as page 8 makes no reference to a mid-block crossing on Lake Mary Road. The typographical error has been acknowledged as no mid-block crossings are proposed. See Appendix C, Revised North Village Specific Plan Amendments, to this Final EIR. As discussed in Section III, Project Description, on page III-30 under heading “Pedestrian and Bicycle Circulation System,” existing safe pedestrian activated signal crossings for pedestrians are at the Main Street-Lake Mary Road/Minaret intersection and at the Lake Mary Road/Canyon Boulevard intersection. The Project proposes two additional crosswalks on Minaret Road at the new roadway intersection to link Site 2 with Site 3. The Project being considered in the Draft EIR is conceptual and represents what could be developed once the proposed amendments have been approved and adopted by the Town of Mammoth Lakes (“Town”). It should be noted that large vehicle (RV and trailer) traffic is significantly lower during the winter design day, since the Lakes Basin’s campgrounds are closed during the winter. Therefore, the analysis suggested by the comment is not warranted.

Comment B16-23

2. On street parking on Lake Mary impedes rather than facilitates current traffic flow to Lakes Basin, and is not compatible with the direction taken by recommendations in the Trails report for a “feet first” community.

Response to Comment B16-23

The comment expresses an opinion regarding the design of the Project’s proposed on-street parking and subsequent inconsistency with the May 1991 *Mammoth Lakes Trail System Plan*. It is important to note the determination of plan and policy consistency remains with the Town of Mammoth of Lakes.

On-street short-term parking is proposed on Lake Mary Road to serve the ground-level retail uses on both sides of the street to the west of the Lake Mary Road-Main Street/Minaret Road intersection. The Town has recommended that the design of the on-street parking serve as a traffic-calming measure and provide additional convenient public parking. The Project site is not an area of fast moving traffic where visitors are primarily driving through, but rather is intended to be a slow moving pedestrian mixed-use area. During the Design Review and approval process, the Town would review all final proposed on-street short-term parking designs for consistency with the Town’s design standards and Town requirements. See Response to Comment A4-8 and B3-2.

Comment B16-24

3. Graphics illustrate toe-in parking on north and south sides of Lake Mary in opposition to direction of traffic flow.

Response to Comment B16-24

The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, but rather comments on a design feature of the proposed on-street short-term parking on both sides Lake Mary Road. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

The Town recommends that the design of the on-street parking serve as a traffic-calming measure and provide additional convenient public parking. During the Design Review and approval process, the Town would review all final proposed on-street short-term parking designs for consistency with the Town's design standards and Town requirements. See Response to Comment B16-23.

Comment B16-25

4. Main Street, north of Site 3, should not be implemented without consideration of plans for Main Street at a whole, including the possible option of reduction to one lane of traffic each way. There are proposals to eliminate four lane "highways" through the town (Appendix N: p. 12 & 20; also pp. 7 and 15 of III: Project Description).

Response to Comment B16-25

This comment expresses an opinion regarding the Project design, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. In addition it is unclear what specific information the comment is referencing on the pages identified (i.e., (Appendix N: p. 12 & 20; also pp. 7 and 15 of III: Project Description). At the time of the preparation of this Draft EIR and Final EIR, Caltrans has no adopted plan to eliminate four-lane highways. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B16-26

5. There has been discussion of a possible round-about at Canyon Blvd., Lake Mary Road and the entrance to Site 2. This was not addressed.

Response to Comment B16-26

The potential roundabout at Canyon Boulevard/Lake Mary Road has been eliminated and is not part of the proposed Project. As such this roundabout is not addressed in the Mammoth Crossing Draft EIR.

Comment B16-27**CUMULATIVE IMPACTS – POPULATION AND HOUSING (IV-K)**

1. This project, with other related projects “in area” is estimated to increase PAOT by 19,647. Please clarify the following:
 - a. Does this 19,647 PAOT projection for all future projects “in area” include all possible future projects in the Mammoth Lakes town limits? Or does it encompass only future projects in the North Main Street/Minaret Road area?

Response to Comment B16-27

As noted in Section II, Environmental Setting, of the Draft EIR on page II-14, all related projects (i.e., those projects with pending applications, recently approved, under construction, recently completed or reasonably foreseeable projects that could produce a related or cumulative impact on the local environment when considered in conjunction with the proposed Project) are included in the Draft EIR. The location of each of the related projects is provided in Table II-1, Related Projects, in Section II, Environmental Setting, beginning on page II-14 and on Figure II-11, Related Projects Map, on page II-19. Also noted on page IV.K-14, of the 40 related projects listed in Table II-1, 32 include residential developments within the Town, representing a combination of both permanent and seasonal/visitor units.

Comment B16-28

- b. Given a current PAOT of approximately 37,000 the above increase raises the PAOT to approx. 56,647. Please rationalize this project’s, and future project’s, proposed density with the Mammoth Lakes Land Use Policy PAOT limits of 52,000.

Response to Comment B16-28

The commenter does not address the adequacy of the Draft EIR, nor does the commenter raise a new environmental issue. See Section IV.K, Population and Housing, of the Draft EIR. As discussed on page IV.K-6 under the heading “Persons at One Time,” actual build-out population will depend on the size, type and density of units actually developed and not all properties are likely to develop at the maximum density. Similarly, sites that are not anticipated to be developed may actually be used. Determining a reasonable build-out forecast for the 20-year planning period of the General Plan is challenging. Although many different approaches can be used to make projections, any forecast must acknowledge

that because of changing demographics, market and economic conditions, numbers will be constantly changing.

Of the 40 related projects listed in Table II-1, Related Projects, in Section II, Environmental Setting, of the Draft EIR, 32 include residential developments within the Town, representing a combination of both permanent and seasonal/visitor units. The related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved. The Town would monitor the overall PAOT through the project approval process, and would consider project approvals in the light of existing and projected PAOT, and the other considerations set forth in the General Plan intended to limit total population. Therefore, the cumulative population generation would not exceed the anticipated PAOT of 52,000. See Response to Comment B13-71.

Comment B16-29

- c. Please explain why exceeding the Mammoth Lakes Land Use Policy PAOT limits does not impact population and therefore require mitigation.

Response to Comment B16-29

See Response to Comment B16-28.

Comment B16-30

BIOLOGICAL RESOURCES – IV-D

1. Please clarify how policies protecting natural resources (wildlife and biological habitats) are monitored and enforced under the Resource Management and Conservation element of the general Plan. We ask this in light of past illegal tree removal with at best minimal, if any, consequences from the Town.

Response to Comment B16-30

General Plan policies protecting natural resources are intended to direct and guide development planning, but are not legally enforceable (e.g., such as regulations or ordinances) and therefore are not directly monitored under the Resource Management and Conservation element of the General Plan. The commenter does not address the adequacy of the Draft EIR, nor does the commenter raise a new environmental issue; therefore, no further response is required. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B16-31

2. Approximately 50 percent of sites 2 and 3 are currently Jeffrey Pine forest. What percentage of existing trees are [*sic*] scheduled for removal under the current project proposal? What percentage will be replaced, and with what type and size of trees? What percentage of trees can be preserved and protected if project size is held to existing codes?

Response to Comment B16-31

The EIR analyzes impacts associated with Specific Plan setback, height, density, and policy amendment, and conceptual Project plans do not yet involve the approval of any use permits. Once the Project reaches the Final Development Plan stage, a tree survey will be required by the Town as a condition of permit approval prior to the removal of any trees greater than six inches in diameter. As described in Mitigation Measure BIO-4, Conformance with Town Policies and Ordinances, on page IV.B-27 in Section IV.D, Biological Resources, of the Draft EIR, a licensed forester or certified arborist will prepare a tree survey that documents the size and number of trees to be removed and the Community Development Director will then determine the appropriate location and number of replacement trees. The ultimate number of trees removed will be a function of the site plan and overall Project footprint. A project proposed at the densities currently allowed in the Specific Plan could require a similar, larger or smaller number of trees to be removed as a higher density project, depending on its design.

Comment B16-32**AIR QUALITY**

1. Since the Town does not appear to have staff available to monitor whether mitigation measures are being carried out during construction it is difficult to believe any emissions will be kept to the mitigated levels stated.

Emissions during grading and construction would be substantially reduced by keeping project size to that permitted by current code.

Response to Comment B16-32

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

As discussed in Section VI, Alternatives to the Proposed Project, of the Draft EIR, it is accurate to state that grading and construction emissions would be reduced if the size of the Project were constructed to standards set forth in the existing Specific Plan. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B16-33

2. The addition of the proposed projects 6450 VMT (vehicle miles traveled) would add to the already exceeded Town limit of 106,600 VMT. This additional VMT would be considerably lowered by keeping project density to that permitted by current codes.

Response to Comment B16-33

The cumulative development of the Town would exceed 106,600 VMT with or without addition of the Project's increment of VMT. The Draft EIR correctly identifies this impact as being significant and unavoidable. While the project would contribute to this significant and unavoidable impact, the Draft EIR identifies a series of project-specific mitigations that would be required to minimize that contribution, and which would result in a less than significant impact for PM₁₀.

It is the intent of the 106,600 VMT limit to enable the Town to avoid violation of the Federal PM₁₀ standard, rather than to apply a specific numeric limit to total number of units or amount of density on any given site. Other feasible measures for PM₁₀ reduction may permit the 106,600 VMT limit to be exceeded while maintaining air quality goals. For instance, the Town is currently working with the GPUAPCD to achieve greater compliance with policies that limit woodstove use on "no burn" days, and to encourage retrofit of woodstoves with gas appliances that do not contribute to PM₁₀. In addition, in accordance with the General Plan, the Town is developing a comprehensive mobility plan that would potentially reduce Town-wide VMT through transportation demand management programs. Because none of these measures are fully developed at this time, or adopted by the Town and GPUAPCD, they are not cited or references as mitigations in the Draft EIR. See Response to Comment A4-8.

Comment B16-34**TRAFFIC**

- A. The Traffic models used as the basis for this traffic study are widely used across the country and are blessed by the professional organizations representing traffic engineers. BUT unfortunately they totally ignore the main factor that causes congestion in Mammoth. Can you imagine analysis of traffic in a major ski area that does not even have the capability to assess the effects of snow? The models assume clear visibility on a sunny day with average numbers of vehicles. They totally ignore snow and ice, reduced visibility, and reduced vehicle speeds congestion due to snowplows, trucks hauling snow, and busses stopping in the streets to let off passengers. They ignore pedestrians, often wearing ski boots and carrying skis, crossing icy roads full of slipping and sliding vehicles. They also ignore street narrowing due to inadequate snow storage.

Mammoth is planning to almost double the number of vehicles on our roads, and has no idea of how often the town will have total traffic gridlock.

Unfortunately the adopted criteria of LOS D "...encompasses a zone of increasing restrictions approaching instability at the intersections.." Any factor (such as reduced visibility) that reduces flow will rapidly result in widespread GRIDLOCK. How often will this happen in a normal winter?, in a big snow winter? What will be the economic effect? If Mammoth suffers gridlock every time we have heavy snow will people keep coming? The traffic reports claim that traffic lights and roundabouts will solve all the problems. No major ski area routinely receives as much snow as Mammoth. We have congestion now, and blithely think we can nearly double traffic without consequences.

Response to Comment B16-34

See Response to Comment B13-99.

Comment B16-35

A few steps should be taken before plunging headlong into this mess that could potentially destroy the Town's winter economy.

1. Perform analysis on the effects of snow, and large numbers of pedestrians. Hand analysis will be necessary until suitable computer models are developed.
2. Install a few roundabouts and traffic lights now to demonstrate they will work as expected.

Response to Comment B16-35

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

This commenter's suggestions are acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

See Response to Comment B13-99 regarding snow conditions. With respect to roundabouts and traffic signals, the Traffic analysis utilizes adopted tools and procedures that reflect the operation of these traffic control devices.

Comment B16-36

- B. Adding diagonal parking on Lake Mary road as proposed is a BAD idea. Experience at our Post Office demonstrates the difficulty inherent in having vehicles blindly backing up into a moving flow of traffic. They may work in good visibility, but certainly not when it is snowing. Also

parked vehicles impede snow removal. This is a difficult intersection as large flows from Canyon and Eagle Lodges must merge with large flows to and from Main Lodge.

Response to Comment B16-36

The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, but rather comments on a design feature of the proposed Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

The Town recommends that the design of the on-street parking serve as a traffic-calming measure and provide additional convenient public parking. It should be noted that the on-street parking will be restricted during heavy snow conditions.

This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

RESPONSE TO COMMENT LETTER B17

Heidi Wagner

Comment B17-1

I am writing this letter as a concerned owner at the Fireside at the Village.

I have been an owner at Fireside at The Village (Mammoth Fireside) since 1998, which is adjacent to Site 1 of the Mammoth Crossings [sic] project. I try to rent it out to people who live here year round. When occupied, there usually is [sic] 1-2 guests.

I find myself wondering what is going on in our town. We have taken a nice community with a wonderful atmosphere and are turning it into a building horror. Everywhere you go there is building after building that sits empty or unfinished and yet we continue to grant permission to anyone with enough money to do what ever they want.

Mammoth Crossing draft EIR considered by some a betrayal of public trust.[sic] I totally agree with this.

Response to Comment B17-1

This comment contains general information on the commenter themselves and their opinions, but does not state a specific concern or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No response is required. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B17-2

The proposed Mammoth Crossing project would leave Fireside without our Sherwin view and any sunlight in winter, among other things to our detriment. This would have significant negative impact on the enjoyment of the Fireside experience and on the value of the property as a whole.

Response to Comment B17-2

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Draft EIR is not meant to address personal well being, economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on the environment. Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even "[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts." As such, the comment addresses concerns outside of the scope of the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. With regards to views of the Sherwin Range and shading/shadow impacts to Fireside Condominiums, see Topical Response 3, View Analysis, and Topical Response 5, Shading/Shadows.

This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B17-3

I was aware that the Whiskey Creek parcel to our south could be developed and that we could lose some of the views. I wasn't concerned because any development was supposed to preserve and maintain the unique natural setting and mountain resort character. Views were supposed to be preserved throughout the North Village development. Any development was supposed to be limited to 4 levels with a maximum height of 50 feet.

Response to Comment B17-3

The commenter does not address the adequacy of the Draft EIR, nor does the commenter raise a new environmental issue; therefore, no further response is required. However, the comment is acknowledged

for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters and Response to Comment B17-2.

Comment B17-4

I relied on the assurances of the NVSP in making decisions about my property, such as entering into our agreement with 8050. If major provisions of the plan can be so easily set aside, of what value are the stated standards and criteria by which development is supposed to proceed?

What happened with the North Village Specific Plan (NVSP) and the General Plan (GP)?

Did it just go out the window without any second thoughts?

Response to Comment B17-4

The commenter does not address the adequacy of the Draft EIR, nor does the commenter raise a new environmental issue; therefore, no further response is required. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Response to Comment B17-2.

Comment B17-5

I think this whole project should be taken more seriously. I request a project redesign that avoids environmental impacts and interference with homeowner's property. That the DEIR be revised and re-circulated, that is in accordance with state law and that considers options that comply with the NVSP.[sic]

The builders and investors don't care about the future of our town. They are looking after themselves and will be gone when all of this is through; leaving us with a mess that will be difficult and costly to change.

I have been in this town since 1965 and have seen all the changes that have taken us to where we are now. Some are good and some not so good. I am all for progress when it is done right with thought and planning. Let us not destroy our beautiful town. Being in the forest with the open spaces is a plus, having blue skies is a plus, smelling the fresh air is a plus. Please don't take that away.

Response to Comment B17-5

This comment requests Project redesign as well as revisions to and recirculation of the Draft EIR, which has previously been discussed. See Response to Comment B4-6.

The commenter does not address the adequacy of the Draft EIR, nor does the commenter raise a new environmental issue; therefore, no further response is required. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

RESPONSE TO COMMENT LETTER B18

Mildred and Douglas Harley

Comment B18-1

As Fireside owners, we are gravely concerned about the proposed Mammoth Crossing development. While we wish to see Mammoth Lakes prosper, we do not want to see the entire community stripped of its' [*sic*] character and charm.

At Fireside, we object to being totally surrounded by building projects that block any and all views of the natural beauty of Mammoth [*sic*], which is why we come to and own property in the area.

We urge you to revisit [*sic*] and redesign the Mammoth Crossing project. You must be able to create a plan that adheres to established standards and one that does not adversely impact our property, and at the same time preserves the environment, character and natural beauty of Mammoth Lakes.

Response to Comment B18-1

This comment contains general information on the commenters themselves and expresses concerns related to the development of the Project as proposed and requests redesign of the Project to meet established standards, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

RESPONSE TO COMMENT LETTER B19

Sam Walker

Comment B19-1

This letter is to reiterate my comments made before the Planning Commission earlier this month.

I was intimately involved in drafting and implementation of the North Village Specific Plan. At the time I owned five pieces of property in the Plan area. I still own two properties plus a note on a business with a long term lease in the NVSP, and specifically the Mammoth Crossing, area. The NVSP represents several years of negotiation and compromise amongst the owners of the various properties. Many of the owners accepted reduced densities in order to see the Plan proceed. The current Draft EIR is in direct conflict with the goals and vision of the NVSP. It would behove [*sic*] the TOML to get the blessing of the owners for any significant changes to the Plan. If the TOML continues to ignore the plan without getting consensus it will represent a significant breach of faith. I do not see how anyone in the future would enter into an agreement with the Town knowing that they did not honor this agreement.

I do not unilaterally oppose changes to the plan. It needs to be continually updated and modified. This proposed change represents a significant rejection of the NVSP. I have, for some time, been a proponent of density transfers, but only when it is to support good planning.

At the meeting I attended, I asked where the additional densities would be coming from. The response was to say that this would be discussed later. I have it by good authority that this has already been discussed in the context of transferring density from the Airport in order to resolve the judgment against the Town. This lack of disclosure concerns me in that this type of transfer is not in the interest of good planning, but simply to resolve financial issues the Town has. Throwing the property owners of North Village under the bus to alleviate the Town of past mistakes is unacceptable.

In conclusion, I believe many of the conflicts with the property owners can be mitigated, and financial damages can be resolved. But not if this Mammoth Crossing plan is allowed to proceed as proposed. Thank you for your time.

Response to Comment B19-1

This comment contains general information on the commenter themselves and expresses concerns relating to Specific Plan, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

RESPONSE TO COMMENT LETTER B20

David Zigrang

Comment B20-1

I am a minor share holder [*sic*] in one of the units in fireside. I have reviewed the EIR regarding mammoth crossings [*sic*] and feel the whole project should be reworked to meet the current standards of

the current north village general plan [*sic*]. I understand the revenue of such a project could help a struggling city budget but not at the expense of homeowners who have been part of the mammoth [*sic*] community for over 25 years.

Thank you for your consideration in this matter.

Response to Comment B20-1

This comment contains general information on the commenter themselves and confirms that the commenter has reviewed the Draft EIR and expresses an opinion to modify the proposed Project to meet the current standards of the Specific Plan. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

RESPONSE TO COMMENT LETTER B21

Shute, Milhaly & Weinberger LLP

Comment B21-1

This firm represents the Mammoth Fireside Condominium No. 1 Owners' Association (also known as Fireside at the Village and referred to in this letter as "Fireside") with regard to the proposed Mammoth Crossing project in the Town of Mammoth Lakes ("Project"). Because our clients did not receive notice of the availability of the environmental impact report ("DEIR") for this Project until late in the review process we were only recently retained and thus submit only preliminary comments on the DEIR. Based on our preliminary review, it is our legal opinion that the Town of Mammoth's ("Town") approval of the Project and certification of the DEIR would violate state law. Fireside is hopeful the Town will recognize the legal inadequacies of the Project and DEIR, reevaluate the design of the Project, and revise and recirculate the DEIR. Fireside will continue its review of the document and consultation with technical experts, and may submit additional comments before completion of the environmental review process on issues raised in this letter or on other issues identified through additional review.

Response to Comment B21-1

This comment confirms Shute, Milhaly & Weinberger LLP has reviewed the Draft EIR and requests that the Project be redesigned and the Draft EIR be revised and recirculated, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Response to Comment B4-1.

Pursuant to State *CEQA Guidelines* Section 15087, a Notice of Availability (“NOA”) and the Draft EIR was distributed to various public agencies, citizen groups, and interested individuals, including the Fireside Condominiums, for a 45-day public review period from August 1, 2008 through September 17, 2008. A Planning Commission meeting was held on September 10, 2008 to gather public comments on the Draft EIR. Due to requests from the public at the Scoping Meeting the comment period was extended for an additional seven days. The Draft EIR was also circulated to state agencies for review through the State Clearinghouse of the Governor’s Office of Planning and Research. The NOA was published in the Mammoth Times and copies of the Draft EIR were available for review at the Town of Mammoth Lakes Community Development Department, Mono County Library, and via internet at www.ci.mammoth-lakes.ca.us.

Comment B21-2

The Project, and piecemeal planning effort it represents, demonstrates a blatant disregard for the Town of Mammoth General Plan (“General Plan”) and the North Village Specific Plan (“NVSP”). Not only does the Project conflict with fundamental General Plan policies so as to result in unmitigated and unidentified significant environmental impacts, but as a result of the conflicts and failure to identify the conflicts in the EIR, approval of the Project would violate not just the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. (“CEQA Guidelines”), but the California Planning and Zoning Law, Gov’t Code § 65000 et seq. as well. Moreover, the Town cannot legally grant a use permit for the Project as currently designed because the Project’s impacts will be materially injurious to Fireside. Therefore, the City may not legally approve the Project, certify the EIR, or rely on the EIR to approve the Project.

Response to Comment B21-2

The commenter does not elaborate how the Draft EIR fails to comply with CEQA, Public Resources Code Section 21000 et seq., and California Code of Regulations, Title 14, Section 15000 et seq. (*CEQA Guidelines*). Regarding General Plan Policy consistency, the Draft EIR found that the Project was generally consistent with applicable policies in the General Plan and Specific Plan; however, ultimately the determination of consistency remains with the Town of Mammoth of Lakes. In reviewing quasi-legislative acts or decisions concerning consistency with the general plan, the "arbitrary and capricious" standard would apply. The inquiry centers on whether or not the decision was arbitrary, capricious, entirely lacking of evidentiary support, unlawful, or procedurally unfair. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. Additionally, because a general plan consists of policies reflecting a wide range of competing interests, projects need not satisfy each and every policy. "It is beyond cavil that no project could completely satisfy every policy stated in [a general plan], and that state law does not impose such a requirement." (*Sequoyah*

Hills Homeowners Association v. City of Oakland (1993) 23 Cal.App. 4th 704, 719.) Finally, inconsistency with General Plan policy does not necessarily equate with a physical impact on the environment, and thus may not result in a significant impact.

The comment does not identify a specific concern regarding the adequacy of the DEIR, nor does the comment raise a new environmental issue. Accordingly, no further response is required. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B21-3

As set forth in more detail below, the DEIR is inadequate in numerous respects. First and foremost, the DEIR fails to accurately describe the Project, leaving important details—including the specific General Plan amendments sought, the affordable housing component of the Project, and the impacts of the proposed inclusion of Site 4 in the NVSP—to be determined after the DEIR is certified. The failure to describe the specific Project proposed for approval violates the most basic tenet of CEQA: to provide the decisionmaker and the public with information about a project before the project is approved.

Response to Comment B21-3

Certain Project details would be determined during site-specific design. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur “before a project gains irreversible momentum” (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334). In other words, CEQA requires agencies to prepare EIRs “as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (see *CEQA Guidelines* Section 15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358). However, despite such Project details not being required at this juncture in the application process or for CEQA analysis, the Project Applicant has provided diagramming of such site specific details as building placement, parking configurations, trails and internal bicycle paths and pedestrian pathways, etc., and will provide additional details pursuant to approval of the Use Permit and Tentative Map at the appropriate time.

A description of the Project, as proposed by the Project Applicant, is set forth in Section III, Project Description, of the Draft EIR. The Draft EIR uses Section III’s project description as the basis for its analysis of the Project’s potentially significant environmental effects.

Section III, Project Description, of the Draft EIR, states on page III-1, the Project, located within the Specific Plan area, includes a series of amendments to the Specific Plan as originally adopted in 2000 and

amended in 2008, as well as amendments to the General Plan, which would be required to accommodate the Project's proposed land uses. Also noted on Page III-1, the specific amendments have been included as Appendix N, North Village Specific Plan Proposed Amendments, of the Draft EIR. Because the Specific Plan is a component of the General Plan, the included amendments would apply to the General Plan by default. See page IV.I-10, in Section IV.I, Land Use and Planning, of the Draft EIR for clarification on the relationship between the General Plan and the Specific Plan. With regards to General Plan and Specific Plan consistency, see Response to Comment B21-2. See Topical Response 2, Project Description, for a discussion on revisions to and further explanation of the proposed amendments to the North Village Specific Plan and the General Plan.

It is assumed the commenter is referring to the off-site affordable housing, as those units were described in the Draft EIR as being subject to separate environmental review. Environmental impacts associated with on-site affordable housing were analyzed throughout the Draft EIR. As discussed on page IV.K-4 in Section IV.K, Population and Housing, of the Draft EIR, a housing mitigation development plan must be submitted along with any Project generating the need for workforce housing in compliance with Affordable Housing Mitigation Regulations (Town Municipal Code Chapter 17.36). While on-site housing is preferred, the regulations do allow Alternate Housing Proposals. These may deviate from the requirement for new construction of on-site workforce housing including provision of off-site housing, in-lieu fees, establishing a housing credit, or other alternate mitigation plan. Alternate Housing Proposals may be approved if the Town finds the proposal provides a greater community workforce housing benefit. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation therefore, review of the proposed replacement housing would be unduly speculative at this time and analysis of the impacts of constructing the substitute affordable housing off-site cannot be meaningful until the location and design of that alternative housing is known. However, as noted, the replacement housing can be provided at a number of sites identified in the housing element of the General Plan consistently with the General Plan and the existing environmental review for that General Plan. As such, the development of the off-site units would be consistent with the Town's General Plan. See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

With regards to the Project's request to amend the Specific Plan to include Project Site 4 within the boundaries of the Specific Plan, since release of the Draft EIR, the Project Applicant has decided not to include Site 4 as part of the Mammoth Crossing Project. See Topical Response 2, Project Description.

Comment B21-4

In part because the project description is inadequate, the DEIR fails to adequately analyze impacts relating to aesthetics, land use, traffic, air quality, noise and water supply. These impacts may have potentially devastating effects on the Town's character, the well-being of its residents in general and residents at Fireside in particular. Perhaps most egregiously, the DEIR acknowledges that the Project will

result in significant environmental harm but then fails to consider—or even to propose—feasible mitigation measures that would reduce the impacts caused by the Project. CEQA requires more.

Response to Comment B21-4

This comment states that the Draft EIR contains an inadequate project description, fails to adequately analyze several impacts, and fails to proposed feasible mitigation measures that would reduce Project impacts, but does not state a specifically how the description of the Project is inadequate. See Topical Response 2, Project Description, and Response to Comments B13-5 and B21-3.

As identified, discussed, and analyzed in the Draft EIR, the Project, if implemented as proposed, could result in various potentially significant effects on the environment. As required by CEQA and the *CEQA Guidelines* Section 15126.4, the DEIR also proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact. *CEQA Guidelines* Section 15370 define “mitigation” as including: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of an action and its implementation; (3) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (5) compensating for the impact by replacing or providing substitute resources or environments. (14 Cal. Code Regs., Section 15370.) While, by definition, mitigation may require that changes be made to the Project for purposes of minimizing environmental impacts, the Draft EIR’s proposed mitigation measures do not alter the description of the Project contained in Section III, Project Description, of the Draft EIR, or the actual Project analyzed. Rather, the purpose of the Draft EIR is to fully disclose the environmental impacts of the Project as proposed.

See Sections IV.A, Aesthetics; IV.B, Air Quality; IV.J, Noise; IV.G, Hydrology and Water Quality; IV.M, Traffic and Circulation; and IV.H, Land Use and Planning, of the Draft EIR for a discussion of the Project impacts and proposed mitigation measures. See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Comment B21-5

The DEIR also fails to consider a reasonable range of alternatives. In particular, the DEIR should have considered an alternative that is consistent with the NVSP, which sets forth the Town’s vision for the North Village and for the Project site.

Response to Comment B21-5

Section 15126.6(a) of the *CEQA Guidelines* states that an EIR need not consider every conceivable alternative to a project, and that there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. Potential alternatives to a project are reviewed to determine

whether the alternative: (1) Can substantially reduce significant environmental impacts; (2) Can attain most of the basic project objectives; (3) Are potentially feasible; and (4) Are reasonable and realistic. The decision makers could choose to revise the project based on the alternatives analyzed in the Draft EIR and/or based on comments on the Draft EIR, including alternatives recommended by commenters on the Draft EIR.

Of the four alternatives presented in Section VI, Alternatives to the Proposed Project, of the Draft EIR, two were determined to be consistent with the existing *North Village Specific Plan*: 1) Alternative A, No Project No Build and 2) Alternative B, Existing North Village Specific Plan Build-Out Condominium Only. The existing *North Village Specific Plan* (“Specific Plan”) does not restrict development to one type, but rather allows for a range of development scenarios. In addition, in response to this comment and others, a two additional; alternatives were prepared, 1) Alternative E, Reduced Density: 65 RPA and 2) Alternative F, Reduced Density: 48 RPA. See Topical Response 4, Alternatives.

The comment regarding a new project alternative is acknowledged for the record and will be forwarded to the decision makers for their review and consideration pursuant to the applicable standards.

Comment B21-6

To ensure that the public as well as the Town’s decisionmakers have adequate information to consider the effects of the proposed Project – as well as to comply with the law – the Town must prepare and recirculate a revised draft DEIR [*sic*] that properly describes the Project, analyzes its impacts, and considers meaningful alternatives and mitigation measures that would help ameliorate those impacts.

Response to Comment B21-6

This comment requests that the Draft EIR be revised and recirculated, which has been previously discussed. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Response to Comment B21-1.

The Project’s significant impacts, associated mitigation measures and level of significance after mitigation are summarized in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, on page I-5 of the Draft EIR. Alternatives to the proposed Project are discussed in detail in Section VI, Alternatives to the Proposed Project, of the Draft EIR, and in Topical Response 4, Alternatives. See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR.

Under CEQA, recirculation is only required when the lead agency adds “significant new information” to an EIR, after the public comment period but prior to certification. CEQA Section 21092.1; CEQA

Guidelines Section 15088.5; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128.

In *Laurel Heights*, the California Supreme Court interpreted this “significant new information” standard and explicitly rejected the proposition any new information triggers recirculation; recirculation is intended to be an exception, not the general rule. Thus, recirculation is required only if changes to the Draft EIR deprived the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project. Because no “substantial adverse” impact would result from any of the revisions of the Draft EIR, recirculation would not be required.

This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B21-7

Finally, regardless of the DEIR’s deficiencies, the Project also violates Planning and Zoning Law because it is inconsistent with the General Plan and the Town’s use permit requirements. For these reasons, the Town must not—and legally cannot—approve the Project as it is currently proposed.

Response to Comment B21-7

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and incorrectly states that the Project is inconsistent with the General Plan. The Project’s consistency with the Town’s use permit requirements is outside the scope of the Draft EIR. See Response to Comment B21-2.

See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B21-8

I. THE DEIR IS INADEQUATE UNDER CEQA.

A. The Project Description Fails to Accurately Describe the Project.

The DEIR for the Project is woefully inadequate under CEQA. An EIR must provide a degree of analysis and detail about environmental impacts that will enable decisionmakers to make intelligent judgments in light of the environmental consequences of their decisions. CEQA Guidelines § 15151; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692. To this end, the lead agency must make a good faith effort at full disclosure of environmental impacts. In order to accomplish this requirement, it is essential that the project is adequately described and that existing setting information is

complete. See *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199. Both the public and decisionmakers need to fully understand the implications of the choices that are presented related to the project, mitigation measures, and alternatives. *Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 6 Cal.4th 1112, 1123. In this case, the DEIR fails to provide sufficient information to enable informed decisionmaking by the Town.

Response to Comment B21-8

See Section III, Project Description, of the Draft EIR, for a complete description of the Project, as proposed by the Applicant. Consistent with CEQA's definition of mitigation, the Draft EIR relies on various approaches and measures designed to alleviate specific Project-related impacts. See Topical Response 2, Project Description, and Response to Comments B13-5, -10, -17 and B21-4.

The comment does not identify a specific concern regarding the adequacy of the Draft EIR's Project description, nor does the comment raise a new environmental issue. Accordingly, no further response is required. This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B21-9

1. The DEIR Fails to Adequately Describe the Specific Project Proposed for Development.

In order for an EIR to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 730 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in the manner required by law. *San Joaquin Raptor*, 27 Cal. App. 4th at 729-30. Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Id.* at 730 (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. Here, the DEIR does not come close to meeting these clearly established legal standards because it fails to provide a stable and finite project description with respect to key components of the Project that have the potential to result in significant environmental impacts not analyzed in the DEIR.

The only fact that appears stable in the DEIR's project description is the type of allowable uses (i.e., retail, hotel, residential). Every other detail would appear to be in a constant state of flux as demonstrated by the following language:

The Project being considered in this Draft EIR is conceptual and represents what could be developed once the proposed amendments have been approved and adopted by the Town of Mammoth Lakes (“Town”). Once the Project reaches Final Development Plan stage the specific details of the Project may be subject to change.

Response to Comment B21-9

This comment has been previously discussed. See Topical Response 2, Project Description, and Response to Comments B13-5, -10, -17, B21-3, -4 and -8.

Comment B21-10

DEIR at III-1. Such a “conceptual” approach undermines the purpose of CEQA because it makes it impossible to accurately evaluate the Project’s potential environmental impacts and compare the Project to alternatives. *See County of Inyo*, 71 Cal. App. 3d at 192 (“Only through an accurate view of the project may affected outsiders and public decisionmakers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance.”)

Response to Comment B21-10

This comment has been previously discussed. See Topical Response 2, Project Description, and Response to Comments B21-3, -4 and -8.

Comment B21-11

The DEIR’s “conceptual” approach is particularly alarming with respect to construction phasing and scheduling. The DEIR states that construction for this project will be completed in 2020—more than ten years from now. DEIR at III-40. The DEIR states that the construction will be completed in phases, but it lacks any description of the sequence and relationship of those phases. *See id.* Instead, the DEIR asserts vaguely that “development within each phase is intended to be coordinated with surrounding land uses,” etc. *Id.* Without a more complete description, it is impossible to evaluate the potential environmental impacts of ten years of construction on the Project site. The DEIR should include a description of the phasing of the project and a construction phasing plan in order to facilitate this analysis.

Response to Comment B21-11

This comment has been previously discussed. See Topical Response 2, Project Description, and Response to Comments B21-3, -4 and -8. In addition, see Section IV, Environmental Impact Analysis (IV.A through IV.N), of the Draft EIR where impacts associated with the construction of the Project have been analyzed in detail. As noted on page III-37, the Project Applicant would be required to submit a

Construction Management Plan (“CMP”) for approval by the Town. The CMP identifies the details regarding the Project’s staging and materials storage, site security, hauling routes and general procedures, signage, snow storage, traffic control and parking, scheduling, public notifications, and general provisions regarding clean-up, access, dust and noise control, grading, erosion control, drainage, tree and property protection, and oil and hazardous materials management. This list of CMP content is not exhaustive and each CMP is prepared project-by-project; thus, the CMP for the proposed Project would include requirements specific to its location and development.

Comment B21-12

In addition, the DEIR fails to describe important aesthetic and logistic components of the Project, asserting instead that these details will be described in plans to be submitted later. *See, e.g.*, Lighting Plan (DEIR at III-40), Vegetative Hazard Management Plan (DEIR at III-38), Construction Management Plan (DEIR at III-37), Trip Generation Monitoring Program (DEIR at IV.M-26). Although these important details are deferred until after approval, the DEIR asserts that the Project is intended to “create a sense of arrival for the North Village area.” DEIR at III-26. Given this intention, the DEIR should provide far more information about what the Project will actually look like once it is developed, rather than deferring these details until after the CEQA process is complete. Without additional detail, the DEIR cannot legally conclude that the Project’s impacts on, for example, shadows, traffic, air quality, aesthetics and biological resources will be less than significant.

Response to Comment B21-12

This comment has been previously discussed. Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole and applicable standards. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Topical Response 2, Project Description, and Response to Comments B21-3, -4 and -8.

Comment B21-13

Inasmuch as this EIR is intended to support construction of the Project, the document is obligated to analyze a specific development proposal, not conceptual land use scenarios. [footnote] CEQA requires a thorough analysis of reasonably anticipated impacts of the entire project; it does not permit an EIR to analyze only the general impacts of a conceptual plan when an agency is considering approval of a specific project. *See Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182. Although the developer may desire a flexible planning approach, this need for flexibility

does not release the DEIR from its obligation to define the Project in a manner that allows for meaningful analysis of environmental impacts.

[footnote to comment] The applicant seeks approval of a Tentative Tract Map and Use Permits, which, if approved, would support construction of the Project. It is unclear whether these approvals are being sought at this time; however, the DEIR states that it will “serve as the environmental document for all discretionary actions associated with Development of the Project” and includes both the Tentative Tract Map and Use Permits in its list of discretionary approvals. DEIR III-41-42.

Response to Comment B21-13

This comment has been previously discussed. See Topical Response 2, Project Description, and Response to Comments B21-3, -4 and -8. While the Project is conceptual in nature the details provided in Section III, Project Description, of the Draft EIR, set the maximum (i.e., worst case scenario) development standards. The Draft EIR uses Section III’s project description as the basis for its analysis of the Project’s potentially significant environmental effects.

Comment B21-14

The Project description is further misleading because it asserts that the Project will be “located and positioned to best enhance the visitor experience and preserve Mammoth Lakes’ character of a village in the forest.” DEIR at III-26. However, as discussed in more detail in Section I.B.1 and 2, *infra*, the Project proposes to radically alter that character, rather than to preserve it. Visual simulations of the Project depict massive structures out of scale with existing development. These simulations indicate intense, dense urban form rather than a village.

Response to Comment B21-14

This comment has been previously discussed. See Topical Response 2, Project Description, and Response to Comments B21-3, -4 and -8.

Comment B21-15

This deficiency is exacerbated by the fact that the DEIR fails to include the text and substance of the Project’s proposed amendments to the General Plan. The appendices contain only the proposed amendments to the NVSP. See DEIR Appendix N. Without the text of the proposed General Plan amendment, the Project description is grossly inadequate and inaccurate. See *San Joaquin Raptor*, 27 Cal. App. 4th at 729-30. The omission of this key component of the Project, which must be considered by decisionmakers prior to approving the environmental document, itself constitutes a deficiency so severe as to warrant recirculation of the DEIR. See CEQA Guidelines § 15088.5 (circulation required when EIR is fundamentally and basically inadequate).

Response to Comment B21-15

This comment has been previously discussed. See Topical Response 2, Project Description, and Response to Comments B21-3, -4 and -8.

Comment B21-16

Moreover, although the DEIR claims that the Project is intended to conform to the NVSP (DEIR at III-26, III-41), the Project proposes amendments to the NVSP that would: 1) massively exceed allowable development intensities on the Project site; 2) construct towers as high as 130 feet in an area where maximum height of structures is restricted to 50 feet; and exceed setback limits. DEIR at III-17-26. The primary purpose of the NVSP is “to provide new land use guidelines and development standards for the North Village area which will enable the development of a cohesive, pedestrian-oriented resort activity node....” NVSP at 2 (emphasis added). Moreover, the DEIR fails to address whether the Project will be consistent with NVSP specifications regarding building and roofing materials, textures and colors. See NVSP at 34-38. Rather than conforming to the NVSP, the Project proposes to conform the NVSP to its desired development plan. The Project therefore undermines the primary purpose of the NVSP, and it is misleading to claim that the Project intends to conform to the NVSP.

Response to Comment B21-16

This comment is in reference to the North Village Specific Plan (“Specific Plan”). The commenter notes that while the Draft EIR claims that the Project is intended to conform to the Specific Plan, the Project includes amendments to the Specific Plan, and claims that the Draft EIR fails to address whether the Project would be consistent with Specific Plan specifications regarding materials, textures and colors. Beyond the proposed modifications to density, height and setback, the Project would not modify other Specific Plan standards that would regulate building color, materials, and other provisions relating to aesthetic or design standards (see Appendix C to this Final EIR, which includes the complete text of proposed amendments to the Specific Plan). Those requirements would be applied to any future project on the Project site.

Additionally, it is the opinion of the commenter that the Project undermines the primary purpose of the Specific Plan and that it is misleading to claim that the Project intends to conform to the Specific Plan. The commenter is directed to Topical Response 2, Project Description, for a detailed discussion on the purpose of the proposed Specific Plan amendments and their relationship to the proposed Project. This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. These comments have been previously made by the commenter. See Response to Comments B21-3, -4 and -8.

Comment B21-17

In short, it is simply inconceivable that accountable decisionmakers could make a decision to approve the Project with essentially no information about important Project components, and based upon a mischaracterization of the Project's relationship to the NVSP. Yet that is effectively what this DEIR asks the Town to do. Under state law, the DEIR needs to be revised to include a *detailed and accurate* description of the Project. *See County of Inyo*, 71 Cal. App. 3d at 193. These descriptions must then provide the basis for new, extensive analyses of the Project's environmental impacts.

Response to Comment B21-17

The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Accordingly, no further response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

The Draft EIR correctly characterizes the relationship of the Project to the NVSP, in that the Project seeks amendments to the plan. See Topical Response 2, Project Description.

Comment B21-18**2. The Project Improperly Segments Environmental Review of Site 4 and Off-Site Affordable Housing.**

The DEIR suffers from another serious flaw—it inappropriately segments components of the Project for purposes of environmental review. An accurate description of the project is one that considers the whole project, instead of narrowly focusing on a particular segment. CEQA “mandates ‘that environmental considerations do not become submerged by chopping a large project into many little ones—each with a . . . potential impact on the environment—which cumulatively may have disastrous consequences.’” *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452; *see also McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1146 (open space district “impermissibly divided the project into segments which evade CEQA review”); *Plan for Arcadia, Inc. v. Arcadia City Council* (1974) 42 Cal.App.3d 712, 726 (shopping center and parking lot projects are related and should be regarded as a single project for CEQA purposes).

Response to Comment B21-18

It is assumed the commenter is referring to the off-site affordable housing, as those units would be subject to separate environmental review. Environmental impacts associated with on-site affordable housing were analyzed throughout Section IV, Environmental Impact Analysis (IV.A through IV.N), of the Draft EIR. This comment has been previously addressed. See Response to Comment B21-3.

Comment B21-19**a. The DEIR Improperly Excludes Site 4 from its Analysis.**

The DEIR improperly segments the Project by excluding Site 4 from its analysis of potential project impacts. As a result, it fails to analyze all impacts associated with the Project. The DEIR excuses this failure by claiming that the potential impacts of developing Site 4 have already been analyzed in a previous Mitigated Negative Declaration (MND). CEQA, however, does not permit this type of segmentation. Under CEQA, “[a] public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impacts of the project as a whole.” *Orinda Assoc. v. Bd. of Supervisors* (1986) 182 Cal. App. 3d 1145, 1171-72.

Response to Comment B21-19

This comment has been previously addressed. Since release of the Draft EIR, the Project Applicant has decided not to include Site 4 as part of the Mammoth Crossing Project. See Topical Response 3, Project Description, and Response to Comment B21-3.

Comment B21-20

Site 4 is a critical element of this Project and must be analyzed together with development of the three other sites. The piecemeal analysis of Site 4 in a previous MND does not substitute for the analysis of the Site here as a component of this Project. Development of Site 4 is not a stand alone element with isolated impacts; rather it is an integrated component of this development and must be analyzed as such. The failure to include Site 4 in the DEIR’s analysis of project specific impacts violates CEQA.

Response to Comment B21-20

This comment has been previously addressed. Since release of the Draft EIR, the Project Applicant has decided not to include Site 4 as part of the Mammoth Crossing Project. See Topical Response 3, Project Description, and Response to Comment B21-3.

Comment B21-21

Furthermore, the elements of the Project associated with the development on Site 4 are not limited to the construction of 45 units; the Project also redesignates Site 4 from the Loadstar Master Plan to the NVSP. The EIR completely fails to discuss the implications of this change. While the MND may have analyzed the Site 4 development plan's consistency with Master Plan, it did not analyze Site 4's consistency with the NVSP. The NVSP was created to reflect the goals and principles in the General Plan. NVSP at 3. Additionally, the General Plan sets forth a vision for the North Village, and presumably, the boundaries of the North Village were created to effectuate that vision. The DEIR merely asserts that Site 4 will be moved from the Lodestar Master Plan to the NVSP without considering any of the potential impacts of that redesignation.

Response to Comment B21-21

This comment has been previously addressed. Since release of the Draft EIR, the Project Applicant has decided not to include Site 4 as part of the Mammoth Crossing Project. See Topical Response 3, Project Description, and Response to Comment B21-3.

Comment B21-22

Moreover, as a result of this redesignation, development on Site 4 will not be subject to the Loadstar Master Plan regulations, regulations likely developed to ensure, in part, reduction of potential environmental impacts and compliance with the General Plan. For example, in concluding that development of Site 4 would not result in significant environmental impacts, the Initial Study for the MND relied on the fact that the proposed development's height, mass, density, and recreation provisions were consistent with the requirements set forth in the Lodestar Master Plan. IS at 5, 10-12. As an element of this Project, Site 4 will not be subject to the Loadstar Master Plan regulations as assumed in the MND. Analysis of Site 4 must be considered under the regulations and standards in effect for this Project.

Response to Comment B21-22

This comment has been previously addressed. Since release of the Draft EIR, the Project Applicant has decided not to include Site 4 as part of the Mammoth Crossing Project. See Topical Response 3, Project Description, and Response to Comment B21-3.

Comment B21-23***b. The DEIR Improperly Excludes Off-Site Affordable Housing from its Analysis***

Likewise, the DEIR acknowledges that the provision of off-site affordable housing is part of the Project. DEIR at III-1,10. Nevertheless, the DEIR asserts that the off-site affordable housing will be subject to separate environmental review. DEIR at III-2. Because off-site affordable housing is a

component of *this* Project, the environmental impacts associated with off-site development must be included in the analysis of this Project's impacts. As discussed above, under CEQA, the Town must analyze all components of the Project and cannot subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impacts of the project as a whole. The fact that the details of the affordable housing are not yet known does not excuse the DEIR from analyzing the 13,448 square feet of affordable housing required as a necessary component of the Project. *See Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 396-97 (foreseeable future impacts must be analyzed even when parameters of future expansion are not yet known).

Response to Comment B21-23

This comment has been previously addressed. See Response to Comment B21-3.

Comment B21-24

B. The DEIR's Analysis of and Mitigation for the Impacts of the Proposed Project Are Legally Inadequate.

The discussion of a proposed project's environmental impacts is at the core of an EIR. *See* CEQA Guidelines § 15126.2(a) (“[a]n EIR *shall* identify and focus on the significant environmental effects of the proposed project”) (emphasis added). As explained below, the DEIR's environmental impacts analysis is deficient under CEQA because it fails to provide the necessary facts and analysis to allow the Town and the public to make informed decisions about the Project. An EIR must effectuate the fundamental purpose of CEQA: to “inform the public and responsible officials of the environmental consequences of their decisions before they are made.” *Laurel Heights Improvement Assn.* (1993) 6 Cal.4th at 1112, 1123. To do so, an EIR must contain facts and analysis, not just an agency's bare conclusions. *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 568 (1990). Thus, a conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA's informational goal.

Response to Comment B21-24

This comment has been previously addressed. See Response to Comment B21-3.

Comment B21-25

Additionally, an EIR must identify feasible mitigation measures to mitigate significant environmental impacts. CEQA Guidelines § 15126.4. Under CEQA, “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. . . .” Pub. Res. Code § 21002.

Response to Comment B21-25

The Project's significant impacts, associated mitigation measures and levels of significance are summarized in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, of the Draft EIR. Certain mitigation measures in the referenced areas do require that future studies and investigations be conducted so that the extent of the mitigation required can be accurately and precisely determined. The Town may properly rely on these future studies to define how the mitigation measures would be designed and implemented and address actual environmental conditions, and, through a mitigation monitoring program (MMP), the Town would commit itself to the mitigation. The commenter is referred to Section III, Corrections and Additions to the Draft EIR, of this FEIR for any updates to impacts and mitigation measures outlined in the Draft EIR. The commenter does not address the adequacy of the Draft EIR, nor does the commenter raise a new environmental issue; therefore, no further response is required. This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters and Topical Response 2, Project Description.

Comment B21-26**1. The DEIR's Analysis of Aesthetic Impacts Is Inadequate.**

As the DEIR points out, the Town's General Plan integrates regulations and requirements "to ensure the preservation of existing valuable visual resources and the Town's visual character." DEIR at IV.B-1. Here, the applicant requests amendments to the NVSP that would jeopardize views and alter the Town's visual character irreparably.

Response to Comment B21-26

The commenter does not address the adequacy of the DEIR, nor does the commenter raise a new environmental issue; therefore, no further response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B21-27

The DEIR erroneously states that the amendments proposed by the Project "would be *required* to accommodate the proposed land uses." DEIR at IV.B-1 (emphasis added). However, a hotel/resort development could be accommodated within the parameters established in the NVSP. NVSP at 20. Such a hotel/resort development would simply require an alternative design that complies with the requirements set forth in the NVSP.

Response to Comment B21-27

The comment misinterprets the text in the Draft EIR which states “The Project is located within the *North Village Specific Plan* (“Specific Plan”) area, and includes a series of amendments to the Specific Plan as originally adopted in 2000 and amended in 2008, as well as amendments to the *Town of Mammoth Lakes General Plan* (“General Plan”), which would be required to accommodate the Project’s proposed land uses.” The statement is intended to reference the totality of the land use program proposed for the three sites including the height, density, site layout, and mix of uses proposed.

The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B21-28

Although the visual effect of this Project on the community's character is of vital importance to North Village residents and visitors, NVSP at 4, the DEIR fails to provide a proper evaluation of the visual impacts of the Project. The Project would erect seven-story towers directly adjacent to one, two and three-story homes and businesses and would entirely redefine the community's character, introducing densities and building heights that greatly exceed the standards established in the NVSP.

Response to Comment B21-28

The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Regarding Specific Plan consistency, the Draft EIR found that the Project was largely consistent with applicable policies in the *North Village Specific Plan*; however, ultimately the determination of consistency remains with the Town of Mammoth Lakes. See Topical Response 4, View Analysis and Response to Comment B21-2.

Comment B21-29

a. The DEIR Fails to Identify, Analyze and Mitigate Impacts to Important Public Views and Scenic Vistas.

While the DEIR correctly concludes that significant and unavoidable visual impacts to public views and scenic vistas would occur as a result of the project, DEIR at IV.B-19 (AES-1), the visual analysis fails to adequately disclose the extent and severity of effects on specific scenic vistas and public views in the area. For example, the DEIR does not identify the number of residences or the extent of public roadway where views will be obstructed or substantially altered by the proposed project.

Response to Comment B21-29

The details regarding the number of residences or the extent of the public roadway would not change the significant and unavoidable level of significance findings as presented in Section IV.B, Aesthetics, of the Draft EIR, with regards to public views of scenic vistas. See Topical Response 4, View Analysis.

Comment B21-30

The DEIR includes a set of visual simulations which portray the Project from various viewpoints. DEIR at IV.B-20 to 39. However, the simulation photographs do not fully disclose the magnitude of the Project's effects on public views because they do not include surrounding or adjacent development for comparison. This deficiency precludes a clear depiction of the Project's scale and landscape context. As a result, the DEIR misrepresents the true visual impacts of the Project.

Response to Comment B21-30

Section IV.B, Aesthetics, of the Draft EIR describes how the Project would look from various off-site locations and includes pre- and post-project visual simulations to facilitate one's understanding of how views of the Project site would change due to the Project. However, the Draft EIR does not attempt to describe off-site views of the Project from every viewing location in the Project area and instead relies on representative viewpoints. See page IV.B-10 through IV.B-39 where detailed descriptions and figures illustrating the before and after views are presented. Figures IV.B-4 through IV.B-23 illustrate both surrounding and adjacent development conditions before the Project and after the Project. In addition, see Topical Response 4, View Analysis, where an additional four visual simulations have been prepared and analyzed as part of this Final EIR.

Furthermore, Section II, Environmental Setting, of the Draft EIR, describes existing conditions of the Project sites as well as those of the surrounding land uses. Figures II-6 through II-10 provide a total of 30 views of both existing site conditions and surrounding land uses.

Comment B21-31

Furthermore, view corridors and vistas in the North Village are specifically noted in Figure 1 of the General Plan as a Major View Corridor and Vista. General Plan at 18, Fig. 1. These views include views of the Sherwin Range. *Id.* Yet the DEIR analysis does not adequately address impacts to this view corridor. This deficiency is largely due to the choice of viewpoints, which are not fully representative of the resulting impacts to views in the vicinity. For example, a viewpoint just north of View 4, looking to the southeast (rather than south as presented) would reveal a clear, unobstructed public view of the Sherwin Range. Views of the Sherwin Range are exceptional as southbound vehicles on either Minaret or Canyon come into proximity of their respective intersections with Main Street and Lake Mary Road. Pedestrians in the area also are afforded spectacular views. These views are currently minimally

obstructed by buildings on the four corners surrounding the Main Street and Minaret Road intersection because the parcels are either undeveloped or developed with small scale, low buildings. The Project, however, would occupy three of the four corners of this key tourist intersection. In addition, views from Main Street to the southwest (rather than to the west as presented in the DEIR) would reveal unobstructed mountain views not addressed in the DEIR.

Response to Comment B21-31

The commenters express opinions regarding the viewpoint analysis presented in Section IV.B, Aesthetics, of the Draft EIR and speculate that additional viewpoint analysis would introduce significant impacts to the public views of the Sherwin Range. These comments have been previously addressed. See Topical Response 2, Project Description, Topical Response 3, View Analysis, and Response to Comment B21-30.

Comment B21-32

These views of the Sherwin Range are a fundamental part of the community character and constitute the main attraction for visitors to Mammoth Lakes. See General Plan at 15 (community goal is to “[b]e stewards in preserving public views of surrounding mountains, ridgelines and knolls”). The DEIR nevertheless fails to adequately analyze and propose mitigation for impacts to views of the Sherwin Range.

Response to Comment B21-32

These comments have been previously addressed. See Topical Response 2, Project Description, Topical Response 3, View Analysis, and Response to Comment B21-30.

Comment B21-33

Moreover, despite the DEIR’s conclusion that the Project will result in substantial changes to views of surrounding scenic Mammoth Knolls, DEIR at IV.B-19 (AES-1), the DEIR proposes *no* mitigation measures. CEQA requires that an EIR identify, and the decisionmaker adopt, all feasible mitigation measures that would reduce or avoid a project’s significant impacts. Pub. Res. Code § 21002; Guidelines § 15091(a)(3). The Town must comply with this requirement even if the mitigation would not reduce the impact to a less than significant level, as long as the measure would have some mitigating effect. California courts have made clear that an EIR is inadequate if it fails to suggest feasible mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79.

Response to Comment B21-33

This comment has been previously addressed. See Topical Response 2, Project Description. As identified, discussed, and analyzed in the Draft EIR, the Project, if implemented as proposed, could result in various potentially significant effects on the environment. As required by CEQA and *CEQA Guidelines* Section 15126.4, the Draft EIR also proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact. *CEQA Guidelines* Section 15370 defines “mitigation” as including: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of an action and its implementation; (3) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (5) compensating for the impact by replacing or providing substitute resources or environments. While, by definition, mitigation may require that changes be made to the project proposed by an applicant for purposes of minimizing environmental impacts, the Draft EIR’s proposed mitigation measures do not alter the description of the Project contained in Section III, Project Description, of the Draft EIR or the actual Project analyzed. Any mitigation measures which would result in changes to the proposed Project’s density, height, and setback orientation that are germane to accommodating the Project’s habitable areas were considered and ruled out as infeasible because doing so would introduce greater impacts with regards to preserving the maximum amount of open space, trees and natural features, and would result in loss of density (a fundamental Project component). Rather, the purpose of the Draft EIR is to fully disclose the environmental impacts of the Project as proposed. However, alternatives to the proposed Project have been analyzed that modify the Project Description to illustrate how significant impacts could be reduced. See Topical Response 4, Alternatives. Consistent with CEQA’s definition of mitigation, the Draft EIR relies on various approaches and measures designed to alleviate specific Project-related impacts. Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, in Section I, Introduction and Summary, of the Draft EIR identifies all mitigation measures included in the Draft EIR. See Topical Response 3, View Analysis for the introduction of a new mitigation measure to reduce public view impacts to the scenic Mammoth Knolls from View 6.

The Mammoth Crossing site design has been thoughtfully planned for a period exceeding five years, and the Project-specific plans and designs for redevelopment of the site will comply with the Development and Design Standards set forth in the Specific Plan, new design or development standards adopted as part of the proposed Specific Plan amendment (applicable to the proposed Mammoth Crossing District), and the Town’s Design Guidelines as approved by the Planning Commission.

Comment B21-34

Even if there are no mitigation measures available that would *fully* mitigate impacts to public views and scenic vistas, the DEIR must identify, the Town must adopt and the developer must implement feasible measures that could lessen impacts to any degree. See *Ocean View Estates Homeowners Ass’n v. Montecito Water Dist.* (2004) 116 Cal. App. 4th 396, 401-03 (environmental document must analyze and

mitigate aesthetic impacts to public and private views). Here, such measures should include reduced building height, design features that reduce the bulk and mass of the buildings, and increased setbacks.

Response to Comment B21-34

See Response to Comment B21-33.

Comment B21-35

The DEIR concludes that impacts to scenic resources within a State Scenic Highway are a less than significant impact based on visual simulations 1, 2, and 5. DEIR at IV.B-40 (AES-2). However, Views 1 and 2, which were taken from Minaret looking south, are taken from a distance that ensures views of the Project site are obscured by the curvature of Minaret and existing buildings in the foreground. *Id.* at Fig. IV.B-4, IV.B-5. Had the photo been taken further south on Minaret, decisionmakers and the public would have the benefit of understanding what the public will experience as they drive through the project intersection. *See Laurel Heights Improvement Assn.*, 6 Cal.4th at 1123 (purpose of CEQA to inform public and decisionmakers of environmental impacts before decision is made). Therefore, the DEIR provides a misleading analysis of the Project's visual impacts.

Response to Comment B21-35

This comment has been previously addressed. Additional viewpoint analysis has been performed and four additional visual simulations have been prepared. See Topical Response 3, View Analysis.

Comment B21-36

b. The DEIR Fails to Adequately Analyze or Mitigate the Project's Significant Impacts on Visual Resources and Neighborhood Character.

The DEIR's analysis of visual impacts is fatally flawed because it fails to adequately describe the visual characteristics of the development proposed. The DEIR considers and analyzes a conceptual project that "represents what could be developed once the proposed amendments have been approved and adopted..." and the "Project may be subject to change." DEIR at IV.B-15. CEQA requires a project description that is at least adequate to reveal the project's impacts on the environment. *See County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185; see also CEQA Guidelines § 15124. *See* DEIR at III-2. The DEIR's description of the visual characteristics of the Project fails to meet this requirement and, as a result, an assessment of the Project's impacts on visual resources and neighborhood character is simply not possible.

Response to Comment B21-36

This comment has been previously discussed. See Topical Response 2, Project Description, and Response to Comments B21-3, -4 and -8.

Comment B21-37

The Project would replace two- to three-story structures with hotels up to seven stories high with reduced setbacks that will emphasize the buildings' height and mass at the street level. Currently, development in the vicinity is largely limited to two- and three-story structures at half the density proposed by the Project. The maximum structure height allowed under the Specific Plan is 40 feet. [footnote]. DEIR at IV.I-6. Rather than seriously study how the Project would affect the scale of the existing neighborhood, the DEIR simply asserts that the Project is generally consistent with General Plan and Specific Plan policies, which it is not, and reiterates a description of conceptual project characteristics.

[footnote to comment] The Specific Plan allows a maximum project height of 40 feet. Projections above 40 feet to a maximum of 50 feet may be allowed provided that a roughly equivalent reduction in the building footprint area above the height is provided below the permitted height and no more than 50 percent of the building square footage exceeds the permitted height.

Response to Comment B21-37

The commenter expresses an opinion regarding the Project's consistency with policies in the General Plan and Specific Plan, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

The Project's consistency with General Plan and Specific Plan policies, and compatibility with surrounding land uses is discussed in Section IV.I, Land Use and Planning, of the Draft EIR, starting on pages IV.I-9 and IV.I-44, respectively. See these two sections of the Draft EIR for detailed analysis describing how the proposed Project's varying heights were found to be consistent. In addition, see Response to Comment B21-2 and Topical Response 2, Project Description.

Comment B21-38

The Project proposes building heights ranging from 76 feet to 130, which would create a visual inconsistency with the existing one-and two-story businesses and residential development in the vicinity. Yet, the only information the DEIR offers regarding the Project's affect on the existing neighborhood is that "the Project would aim to organize the form and mass of . . . proposed building relative to the scale of the neighboring buildings and the surrounding tree canopy" and that "the Project would be designed to complement the existing alpine architectural character of nearby development and

throughout the Town.” DEIR at IV.B-50 and IV.B-52. These meaningless statements provide the reviewer with no information regarding the Project’s final appearance and the impact on residents and visitors to the area.

Response to Comment B21-38

See Response to Comment B21-37.

Comment B21-39

Despite the DEIR’s acknowledgment that “the three hotels . . . would constitute a substantial intensification of building mass and increase in heights relative to existing development,” DEIR at IV.B-50, the DEIR concludes, absent any analysis, that the substantial changes proposed by the Project through General Plan and Specific Plan amendments “would not degrade the existing character or quality of the Project site and its surroundings and the associated impact would be less than significant.” DEIR at IV.B-53. This summary conclusion amounts to no more than speculation as to how this Project would look and how it would fit in with the neighborhood. Such an approach is a far cry from CEQA's clear requirements. Meaningful analysis of impacts effectuates one of CEQA's fundamental purposes: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Ass'n.*, 6 Cal.4th at 1123. To accomplish this purpose, an EIR must contain facts and analysis, not just an agency's bare conclusions. *Citizens of Goleta Valley*, 52 Cal.3d at 568.

Response to Comment B21-39

This comment expresses an opinion about the sufficiency of the analysis, specifically claiming that the conclusion summary identified on page IV.B-53 which finds that the introduction of the Project “would not degrade the existing character or quality of the Project site and its surroundings and the associated impact would be less than significant” was made absent any analysis. However, the comment misinterprets the Draft EIR’s use of the word “existing,” which is meant to refer to the current buildings on site, rather than purport a comparison with neighboring development.

The existing character of the site is a combination of partially developed land, with surface parking areas, older hotel buildings, several of which are in a state of dilapidation, and low- to mid-rise commercial buildings. Additionally, the Draft EIR clearly discloses the nature of the proposed Mammoth Crossing development Project on the site through its conceptual site plans and visual simulations, as a basis for analysis. As noted on page IV.B-50, development of the three hotels as proposed would result in a substantial intensification of building mass and increase in heights relative to what is currently located on the Project site. As further noted on page IV.B-65, the Project would be consistent with the character with surrounding development within the Specific Plan Area, which includes buildings at a variety of scales including larger scale hotel and mixed use commercial/residential development, such as the recently constructed Westin Hotel, 80/50 project, the Village at Mammoth, as well as with approved projects that

include the Mammoth Hillside development and South Hotel. The Project would be required to conform to Town development regulations and be reviewed against the Town Municipal Code Section 17.32.120 as well as the Town Municipal Code Signs and Outdoor Lighting ordinances, Section 17.40 and Section 17.34, respectively, and the Town's Design Guidelines prior to final approval.

The comment is made in reference to an impact conclusion discussion which follows a detailed analysis under the heading Impact AES-3 Visual Character and Design which begins on page IV.B-40 and continues to page IV.B-53. This impact discussion is comprised of a thorough consistency analysis of the Project with applicable aesthetics policies contained within the General Plan as they relate to visual character and overall appearance is presented in Table IV.B-1, Consistency with General Plan Applicable Aesthetics Policies (see pages IV.B-40 through -48). Furthermore, a consistency analysis of the Project with applicable aesthetics policies contained within the Specific Plan is presented in Table IV.B-2, Consistency with Specific Plan Applicable Aesthetics Policies (see pages IV.B-48 through -50). Furthermore, an additional General Plan policy consistency analysis is presented in Section IV.I, Land Use and Planning, of the Draft EIR, as policies relate specifically to land use.

In addition to the analysis described above, this section of the Draft EIR provides a detailed discussion of the Project's proposed impacts with relation to its proposed Form Mass and Scale, Landscaped Design and Planting, Grading and Drainage and Signage (see pages IV.B-48 through IV.B-50).

It is unclear what the commenter is referring to in their claim that the conclusion summary identified on page IV.B-53 is "absent any analysis" and that "the summary conclusion amounts to no more than speculation." It is through the complete analysis described above, that the finding that the Project would not degrade the existing character or quality of the Project site and its surroundings was reached.

See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Topical Response 2, Project Description, and Response to Comments B21-2, and -3.

In response to this comment, the paragraph under the heading "Form, Mass, and Scale," on page IV.50 and continued on IV.51 of Section IV.B, Aesthetics, of the Draft EIR has been revised as follows:

The Project would aim to organize the form and mass of each of its proposed buildings relative to the scale of neighboring buildings and the surrounding tree-canopy. The bulk of each of the hotels are below the forest canopy and only some of the towers of the hotels on the sites may penetrate the existing forest canopy. As described previously under Impact AES-1, the Project would partially block views of the Mammoth Knolls from the View 6 and View 8 locations. The three hotels, as previously described, would exceed the maximum 50-foot height limit and would constitute a substantial intensification of building mass and increase in heights relative to existing development (i.e., current on-site buildings) on each of the sites. Building massing and heights would be varied and building ends would be stepped. Each hotel would be built over understructure parking. The Town would review all final proposed building designs to ensure

that the Project would be responsive and expressive of its unique alpine setting. The Project will take into consideration neighboring building colors when using strong, deep trim colors on doors and structural details.

This change has been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revision does not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B21-40

An adequate analysis of aesthetic impacts would actually investigate the Project's impacts rather than speculate about them. Such an analysis should also include the use of story poles so that the public and decisionmakers have a sense of how the buildings and towers would look from ground level. Only with the use of story poles will it be possible to visualize the juxtaposition of the proposed buildings against a neighborhood of predominantly one and two-story structures. But again, none of this analysis can be undertaken until the Project itself is planned and designed: the DEIR cannot effectively consider the visual effects of a project whose appearance is unknown.

Response to Comment B21-40

This comment has been previously discussed. See Topical Response 2, Project Description, and Response to Comments B21-2, and -3, and B21-30.

The Project, once approved, shall comply with all applicable local, state and federal regulations, which includes all adopted policies identified by the Town. The Town of Mammoth Lakes' Story Pole Policy is intended to help to illustrate building height and the massing and placement of structures during the planning review process and would go into effect at that time. The Town, as the lead agency, has determined that use of photo-realistic visual simulations and other graphics-based analysis provides a sufficient basis for purposes of the Draft EIR's analysis of visual impacts, and that erection of story poles is not necessary.

Comment B21-41

c. The DEIR Fails to Analyze and Mitigate the Full Range of Impacts Associated with Lighting, Shading and Shadow.

The DEIR states that a significant shade/shadow impact could occur if shadow-sensitive uses (i.e., "useable outdoor space" and roads) would be shaded during certain periods of time, or if the Project required an exception to applicable policies and regulations that would result in a fundamental conflict with those policies or regulations. DEIR at IV.B.-13, 53 to 54. The DEIR acknowledges that the Project would cast shadows on adjacent residences at Fireside Condominiums "in the morning and throughout the afternoon" during winter. DEIR at IV.B-54. However, the document downplays the extent of the impact

by stating that shadows would be cast on a “portion of the residential land use” and dismisses this impact stating that “the useable outdoor spaces associated with the nearby residences (e.g., yards, balconies, etc.) are rarely used in the winter months.” *Id.* According to DEIR Figure IV.B-25, it is clear that specifying “a portion” of the adjacent residential land use to the north (i.e., Fireside Condominiums) will be in shadow is a gross understatement. In fact, the majority of the Fireside property will be in shadow in the morning and throughout the afternoon. Furthermore, the walkway on the south side of the Fireside property which connects the two residential buildings and the recreation building will be completely shaded during all three time periods modeled in winter and balconies will be in the shade in both fall and winter. DEIR Figure IV.D-25, D-26. Even though these outdoor spaces are used by Fireside residences, especially in the fall, the DEIR goes on to conclude that this impact is less than significant, offering no mitigation for this impact whatsoever.

Response to Comment B21-41

The comment correctly identifies the Shade/Shadow thresholds as presented in Section IV.B, Aesthetics, of the Draft EIR. In response to this comment and other similar comments, a broad response was prepared. See Topical Response 5, Shading/Shadows. As noted in Topical Response 5, under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The Town, acting as the lead agency, has determined that, while the private outdoor spaces at the Project site-adjacent Fireside Condominiums would be shaded by the proposed Project in excess of three hours during the winter months, shading impacts associated with the Project would be less than significant based on the fact that these small outdoor spaces associated with the condominium balconies are primarily used during the summer months and not during the winter. This is not intended to imply that these areas are never used in the winter, but simply to recognize that normal winter conditions in Mammoth Lakes typically restrict outdoor patio use and that, due to this usage pattern, the seasonal shading impacts are not considered to be significant. In Mammoth Lakes during winter (i.e., the ski season), the majority of outdoor recreational activities include snow skiing, snowshoeing, and snowmobiling, none of which occur at the land uses adjacent to the Project site. Furthermore, as noted in Topical Response 5, a supplementary analysis was performed which determined that up to 13 existing trees ranging in height from 40 to 50 feet located along the property boundary between the Project site and the Fireside Condominium property currently shade the Fireside Condominiums and associated private outdoor locations including the existing private walkway from 11 a.m. throughout the remainder of the day during the winter months.³⁵ As such, while shading from the Project would increase the amount of time it snow and ice would take to melt from the private walkways; the development of the proposed Project would not substantially alter existing shade/shadow conditions experienced at the Fireside Condominiums.

³⁵ Site visit, tree and measurement count, and shade monitoring performed by CAJA staff, Scott Johnson, on November 5, 2008 and Town Staff, Peter Bernasconi, January 5, 2009. .

Comment B21-42

The thresholds of significance do not address the broad range of impacts associated with shadows and shading, and therefore underestimate the Project's shadow and shade-related impacts. Limiting the impact to "useable outdoor spaces" and summarily concluding that related impacts are not significant because backyards and balconies are rarely used in the winter months is not only incorrect, but also fails to take into account a host of other impacts. *See* DEIR at IV.B-54. For example, Fireside's ability to keep ice off the walkway between the buildings will be particularly impacted because the setback is only eight feet from the Fireside property line to a major hotel building where the roof will shed snow directly toward the Fireside property. The Project will thus result in safety impacts associated with the resulting snow shed and black ice on the walkway. Fireside will also lose the solar heating advantages of direct sunlight on the buildings, (e.g., the sunlight streaming through the picture window into the spa area, the sunlight streaming through the double sliding glass doors of the pool area, the snow/ice melt off the deck areas so that decks can be used to BBQ and store firewood, and the snow/melt off the decks so that sunlight can penetrate through the sliding patio doors).

Response to Comment B21-42

See Response to Comment B21-41 and Topical Response 5, Shading/Shadows.

Comment B21-43

Despite these Project effects, the DEIR fails to consider or mitigate for the impacts on energy use that the shading from the Project will cause. CEQA requires analysis of the potentially significant energy implications of a project. CEQA Guidelines, Appendix F. The DEIR identifies as a threshold of significance "the degree to which the project design and/or operations incorporate energy conservation measures." DEIR at IV.N-34. Here, the Project design will result in a *loss* of energy conservation on surrounding properties. Nevertheless, the DEIR fails to engage in the required energy analysis with respect to the effects of shading.

Response to Comment B21-43

See Topical Response 5, Shading/Shadows.

Comment B21-44

Furthermore, the DEIR's approach also discounts the positive livability issues that a sunlit environment provides and the health related environmental impacts associated with deprivation of sunlight. These impacts must be analyzed and feasible mitigation measures (including lowering building heights) identified to minimize impacts. CEQA mandates that "public agencies should not approve projects as proposed if there are . . . feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects . . ." Pub. Res. Code § 21002.

Response to Comment B21-44

These comments have been previously addressed. See Topical Response 2, Project Description, and Topical Response 5, Shading/Shadows.

Comment B21-45

Although the DEIR correctly identifies the Project's significant shadow-related impact at one of the Town's busiest intersections, DEIR at IV.B-54, it fails to propose adequate mitigation for this impact. According to the DEIR, the buildings would cast shadows on the intersection as well as the entrances to the intersection on Lake Mary Road, Main Street, and on Minaret Road, throughout the majority of the day, resulting in potentially significant public safety impacts related to the formation of black ice. DEIR at IV.B-54. The DEIR purports to address these impacts through a measure requiring snow removal and cindering. *Id.* at IV.B-55. Snow removal and cindering is not particularly effective on black ice, and impractical given that freeze cycle occurs concurrently with the P.M. peak traffic/pedestrian time. The DEIR further states that the "Town shall require the Project Applicant to install heat traced pavement at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week." DEIR at IV.B-55. However, the climate in Mammoth Lakes in the winter is such that the majority of days will reach a high temperature above freezing. In the early evening, the temperature falls quickly and the moisture on the roads freezes. Thus, it is possible for black ice to form even though the impacted area may have received sunlight earlier in the day. As a result, contrary to the conclusions of the DEIR, the proposed mitigation measures will not reduce significant shadow impacts to an insignificant level.

Response to Comment B21-45

This comment expresses opinions about the shading/shadow impacts associated with the proposed Project, yet does not provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of this assertion. See Topical Response 5, Shading/Shadows.

Comment B21-46

The DEIR fails to analyze other feasible mitigation, including redesigning the site so that buildings are situated further south away from existing residences and increasing setbacks to comply with or exceed requirements in the NVSP. *See* CEQA Guidelines § 15370 (mitigation includes avoiding the impact altogether by not taking a certain action or parts of an action and minimizing impacts by limiting the degree or magnitude of the action and its implementation).

Response to Comment B21-46

This comment has been previously discussed. See Response to Comment B21-33.

Comment B21-47

Moreover, the DEIR provides no analysis of the Project's wind impacts. Large, bulky, or tall buildings located adjacent to low-rise buildings may create problems such as undesirable wind tunnels. Wind analysis is common in large, urban projects and has been a component of other city projects containing high rise towers and dense development. *See* San Francisco Municipal Planning Code sec. 148. The DEIR for the Mammoth Crossing Project simply fails without explanation to consider the analysis of wind impacts, and for this reason is deficient.

Response to Comment B21-47

The Town does not have an established wind impact threshold. The comment inappropriately compares the density, scale and height of the Mammoth Crossing Project to the extremely large urban "high-rise" towers such as those found in the Downtown Commercial (Market Street), Rincon Hill, Van Ness Avenue, and South of Market areas of San Francisco, to which the referenced Section 148 of the San Francisco Municipal Planning Code applies. It is important to note that the San Francisco Municipal Code is not applicable to this Project as they only provide guidance for projects within San Francisco and not the Town of Mammoth Lakes. Regardless, although the Project would potentially result in maximum building heights up to 103 feet (tower features), the Project's use of building articulation and massing (rather than slab-like, uniform massing), varied heights, and varied setbacks at site frontages would not create the sorts of wind impacts that can be of concern in other types of locations and buildings.

Comment B21-48

Finally, the DEIR fails to address potential impacts related to light infiltration into the windows of the adjacent residences from headlights entering the ramp to the underground parking structure on Site 1. *See* DEIR at IV.B-53 (AES-4). The Fireside Condominiums are located less than 30 feet from the proposed Project site. These potential effects must be analyzed and appropriate mitigation measures identified.

Response to Comment B21-48

The Project would include landscaping between the proposed ramp to the underground parking on Site 1 which would protect adjacent residential development from headlights for nighttime entry.

Comment B21-49**d. The DEIR Fails to Analyze Aesthetic Impacts Related to Temporary Construction.**

The analysis of construction impacts on neighboring residents falls far short of the level of detail required by CEQA. Temporary construction is defined in the DEIR as construction activity between

7 am to 8 pm, 6 days a week, 9 am to 5pm on Sundays for periods of two to three years per site, until all sites are completed in 2020. DEIR at IV.B-63 to 64.

In other words, the Project will result in *12 years* of constant construction impacts—hardly a “temporary” environmental impact. Moreover, construction would include 320 daily truck trips, but, as noted in Section I.A., *supra* (discussing inadequacy of Project description), the DEIR contains no description of truck routes or information about the construction schedule. The DEIR should have prepared a comprehensive analysis of construction period impacts that considered views of the site, truck traffic, and effects of light and glare. Such an analysis would give residents and decisionmakers a clear understanding of what residents and visitors to the area would experience over the 12-year construction period.

Response to Comment B21-49

As discussed in Section II, Environmental Setting, of the Draft EIR, on pages II-1 through II-13, the Project site is proposed in a highly urbanized area within the Town of Mammoth Lakes and proposes development on three previously developed sites within the Specific Plan. To completely avoid all visual impacts related to construction would be virtually impossible and infeasible, thus the Draft EIR has correctly identified this impact as significant and unavoidable even with full compliance with Town Municipal Code and the implementation of mitigation measures.

As discussed in Section III, Project Description, on page III-40 of the Draft EIR, the Project has been organized so that it would be developed in several phases. Most phases would last approximately 24 to 36 months. Construction activities are proposed to be complete by 2020. Construction activities are not expected to occur continually or for the duration of more than three years near any one sensitive receptor.

The Draft EIR discusses construction impacts associated with aesthetics in Section IV.B, Aesthetics, beginning on page IV.B-63. The Project would be constructed in compliance with Town Municipal Code Chapter 15.08.020, which limits construction activities to the hours between 7:00 a.m. and 8:00 p.m., Monday through Saturday. Work hours on Sundays and Town recognized holidays would be limited to the hours between 9:00 a.m. and 5:00 p.m. and permitted only with the approval of the building official or designee. The Draft EIR proposes mitigation to screen and buffer views of construction equipment as set forth in Mitigation Measure AES-5 Temporary Construction in Section IV.B, Aesthetics, on page IV.B-64. See Topical Response 2, Project Description. The commenters correctly identify the Project’s construction timeline as set forth in Section III, Project Description, of the Draft EIR under the heading “Phasing & Scheduling” on page III-40. The commenters incorrectly identify the total construction period as 12 years. Twelve years is a speculative period of time and possibly assumes the Project would begin construction in 2008, which did not occur. In addition, as stated above in Response to Comment B-13-31, work hours on Sundays would be limited to the hours between 9:00 a.m. and 5:00 p.m. and permitted only with the approval of the building official or designee.

As discussed in Section III, Project Description, of the Draft EIR, on page III-37 under subheading “Grading and Drainage”, the Project Applicant would be required to submit a Construction Management Plan (“CMP”) for approval by the Town. The CMP identifies the details regarding the Project’s staging and materials storage, site security, hauling routes and general procedures, signage, snow storage, traffic control and parking, scheduling, public notifications, and general provisions regarding clean-up, access, dust and noise control, grading, erosion control, drainage, tree and property protection, and oil and hazardous materials management. This list of CMP content is not exhaustive and each CMP is prepared project-by-project; thus, the CMP for the proposed Project would include requirements specific to its location and development. The CMP is required to be submitted and approved prior to the issuance of building permits by the Town. A Construction Management Plan is a separate document and is subject to an independent review and approval process and is not required to be included in the environmental document.

Comment B21-50

Moreover, given the resort environment of the North Village, the DEIR must accurately assess the impacts of this protracted construction schedule and identify appropriate mitigation measures. The DEIR fails on this account as well. Although the DEIR finds that impacts due to construction will be significant and unavoidable, it fails to consider all feasible mitigation. For example, the DEIR does not propose—let alone explain why it is infeasible to adopt—mitigation such as altering scheduling to reduce adverse impacts. For example, those construction events that create the greatest disruption should be performed in off-seasons so as to impact the fewest people. Furthermore, construction hours and days should be limited to avoid times when construction would be most disruptive, such as weekends. *See also* discussion of construction mitigation for air quality and noise impacts in Sections I.B.4 and I.B.5, *infra*.

Response to Comment B21-50

As noted in Response to Comment B21-49, the Project site is proposed in a highly urbanized area within the Town of Mammoth Lakes and proposes development on three previously developed sites within the Specific Plan. Construction can occur all year round, but the most disruptive work (major excavation, hauling, site work) is limited to non-winter months. To completely avoid all visual impacts related to construction would be virtually impossible and infeasible. Also noted in Response to Comment B21-49, construction activities and scheduling would occur in compliance with Town Municipal Code Chapter 15.08.020. In addition, as noted in Section III, Project Description, of the Draft EIR, on page III-37, the Project Applicant would be required to submit a Construction Management Plan (“CMP”) for approval by the Town. See Response to Comment B13-33, as well as Response to Comment B21-109, which through revisions to Mitigation Measure Noise-1 Exposure of Persons to Excessive Noise Levels, additional construction restrictions have been required.

Comment B21-51

What little mitigation the DEIR does propose (to install temporary fencing with opaque material- DEIR at IV.B-64) provides no evidence that it will minimize effects since it will only be implemented “when feasible”. The proposed mitigation is vague, directory, and otherwise unenforceable. CEQA requires that “mitigation measures proposed in an EIR must be “fully enforceable” through permit conditions, agreements, or other legally binding instruments.” Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(3). Uncertain, vague, and speculative mitigation measures have been held inadequate because they lack a commitment to enforcement. *See, e.g., Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th at 1173, 1188-89 (holding traffic mitigation fee measure inadequate under CEQA due to vagueness in program for implementing required improvements). Here, the DEIR contains no explanation of situations when this mitigation may not be feasible. Furthermore, the measure provides no assurances that the fence, if or when erected, will serve the function intended of screening neighboring uses from views of the construction site.

Response to Comment B21-51

This comment has been previously discussed. See Response to Comments B21-49 and -50. As noted in Comment B21-49, the Project site is proposed in a highly urbanized area within the Town of Mammoth Lakes and proposes development on three previously developed sites within the Specific Plan. To completely avoid all visual impacts related to construction would be virtually impossible and infeasible. Furthermore there is nothing in the Town’s Municipal Code or CEQA which requires that construction related visual impacts be completely hidden from view. Accordingly, temporary construction impacts related to aesthetics were found to be significant and unavoidable even with implementation of Mitigation Measure AES-6 Temporary Construction. This mitigation states “Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible.” In this instance, the phrase “when feasible” is consistent with the aesthetic impact discussion preceding the mitigation measure which describes that that due to the very nature of the Project site it would be infeasible to completely avoid all visual impacts related to construction. Pages IV.B-63 and -64 of Section IV.B, Aesthetics, of the Draft EIR, state “The Project’s three sites are surrounded by existing development and or disturbed areas thus, construction activities would be visible from the surrounding land uses, including adjacent residential uses.” and “Although implementation of Mitigation Measure AES-6 would reduce impacts resulting from construction activities, surrounding residential areas would be exposed to the visually-related construction impacts for an extended period of time.”, respectively. Additionally, as noted in Response to Comment B13-33, the staging areas for construction equipment and materials and general provisions regarding clean-up, dust and noise control and signage would all be included in the Construction Management Plan, which is required for all development in the Town prior to the issuance of building permits.

Comment B21-52

Instead of the unenforceable mitigation proposed by the DEIR, the DEIR should require mandatory fencing effective at screening all adjacent land uses. The construction fencing should be of a semi-permanent quality, so it cannot be crushed by the heavy snowload, and must be on a maintenance program to ensure damaged sections are repaired in a timely manner. For Site 1, landscape screening on the Fireside side of the fence should also be included to mitigate the aesthetic impacts associated with the three to four year construction period of Site 1.

Response to Comment B21-52

This comment has been previously discussed. See Response to Comments B13-32, B21-49, 50 and -51.

Comment B21-53

e. The DEIR's Analysis of Cumulative Aesthetic Impacts is Inadequate and Fails to Propose Mitigation.

The DEIR's analysis is dismissive of cumulative aesthetic impacts. While the document acknowledges that "the three hotels . . . would constitute a substantial intensification of building mass and increase in heights relative to existing development," DEIR at IV.B-50, it contradictorily states that "the Project is consistent in character with surrounding development." *Id.* at IV.B-65.

Response to Comment B21-53

This comment is in reference to the cumulative aesthetics impacts provided on pages IV.B-64 and IV.B-65 of Section IV.B, Aesthetics, of the Draft EIR. This comment expresses an opinion about the sufficiency of the analysis, specifically claiming that the discussion on page IV.B-50 of the Draft EIR contradicts the analysis provided on page IV.B-65 regarding Project consistency with existing and surrounding development relative to building mass and character. However, the comment misinterprets the Draft EIR's use of the word "existing", which is meant to refer to the current buildings on site, rather than purport to compare the proposed project with neighboring development.

The existing character of the site is a combination of partially developed land, with surface parking areas, older hotel buildings, several of which are in a state of dilapidation, and low- to mid-rise commercial buildings. Additionally, the Draft EIR clearly discloses the nature of the proposed Mammoth Crossing development Project on the site through its conceptual site plans and visual simulations, as a basis for analysis. As noted on page IV.B-50, development of the three hotels as proposed would result in a substantial intensification of building mass and increase in heights relative to what is currently located on the Project site, and, as noted on page IV.B-65, the Project is consistent with character with surrounding development and would be required to conform to Town development regulations and be reviewed against the Town Municipal Code Section 17.32.120 as well as the Town Municipal Code Signs and

Outdoor Lighting ordinances, Section 17.40 and Section 17.34, respectively, and the Town's Design Guidelines prior to final approval.

See Response To Comment B21-39.

Comment B21-54

An EIR must discuss significant "cumulative impacts." CEQA Guidelines § 15130(a). A legally adequate "cumulative impacts analysis" views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." CEQA Guidelines § 15355(b). The cumulative impacts concept recognizes that "[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum." *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408.

Response to Comment B21-54

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B21-55

Here, the DEIR lists approximately 40 related projects in the vicinity of the Project with approximately 10 major land use projects proposed in close proximity to the Mammoth Crossing Project. DEIR Table II-1 and Figure II-11. Each of these projects would undoubtedly change the underlying character of the community yet the DEIR, once again, fails to even attempt to describe how the area will look once all these projects are constructed. The DEIR recognizes that the Project along with others would affect the area's visual character. DEIR at IV.B-65. But as with the project-specific visual impact analysis discussed above, the document stops short of actually describing how the North Village area would look upon build out of the Mammoth Crossing Project together with these other projects. Unless and until the DEIR actually analyzes the cumulative effect of these projects on the community's character and proposes appropriate mitigation, this document will remain inadequate. The revised Mammoth Crossing DEIR must provide this analysis.

Response to Comment B21-55

As noted in Section IV.B, Aesthetics, of the Draft EIR, on page IV.B-64 and -65 the cumulative impacts with respect to scenic views and existing visual character would be considered significant and the

Project's incremental contribution to cumulative impacts would be significant and unavoidable. This is due to development of the Project in association with the related projects identified in Table II, Related Projects, in Section II, Environmental Setting, of the Draft EIR, near the Project site would result in a gradual infill of existing development in this sector of the Town, which would result in changes in visual character in the area. However, similar to the Project, each of the related projects proposed in the Project vicinity would be required to conform to Town development regulations and be reviewed against the Town Municipal Code Section 17.32.120 as well as the Town Municipal Code Signs and Outdoor Lighting ordinances, Section 17.40 and Section 17.34, respectively, and the Town's Design Guidelines prior to final approval. As such, it is up to the Town and not the Mammoth Crossing or any individual project, to insure that cumulative aesthetics impacts be less than significant.

Comment B21-56

Moreover, the DEIR errs in asserting that "there are no mitigation measures available to reduce" the significant cumulative aesthetic impacts associated with the Project. As noted previously, the DEIR must identify potential mitigation and explain why it is infeasible, regardless of whether the mitigation will reduce the impact to a less than significant level.

Response to Comment B21-56

This comment has been previously addressed. See Response to Comment B21-33.

Comment B21-57

2. The DEIR Does Not Properly Analyze the Project's Consistency with the Town's General Plan.

CEQA requires that environmental impact reports analyze the consistency of the Project with the Town's General Plan. *See Napa Citizens for Honest Govt. v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 386-87. The DEIR acknowledges that the Project must be consistent with the Town's General Plan, and concludes the Town would have to make numerous amendments to both the General Plan and the NVSP in order to approve this Project. DEIR at III-I. Even with these proposed amendments to the General Plan and the NVSP, however, the Project would still be inconsistent with the General Plan in numerous respects. The conversion of small restaurants and inns into massive structures with 100+ foot towers and seven-story hotels is not consistent with the General Plan's goals and policies for development of this site. A number of the Project's many inconsistencies with the General Plan are discussed below. Others are identified throughout this comment letter in the context of specific impacts. The DEIR must be revised and recirculated with a full analysis of all General Plan inconsistencies.

Response to Comment B21-57

This comment has been previously discussed. See Response to Comments B11-1, B15-5, B16-16, and B21-2 for a discussion regarding General Plan and Specific Plan consistency and the Project's varying heights. The Project's consistency with General Plan and Specific Plan policies, and compatibility with surrounding land uses is discussed in Section IV.I, Land Use and Planning, of the Draft EIR, starting on pages IV.I-9 and IV.I-44, respectively. Regarding General Plan and Specific Plan consistency, the Draft EIR found that the Project was generally consistent with applicable policies in the General Plan and Specific Plan; however, ultimately the determination of consistency remains with the Town of Mammoth of Lakes. As noted throughout these sections of the Draft EIR, the Project's proposed varying heights are similar with other new development in the Specific Plan area (e.g., The Village, The Westin, 8050, etc.) therefore the development of the Project is consistent with neighborhood and district character. The existing on-site conditions are described in detail in Section II, Environmental Setting, of the Draft EIR. The Project would redevelop existing commercial development located on Site 1, the residential and commercial buildings on Site 2, and the vacant Ullr Lodge and White Stag Inn on Site 3 into a clustered village consistent with neighborhood and the North Village district character. The existing development on the Project's three sites consists of an assortment of buildings of various styles, ages, structural conditions and heights. The existing development is primarily focused around large surface parking lots fronting Lake Mary Road and Minaret Road. There is limited street presence and pedestrian amenities associated with the existing development.

Under CEQA, recirculation is only required when the lead agency adds "significant new information" to an EIR, after the public comment period but prior to certification. CEQA Section 21092.1; CEQA Guidelines Section 15088.5; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128.

In *Laurel Heights*, the California Supreme Court interpreted this "significant new information" standard and explicitly rejected the proposition any new information triggers recirculation; recirculation is intended to be an exception, not the general rule. Thus, recirculation is required only if changes to the Draft EIR deprived the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project. Because no "substantial adverse" impact would result from any of the revisions of the Draft EIR, recirculation would not be required.

The comment also introduces ensuing comments, which are addressed below. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B21-58

- a. The Project's Proposed Amendments to the North Village Specific Plan are Inconsistent with the General Plan.**

Because the Project's size and scope are completely at odds with the NVSP, the NVSP would need to be drastically amended in order to accommodate the Project. The proposed amendments to the NVSP would cause the NVSP to be inconsistent with the General Plan. The following proposed NVSP amendments conflict with the General Plan.

Response to Comment B21-58

The commenters express a concern regarding the consistency finding in the Draft EIR, but do not state a specific concern or question regarding the adequacy of the content of the Draft EIR. This comment has been previously discussed. See Response to Comment B11-1, B15-5, B16-16, and B21-57. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B21-59

(i) The Project's Proposed Building Height Amendments do not Complement Neighboring Land Uses.

The General Plan mandates comfortable building height, mass, and scale. Specifically, the General Plan makes it clear that "building height . . . shall compliment neighboring land uses." General Plan at 16, Policy C.2.V. The NVSP currently requires that all buildings be limited to 50 feet in height. The Project's developers would have to amend the NVSP's building height limitations to accommodate the Project's numerous 100+ foot towers. The height of this Project would dwarf neighboring uses, and thus, would not complement neighboring buildings which reach only 40 feet in height.

Response to Comment B21-59

The commenters express a concern regarding the consistency finding in the Draft EIR, but do not state a specific concern or question regarding the adequacy of the content of the Draft EIR. This comment has been previously discussed. See Response to Comment B11-1, B15-5, B16-16, B13-8, B21-2, and B21-57. Furthermore, as noted on page IV.I-16, in Section IV.I, Land Use and Planning, of the Draft EIR, the Project would be consistent with the Specific Plan's intent to encourage visual variety, locate higher density at the edges of the pedestrian core, organize spaces around focal points, and provide distinctive architectural elements such as towers to convey their importance as major public destinations. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B21-60

For Site 1, "approximately 74 percent of the total roof area exceeds the existing 50-foot maximum height requirement as set forth in the Specific Plan." DEIR at III-5. Site 1 would feature a tower that would reach "103 feet above the underside of parking garage ceiling." *Id.* The proposed hotel

buildings on Site 1 would reach a maximum of 93 feet above the parking garage ceiling. *Id.* “Approximately 69 percent of the roof area” for Site 2 would exceed the Specific Plan’s 50 foot height limit. DEIR at III-12. Hotel rooms would reach 108 feet, and Site 2 contains three proposed tower structures, which would reach 130, 120, and 118 feet. *Id.* One hundred percent of the roof area for the proposed development in Site 3 exceeds the Specific Plan’s 50 foot height limit. The Project also proposes multiple tower structures for Site 3, ranging from 70 to 85 feet in height. DEIR at III-19.

Response to Comment B21-60

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B21-61

The proposed building sites are currently surrounded by trees and buildings that are less than 50 feet tall, as required by the NVSP. If the Project were approved, the height of the towers and hotels proposed in the project would dwarf existing uses in violation of the General Plan. The DEIR should have discussed this inconsistency, identified it as a significant environmental impact and proposed mitigation to make the Project compatible with surrounding uses.

Response to Comment B21-61

The comment expresses an opinion regarding the effects of the proposed Project on surrounding land uses and speculates that the trees and building which surround the Project site are less than 50-feet in height simply because this is the maximum height requirement set forth in the existing Specific Plan. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Response to Comment B21-2. The comment offers no substantial evidence to support its finding. The commenter is referred to pages IV.B-45 and -46 in Section IV.B, Aesthetics, of the Draft EIR, for a discussion on the surrounding tree canopy and the relationship of the Project’s proposed development. Furthermore, Appendix M, Sierra Star Tree Survey, of the Draft EIR, presents an average range of tree height from approximately 55 to 90 feet in the nearby area. It is important to note that average tree height is not necessarily equivalent to the visual tree canopy. As stated in the Sierra Star Tree Survey, the visual tree canopy varies greatly, due to density and distribution of tree heights and it recommends that site specific visual confirmations be made when it is necessary to assess visual impact in relation to tree canopy. Accordingly, visual simulations were prepared which illustrate the Projects proposed buildings in relationship to the existing surrounding conditions. The commenter is directed to pages IV.B-16 through IV.B-39 of the Draft EIR as well as Topical Response 3, View Analysis for a visual representation of the proposed Project.

Comment B21-62**(ii) The Project's Proposed Density Amendments Would Frustrate the General Plan's Population Density Requirements.**

The General Plan requires each district to maintain “appropriate density.” General Plan at 15, Policy C.2.C. The Project’s developers have proposed a density of 110 rooms per acre (“RPA”) for Site 1. DEIR at III-10. However, the NVSP currently sets the maximum allowed density to 55 RPA and an aggregate of 48 RPA for the surrounding area. *Id.* Likewise, Site 2 is zoned for 48 RPA, and the Project proposes a density of 81 RPA. DEIR at III-17. Site 3 is also zoned for 48 RPA; the Project’s proposed density for Site 3 is 61 RPA. DEIR III-24.

Response to Comment B21-62

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters and Topical Response 2, Project Description.

Comment B21-63

The Project includes substantial amendments to the NVSP in order to accommodate the developer’s development plans. When the Town adopted the NVSP, it determined what density was appropriate for the Project site based on analysis and a comprehensive planning process. This Project ignores those determinations and planning process, proposing to significantly increase the density even though it will result in admittedly significant immitigable impacts. Given the current density limitations in the North Village and the significant impacts documented in the DEIR that will result from the proposed increases in density, the Project’s proposal to nearly double the density of the Project sites will not result in “appropriate density” as required by the General Plan. Therefore, the amendments violate the General Plan.

Response to Comment B21-63

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B21-64**(iii) The Project's Proposed Density Amendments Could Result in a Total Peak Population of More Than 52,000 People.**

The General Plan requires that future development consider “limit total peak population or permanent and seasonal residents and visitors to 52,000 people.” General Plan at 30, Policy L.1.A. As discussed above, in order for the Project to be approved, the NVSP must be amended to accommodate a much greater density than it currently allows.

Response to Comment B21-64

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B21-65

The DEIR fails to analyze how the Project's proposed density amendments will affect the General Plan's People At One Time (PAOT) limitations. The General Plan currently permits 3,020 rooms in the NVSP area. General Plan at 36. Given existing and anticipated development in the NVSP area, the Project, with its almost doubling of the proposed density on the Project sites, will likely cause the North Village to exceed its planned PAOT. In order to determine this Project's consistency with the General Plan, the DEIR must analyze the existing and anticipated PAOT in the NVSP area, as well as in the other development areas in the Town, and then consider how the approval of this Project will affect PAOT limitations. [footnote]

[footnote to comment] Given that the DEIR's discussion of Public Service and Utilities relies on PAOT figures to determine if the Project will result in significant public service impacts, the analysis of PAOT is critical not only to determine General Plan consistency but to provide a legally adequate analysis of the Project's significant impacts. DEIR at IV.L-4, IV, L-5, IV.L-6, IV.L-18, IV.L- 19, IV.L-3.

Response to Comment B21-65

The comment correctly notes that a maximum density of 3,020 rooms is permissible in the North Village Specific Plan (Specific Plan) area under the General Plan. As noted in Table 3, Density Summary, on page 29 of the existing Specific Plan, 3,020 is the total number of rooms and does not reflect the total Persons At One Time (PAOT) permitted within the Specific Plan area. The Town uses PAOT threshold to measure population intensity or total peak population throughout the Town, which represents an average winter Saturday.

Section IV.K, Population and Housing, of the Draft EIR identifies that the proposed Project would increase the density assigned in the existing Specific Plan zoning from 48 RPA to 80 RPA, contributing to a potential population increase in the Specific Plan area and the Town's 2024 build-out projection of PAOT. Actual build-out population would depend on the types and density of units actually developed and not all properties are likely to develop at the maximum density. Although the 2005 General Plan Update Final Program EIR (May 2007) analyzes a maximum PAOT to be 60,700, General Plan Land Use Policy L.1.A limits total peak population of permanent and seasonal residents and visitors to 52,000.

Of the 40 related projects listed in Table II-1, Related Projects, in Section II, Environmental Setting, of the Draft EIR, 32 include residential developments within the Town, representing a combination of both permanent and seasonal/visitor units. The related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved. The Town would monitor the overall PAOT through the Project approval process, and would consider project approvals in the light of existing and projected PAOT, and the other considerations set forth in the General Plan intended to limit total population. Therefore, the cumulative population generation would not exceed the anticipated PAOT of 52,000.

As noted above, the General Plan does not assign a specific amount of PAOT by district, or to the Specific Plan area, whose development quantities are in terms of total rooms. Instead, the 52,000 PAOT policy applies to the Town as a whole. Although the Project proposes density above that allocated to it by the Specific Plan zoning for its parcels, the cumulative analysis and assumptions of the 2005 General Plan Update Final Program EIR remains valid. See Topical Response 2, Project Description, for a discussion on the proposed General Plan amendment which would increase the maximum rooms for the North Village from 3,020 to 3,317.

Additionally, with regards to the Draft EIR's discussion of Public Services and Utilities, included in Sections IV.L, Public Services, and IV.N, Utilities, of the Draft EIR, the analyses do not solely rely on PAOT as its determinant of impacts. Since PAOT includes both residents and visitors, it is not appropriate to apply this to certain public services such as schools, which are not made use of by visitors. As noted in Section IV.L, Public Services, of the Draft EIR, the Town's seasonal/visitor population would not contribute to a need for school services as this population is considered to be vacationing in Mammoth Lakes and would not have their children attend the school at this time. Furthermore, the Town has proposed to expand its park and recreation facilities to allow the Town to maintain its standard of five acres per 1,000 residents. The Project Applicant, as with the applicants of the related projects, would be required to pay Developer Impact Fees (DIFs) that support the Town's park and recreation fund; payment of these fees would fully mitigate any impact that the related projects would have on park and recreational services. See Response to Comments B13-79 and B13-82, respectively.

See Section III, Corrections and Additions to the Draft EIR, of this Final EIR for any updates to impacts and mitigation measures outlined in the Draft EIR as a result of this change.

Comment B21-66

Although, the Project itself may not bring the Town's PAOT to over 52,000 people, if the NVSP is amended to accommodate the Project's proposed density, development of this increased density may well cause the Town's PAOT to exceed 52,000 when considered cumulatively with other anticipated development. Moreover, the increase in density for this Project will have implications on development throughout the Town. Even if this Project does not cumulatively result in exceedances of the PAOT, it will impact the ability of other properties to develop consistent with their existing or planned density. The DEIR must discuss this potentially significant impact, and analyze how the Project's density amendments will affect the General Plan's PAOT limitations and density allocations, and development potential on property throughout the Town.

Response to Comment B21-66

See Response to Comment B21-65.

Comment B21-67

(iv) The Project's Proposed Amendments to the NVSP's Setback and Height Requirements are Inconsistent with the General Plan.

The Project proposes modifying the NVSP's current setback requirements and allowing increased building height on the Project site. The developer would like the Town to amend the NVSP so as to allow reduced setbacks and for Site 1, Site 2, and Site 3 and increases to the height limitations on Sites 1, 2, and 3, and increases to the height limitations. DEIR at III-5, III-12, III-19. However, the NVSP's current setback limitations are designed to comply with the General Plan's Community Vision, which calls for all development to complement the Town's sense of a "village in the trees." General Plan at 7. This Project proposes shorter setbacks than the NVSP allows and taller buildings than the NVSP allows. The combination of these two elements would give the North Village a much more urban feel than currently exists or was contemplated in the plans for the area. A "village in the trees" is not equivalent to a "city in the trees." Shorter setbacks combined with taller buildings would tower over the trees, destroying the Town's sense of a "village in the trees." Thus, the proposed setback and height amendments are inconsistent with the General Plan.

Response to Comment B21-67

This comment has been previously discussed. See Response to Comment B21-2.

Comment B21-68**b. The Project is Inconsistent with General Plan Requirements for the Community Vision.**

The DEIR disregards the General Plan's Community Vision, which embodies important values and principles that recognize the "uniqueness of (the Town's) natural surroundings and (the Town's) character as a village in the trees." General Plan at 7. This community vision acknowledges the area's "uniquely spectacular scenery" and asserts a commitment to "providing the very highest quality of life for . . . residents and the highest quality of experience for (the Town's) visitors." General Plan at 7. The DEIR ignores this vision of the Town of Mammoth and the Town's commitment to preserving the stated values.

Response to Comment B21-68

This comment has been previously discussed. See Response to Comment B21-2.

Comment B21-69

As explained in the Community Vision statement, the Town places a high value on "exceptional standards for design and development that complement and are appropriate to the Eastern Sierra Nevada mountain setting and (the Town's) sense of a "village in the trees" with small town charm. General Plan at 7. Rather than a project that conforms with the Town's design standards and General Plan directives, the Project proposes project intensity and density inappropriate for the site and a design that would result in massive structures that would dominate the site's natural features and dwarf existing surrounding residential development. The proposed project would not promote a sense of a "village in the trees" but would instead transform the site and the area to a high-intensity use with massive towers and commercial resort complexes.

Response to Comment B21-69

This comment has been previously discussed. See Response to Comment B21-2 and Topical Response 3, View Analysis.

Comment B21-70**c. The Project Would Irreparably Harm Public Views, in Violation of the General Plan.**

The General Plan specifically requires all future development to preserve viewsheds to Sherwin Range and the Knolls. General Plan at 26. In fact, the very first characteristic of the North Village listed in the General Plan is "viewsheds to Sherwin Range and the Knolls are preserved." *Id.*

Response to Comment B21-70

This comment has been previously discussed. See Response to Comment B21-2.

Comment B21-71

The Project would unavoidably and irreversibly obstruct views to the Knolls. DEIR at I-5, IV. I-20. In its summary of the Project's significant impacts, the DEIR states that as a result of the Project, "views of the scenic Mammoth Knolls . . . would be partially obscured" and concludes that "no mitigation measures are available to fully mitigate such impacts to public views or scenic vistas." Thus, contrary to the requirements of the General Plan to preserve viewsheds to the Knolls, the Project obstructs such views.

Response to Comment B21-71

This comment has been previously discussed. See Response to Comment B21-2.

Comment B21-72

While the land use section of the DEIR briefly notes this glaring inconsistency, it still concludes that the Project is "Generally Consistent" with the Neighborhood and District Character Requirements of the General Plan. *Id.* It is difficult to comprehend how the Project can be "Generally Consistent" with this provision when the "Project would block views to the Mammoth Knolls from Lake Mary Road near the Project site looking east . . . and Minaret Road looking north." DEIR at IV.I.-20. CEQA requires that the DEIR both accurately analyze this inconsistency with the General Plan and identify it as a significant impact.

Response to Comment B21-72

This comment has been previously discussed. See Response to Comment B21-2.

Comment B21-73**3. The DEIR Fails to Adequately Analyze and Mitigate Traffic Impacts.**

The DEIR asserts that because the Project is conceptual, specific details relevant to the Project's traffic impacts may be subject to change. DEIR at IV.M-22. As noted in Section I.A, *supra*, CEQA requires analysis of a specific project. The reason for this requirement is simple: a project must be specific enough to enable the decisionmaker and the public to evaluate the project's environmental impacts. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 730. Because the DEIR fails to provide sufficient detail about the Project's *actual* traffic impacts, its analysis is speculative at best. *See County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199

(“The defined project and not some other project must be the EIR’s bona fide subject”). The failure to define the Project with sufficient detail to accurately evaluate traffic impacts is itself a major flaw in the DEIR.

Response to Comment B21-73

This comment incorrectly states that the Draft EIR does not provide sufficient details about the Project and that the traffic analysis is speculative. In Section III, Project Description, of the Draft EIR, the proposed Project’s details are discussed. The Traffic Impact Analysis (included as Appendix I, Traffic Data, of the Draft EIR) applied relevant details to evaluate the traffic impacts (as shown on pages 1 and 2 of the analysis).

Comment B21-74

Nevertheless, as discussed below, even when the DEIR purports to analyze potential traffic impacts, its analysis is inadequate. Moreover, the proposed mitigation is ineffectual and insufficient.

Response to Comment B21-74

This comment expresses an opinion about the traffic analysis, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B21-75

a. The DEIR’s Analysis of Operation-Related Traffic Impacts Is Inadequate.

(i) The DEIR Underestimates Project Trip Generation.

One of the critical components of the analysis of a project’s impact on traffic is how many car trips will result from the project. The more car trips, the more traffic impacts; the fewer car trips, the fewer traffic impacts. Here, the DEIR acknowledges that the numbers used for the traffic analysis may severely underestimate Project trip generation, stating that “[i]n light of the unique trip generation applied to the Project’s proposed hotel units, a monitoring program would need to be implemented on an annual basis (typical winter Saturday) to document effective hotel trip generation . . .” and determine “if actual project hotel unit trip generation is significantly higher than documented in the Traffic Impact Analysis ...” DEIR at IV.M-19. It appears that the DEIR is assuming this project is “unique” because it proposes bicycle and pedestrian access (and thus fewer auto trips). The trip generation table suggests that, in certain instances, trip generation is assumed to be 50% less than usually assumed for purposes of traffic analysis

due to internal capture (people walking once they arrive at the hotel). DEIR at IV.M-20 to 21 (Table IV.M-6).

The DEIR fails to provide evidence to support its assumptions about this critical feature of the traffic analysis. The DEIR must provide a rationale for the “unique trip generation” assumption it applies in its analysis. If indeed a revised analysis does actually establish that reduced trip generation rates are appropriate, the DEIR may rely on those vehicle trip numbers, but must also analyze the traffic impacts associated with the anticipated increased pedestrian and bicycle traffic level in its traffic analysis.

Response to Comment B21-75

This comment has been previously addressed. See Response to Comments A4-4 and B13-97.

Comment B21-76

In any event, it is extremely unlikely that a reduced trip generation rate is appropriate, given the Project’s proposed amount of parking (711 spaces). DEIR at IV.M-22. The provision of parking will all but ensure that visitors will rely on vehicles to access the Project and will use their vehicles once they have arrived. See Attachment 1 (Michael Manville and Donald Shoup, “People, Parking, and Cities,” Access No. 25, Fall 2004.) Therefore the traffic analysis should have relied on relatively standard trip generation rates. [footnote]

[footnote to comment] It also appears that the provision of parking conflicts with the Project’s intended pedestrian focus as well as with the General Plan and NVSP. The DEIR asserts that the Project, consistent with the General Plan and NVSP, is intended as a concentrated, pedestrian- oriented activity center with limited vehicular access. DEIR at III-26. However, as noted above, the Project proposes to provide 711 parking spaces, DEIR at IV.M-22, which would accommodate the automobile and sabotage the intended pedestrian orientation.)

Response to Comment B21-76

This comment expresses an opinion regarding the reduced trip generation rates used in the Traffic Impact Analysis (“TIA”), in addition to the amount of parking proposed under the Project. The volume of parking is irrelevant to trip generation on the design day (mid-day Saturday). The parking requirement is the ability to store all the vehicles and as it is expected that once parked, many visitors/guests will walk to all the amenities and attractions. There is no direct relationship between the Town’s parking requirement and trip generation on the winter Saturday design day as all cars are parked or stored. Further, failing to provide sufficient parking can result in traffic congestion as vehicles circulate, looking for available spaces. See Response to Comment A4-4 for substantiation of trip generation rates.

Comment B21-77

Finally, the DEIR basically concedes that its trip generation analysis may be grossly inaccurate, stating that “the Project *may* be required to provide additional buses/shuttle and/or a bus stop” DEIR IV.M-19 (emphasis added). In other words, even the DEIR implicitly acknowledges that there may or may not be more pedestrian trips, trips that could require additional bus service. CEQA requires that the DEIR conduct the analysis now, not wait to find out whether the speculative assumptions hold true, and then decide how to mitigate for them. Thus the DEIR not only fails to provide the required analysis and support for its trip generation numbers, but then defers the mitigation necessary for the additional pedestrian trips, such as increased bus service, to some time in the future. This improper deferral of analysis of impacts and mitigation until after project approval is unacceptable under CEQA. *See Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309 (deferral of mitigation until after project approval is inadequate; *see also Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884-885 (“CEQA process demands that . . . environmental information be complete and relevant and that environmental decisions be made in an accountable arena.”)). Trip generation and traffic impacts must be addressed now, not after project approval.

Response to Comment B21-77

The comment expresses an opinion regarding a statement provided in the last paragraph on page IV.M-19 of Section IV.M, Traffic and Circulation, of the Draft EIR, and claims the Draft EIR fails to provide the required analysis and support for its trip generation numbers, in addition to deferring mitigation necessary for additional pedestrian trips. The trip generation is supported by empirical data from similar projects or uses; see Response to Comment A4-4 for substantiation of trip generation rates.

The comment incorrectly states that the Draft EIR defers analysis of impacts and mitigation; see Response to Comment A4-8.

Comment B21-78

(ii) The DEIR’s Intersection Level of Service Analysis Is Inadequate and Fails to Ensure Mitigation Will Actually Be Implemented.

The DEIR’s level of service analysis for Project intersections is seriously flawed. As a preliminary matter, the DEIR does not clearly establish *which* roadway improvement projects were included in cumulative (existing plus approved projects) conditions. *See* DEIR at IV-M-12 (“With improvements, all study area intersections are forecast to operate within or below the Town’s thresholds of significance in the cumulative condition”). It is impossible to evaluate the Project’s impacts without knowing which cumulative improvements the analysis included. Moreover, the DEIR must identify the timing for implementation of the roadway improvements and evaluate how these improvements would

correlate with build out of the Project. If the Project will generate traffic prior to implementation of these roadway projects, the Project's impacts at certain intersection locations would be significant.

Response to Comment B21-78

This comment is in reference to the level of service ("LOS") analysis provided in the Draft EIR, which the commenters claim is flawed for several reasons. See Response to Comment A3-17 regarding the timing of all improvements. For clarification, it should be noted that in Section IV.M, Traffic and Circulation, of the Draft EIR, the improvement per Note (4) in Table IV.M-4, Cumulative (2009) Typical Winter Saturday Intersection LOS, on page IV.M-15 should be for USPO Driveway/Main Street intersection and not the Mountain Boulevard/Main Street intersection. Table IV.M-4 is revised as follows:

Table IV.M-4
Cumulative (2009) Typical Winter Saturday Intersection LOS

Intersection	Control⁽¹⁾	Delay (seconds)	LOS⁽²⁾	With Improvement	
				Delay	LOS
Minaret Rd./Meridian Blvd.	Signal	31.6	C		
Minaret Rd./Lake Mary Road-Main St	Signal	30.0	C		
Minaret Rd./7B Rd.	TWSC	14.3	B		
Minaret Rd./Forest Trail ⁽³⁾	TWSC	>35.0 seconds but >4.0 hour cumulative delay on minor street approach	F	5.3	A
Kelly Rd./Lake Mary Rd.	TWSC	11.8	B		
Lakeview Rd./Lake Mary Rd.	TWSC	11.4	B		
Canyon Blvd./Lake Mary Rd.	Signal	12.2	B		
Mountain Blvd./Main St. ⁽⁴⁾	TWSC	>35.0 seconds but <4.0 hour cumulative delay on minor street approach	F		
USPO ⁽⁵⁾ Driveway/Main St. ⁽⁴⁾	TWSC	>35.0 seconds but >4.0 hour cumulative delay on minor street approach	F	30.5	D
Center St./Main St. ⁽⁶⁾	TWSC	>35.0 seconds but >4.0 hour cumulative delay on minor street approach	F	22.1	C
Old Mammoth/Main St.	Signal	16.1	B		
Notes: (1) TWSC = two-way stop controlled; Signal = controls all lanes of an intersection. (2) LOS = level of service (3) Roundabout implemented as an improvement since it is required by cumulative project. (4) Left turns onto Main Street from both directions will be prohibited as the improvement with installation of a traffic signal at Center/Main. (5) USPO = United States Post Office (6) Traffic signal planned to be installed per the Town's Capital Improvement Plan (CIP). (7) <i>Italic and Bold</i> = unsatisfactory LOS <u>and</u> exceeds four vehicle-hour criteria					
Source: Traffic Impact Analysis prepared by LSA in May 2008.					

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B21-79

In addition, the DEIR must provide some indication that these improvements will actually be implemented. For example, the DEIR relies upon installation of a proposed signal at USPO Driveway and Main Street to conclude that the Project's impacts would be less than significant. DEIR at IV.M-23. However, other than a reference to the Town's Capital Improvement Program, there is no indication as to how or when this signal would be installed. *Id.* Here, not only does the DEIR fail to identify all relevant improvements, but it also fails to explain whether, when and how the Town and the public will be assured that the improvements will be in place when the Project's traffic impacts occur. Without such assurance, the DEIR cannot conclude that the Project's intersection-related traffic impacts will be less than significant.

Response to Comment B21-79

This comment has been previously addressed. See Response to Comment A3-17.

Comment B21-80

Essentially, the DEIR relies on these traffic improvements as mitigation to reduce potentially significant traffic impacts to an insignificant level. CEQA requires that "mitigation measures proposed in an EIR must be 'fully enforceable' through permit conditions, agreements, or other legally binding instruments." Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(3). Uncertain, vague, and speculative mitigation measures have been held inadequate because they lack a commitment to enforcement. *See, e.g., Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173, 1188-89 (holding traffic mitigation fee measure inadequate under CEQA due to vagueness in program for implementing required improvements).

Response to Comment B21-80

The direct Project impacts (existing plus Project) on intersection LOS are described in Section IV.M, Traffic and Circulation, on page IV-M.23 of the Draft EIR, in Table IV.M-7, Existing Plus Project Typical Winter Saturday LOS. As noted in Table IV.M-7, the only deficiency is the USPO/Main Street intersection, which the Town is proceeding with a traffic signal installation at this time per the Town's Capital Improvement Plan ("CIP"). According to the Town, as of March 2009 the funding for the improvement is fully programmed, CEQA analysis has been completed, and preliminary design work is

being undertaken.³⁶ The existing plus Project conditions at this intersection would be LOS F without the improvement and LOS C with the improvement.

The other improvement (Main Street/Center Street), required with all cumulative projects and the Mammoth Crossing Project, is funded by Developer Impact Fees (“DIFs”) and the timing of implementation is determined by the Town. The roundabout at the Minaret Road/Forest Trail intersection is a required mitigation of Intrawest South Hotel. There is no schedule for this improvement at this time.

Depending on the existing conditions, as each phase of the Project proceeds toward development, an updated traffic analysis can be prepared at the request of the Town to determine phasing these off-site improvements required by other developments.

It should be noted that the Town’s DIF program meets the fully enforceable CEQA requirements for specific improvements. The DIF program was adopted by Resolution # 08-70 and Ordinance # 08-12. The DIF program was updated by council on September 17, 2008. This comment has been previously addressed in Response to Comment A3-17.

Comment B21-81

Similarly, it does not appear that the proposed mitigation for the Project’s significant impact on the Center Street/Main Street intersection is fully enforceable as required by CEQA. The DEIR relies upon payment of Development Impact Fees (“DIFs”) to install a signal in order to mitigate the reduced level of service at Center Street/Main Street. DEIR at IV.M-26. The DEIR states vaguely that the costs of the signal “should be eligible for DIFs” and that the mitigation would be implemented as part of yet-to-be-established traffic mitigation program. *Id.* Fee-based mitigation programs for traffic impacts based on fair share infrastructure contributions by individual projects have been found to be adequate mitigation measures under CEQA. *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal. App. 4th 99, 140. To be adequate, however, these mitigation fees must be part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing. *Id.* at 140-41; *see also Anderson First Coalition* (2005) 130 Cal. App. 4th at 1188-89 (explaining that fee-based traffic mitigation measures have to be specific and part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the traffic impacts at issue). Here, the DEIR’s proposed mitigation simply assumes that the payment will occur, that it will cause the signal to actually be installed, and that it will adequately mitigate the impacts, without providing a reasonably enforceable plan to achieve those results. CEQA requires more.

³⁶ Town of Mammoth Lakes staff, Peter Roman, Assistant Engineer, March 25, 2009.

Response to Comment B21-81

This comment has been previously addressed. See Response to Comment A3-17.

Comment B21-82

Finally, the DEIR's intersection analysis fails to adequately analyze traffic from the Project during snowy and icy conditions. [footnote] Clearly, the characteristics and operations of area roadways change considerably during these conditions, when snowfall causes the roadways' travel lanes to become narrow and slick. Roadways become more treacherous as visibility diminishes from falling snow and truck spray and as vehicles lose traction. Snow removal vehicles and snow storage also impact roadway traffic conditions and traffic maneuverability. All of these factors can often result in a slowing of traffic as well as a marked increase in the potential for accidents. The failure to provide this analysis is a critical oversight which requires revision and recirculation of the DEIR.

[footnote to comment] The rationale for refusing to include winter conditions in the traffic analysis offered in DEIR Appendix I (Traffic Data Technical Appendix) is unconvincing, particularly given the DEIR's finding that black ice on roadways is a potentially significant Project impact that must be mitigated. See DEIR IV.B-54-55.

Response to Comment B21-82

This comment has been previously addressed. See Response to Comment B13-99 regarding snow conditions.

Under CEQA, recirculation is only required when the lead agency adds "significant new information" to an EIR, after the public comment period but prior to certification. CEQA Section 21092.1; CEQA Guidelines Section 15088.5; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128.

In *Laurel Heights*, the California Supreme Court interpreted this "significant new information" standard and explicitly rejected the proposition any new information triggers recirculation; recirculation is intended to be an exception, not the general rule. Thus, recirculation is required only if changes to the Draft EIR deprived the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project. Because no "substantial adverse" impact would result from any of the revisions of the Draft EIR, recirculation would not be required.

Comment B21-83

- (iii) **THE [sic] DEIR Fails to Adequately Analyze and Mitigate Other Operational Traffic-Related Impacts.**

In addition to the deficiencies discussed above, the DEIR fails to adequately analyze and propose mitigation for other traffic-related impacts, including the following:

- The DEIR fails to adequately consider the Project's impacts on pedestrians and cyclists. This is especially critical given the traffic analysis's assumption of significant pedestrian trips justify fewer vehicle trips. The DEIR concludes that impacts to bicycle and pedestrian facilities will be less than significant. DEIR at IV.M-31. However, a project-specific analysis concluded that pedestrian delay at key project intersections would likely be unacceptable. *See* Mammoth Crossing Sustainable Transportation Report 21 (July 3, 2008). The DEIR makes no mention of this report or its finding. The DEIR must include this analysis and must consider feasible mitigation to reduce the impacts associated with pedestrian safety and traffic, including (a) construction of a pedestrian bridge over Lake Mary Road that separates pedestrians from traffic; (b) realignment of Minaret Rd. to the east side of the Project to address traffic and safety impacts; (c) reconstruction of Lake Mary Road as a narrower cross-section to not only address the significant safety and traffic impacts but to comply with the NVSP mandate for North Village to be a walkable district.

Response to Comment B21-83

This comment has been previously addressed. See Response to Comment B13-115.

Comment B21-84

- The Project plans to use the Town's existing shuttle/bus services (adding three additional stops), as well as providing limited exclusive shuttle services for each hotel. DEIR at IV.M-31. The DEIR concludes that impacts on transit would be less than significant. *Id.* However, a project-specific analysis found that several peak-hour buses already exceed their capacity. *See* Mammoth Crossing Sustainable Transportation Report 15 (July 3, 2008). The Project's additional users may result in a significant impact requiring mitigation. Again, the DEIR makes no mention of this report or its finding and fails to adequately analyze transit impacts.

Response to Comment B21-84

This comment is in regards to the Project's projected shuttle service and the determination of transit impacts included on page IV.M-31 of Section IV.M, Traffic and Circulation, of the Draft EIR. See Response to Comments B13-115 and -117.

Comment B21-85

- The DEIR's analysis of emergency access fails to specify the location within each site for emergency vehicle parking, stating only that such parking would be provided "internally at an

accessible location within each site.” DEIR at IV.M-32. Locations must be specified, and the DEIR must provide an analysis of potential impacts on surrounding uses.

Response to Comment B21-85

In Section III, Project Description, of the Draft EIR, on page III-36, Figure III-16, Emergency Vehicle Access & Staging Area Map, shows fire truck and staging area locations within each site. These locations have been reviewed by, and confirmed to meet the standards of the Mammoth Lakes Fire Protection District (MLFPD).

Comment B21-86

b. The DEIR’s Analysis of Construction-Related Traffic Impacts Is Inadequate.

Rather than actually analyzing how construction trucks and equipment would impact streets and intersections, the DEIR relies on an estimate of vehicle miles traveled (VMT) to evaluate construction-related traffic impacts. DEIR at IV.M-34. The DEIR also suggests that because construction would generate fewer trips than the Project itself when it is fully built out, construction-related impacts would be less than significant. *Id.* This conclusory analysis fails to satisfy CEQA’s mandate that an EIR must contain facts and analysis, not just an agency’s bare conclusions. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568. A conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA’s informational goal.

Here, construction-related trucks and equipment have very different travel patterns than private cars (construction equipment/trucks and construction operations in general tend to block travel lanes). Trucks and equipment are very large and very slow-moving. Traffic engineers tend to assume that one construction trip is the equivalent of three passenger car trips. The DEIR nevertheless relies upon a straight VMT comparison between the Project’s operation-related traffic patterns and its construction-related patterns. This reliance is unexplained and unwarranted, given the differing travel patterns of construction-related trucks and equipment.

Response to Comment B21-86

To provide a conservative analysis, a worst-case approach was used to analyze the effects of construction-related traffic on study area intersections within the haul route along Main Street. Construction of all three Project sites was assumed to be conducted simultaneously. A passenger car equivalent (PCE) of 2.5 referenced from the Highway Capacity Manual (HCM) was utilized during a typical winter Saturday. Based on the proposed grading operation on Pages IV.M-33 and IV.M-34 of Section IV.M, Traffic and Circulation of the Draft EIR, 20 trucks per hour are anticipated. Applying the 2.5 PCE equates to approximately 50 vehicles entering and 50 vehicles exiting the three Project sites. The construction-related traffic was assigned along the construction haul route to Minaret Road/Main Street, Mountain

Road/Main Street, USPO Driveway/Main Street, Center Street/Main Street, and Old Mammoth Road/Main Street. LOS was evaluated in the existing plus construction traffic and cumulative plus construction traffic scenarios, and no new impacts are anticipated. The LOS worksheets are provided in Appendix B, Revised Traffic Data, to this Final EIR. Furthermore, see Response to Comment B21-109, which through revisions to Mitigation Measure Noise-1 Exposure of Persons to Excessive Noise Levels, additional construction restrictions have been required that would further reduce any potential construction related traffic impacts.

Comment B21-87

Moreover, although the DEIR project description states that the developer would be required to submit a Construction Management Plan (“CMP”), the CMP is not even mentioned in the DEIR’s analysis of construction impacts. See DEIR at III-37. The CMP would include the haul route, which would make it substantially easier to evaluate how construction trucks and equipment would impact streets and intersections. Again, as noted in Section I.A, *supra*, deferral of this important information until some future date precludes meaningful analysis of the Project’s construction-related traffic impacts.

Response to Comment B21-87

The comment correctly states that the Project Applicant would be required to submit a Construction Management Plan (“CMP”). The CMP is required to be submitted and approved prior to the issuance of building permits by the Town. The approved Haul Route shall ensure that construction truck trips do not affect sensitive uses in the Project vicinity. See Response to Comment B13-33 and B21-86.

Comment B21-88

c. The DEIR’s Analysis of Cumulative Traffic Impacts Is So Confusing as to Preclude Meaningful Evaluation.

The DEIR’s approach to the cumulative analysis is unclear. The analysis states that it used a long-range Town General Plan build out scenario to evaluate long-range traffic impacts of “the *approved* project.” DEIR at IV.M-34. The Project, however, has not yet been approved; rather, it is under consideration by the Town. It is unclear whether the DEIR actually analyzed the Project, or some other project that has already been approved for purposes of the cumulative analysis. The DEIR further states that “the approved project” would include development of 432 traffic-generating units (742 resort/hotel rooms and 66 affordable housing rooms). *Id.* However, simple addition indicates that the total traffic-generating units would be 808 rooms rather than 432—nearly double the number cited by the DEIR. The DEIR must either explain why 808 rooms would result in only 432 traffic-generating units, or correct the error throughout its cumulative analysis.

Response to Comment B21-88

In response to this comment, the paragraph under the heading “Cumulative Impacts,” on page IV.M-34 has been corrected as follows:

Impact TRANS-11 Cumulative Impacts

The long-range Town General Plan buildout scenario from the Mammoth Crossings Traffic Impact Analysis (LSC Consultants, Inc., March 2008) was used to evaluate long-range traffic impacts of the ~~approved~~proposed Project. Study area intersection LOS and mitigated LOS for long-range conditions are summarized in Table IV.M-10. Figure IV.M-10 illustrates General Plan long-range traffic volumes. Study area intersection LOS and mitigated LOS for long-range conditions plus Project are summarized in Table IV.M-11. Figure IV.M-11 illustrates General Plan plus Project long-range traffic volumes. The ~~approved~~proposed Project, which would include the development of 432 traffic-generating units (742 resort/hotel rooms and 66 affordable housing rooms) and 40,500 square feet of commercial uses on the three corners of Minaret Road/Lake Mary Road, can be mitigated with the measure identified previously. Therefore, LOS conditions will be improved from those reported in the General Plan analysis and the ~~approved~~proposed Project would not contribute to a significant adverse cumulative impact.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

With respect to room numbers (808) versus unit numbers (432), the Traffic Impact Analysis (included as Appendix I, Traffic Data, of the Draft EIR) defines a traffic-generating unit as a one, two, three or four bedroom unit. As shown on pages 1 and 2 of the analysis, the proposed Project’s traffic-generating units are comprised of the following:

- Site 1 – 198 hotel rooms
 - 24 one-bedroom resort/hotel units
 - 66 two-bedroom resort/hotel units
 - 14 three-bedroom resort/hotel units
- Site 2 – 364 hotel rooms
 - 6 one-bedroom resort/hotel units
 - 41 one-bedroom workforce housing units
 - 99 two-bedroom resort/hotel units

- 40 three-bedroom resort/hotel units
 - 10 four-bedroom resort/hotel units
- Site 3 – 180 hotel rooms
 - 48 one-bedroom resort/hotel units
 - 27 one-bedroom workforce housing units
 - 39 two-bedroom resort/hotel units
 - 18 three-bedroom resort/hotel units

As discussed above in detail in Topical Response 2, Project Description, the Project is conceptual and as such the exact room configuration has not been finalized. Any configuration of rooms and units would not exceed the ADT generated by the configuration shown.

Comment B21-89

Further, the cumulative traffic analysis is based on the General Plan's long range conditions. But it appears that the Town is approving projects beyond those identified in the General Plan, or at least substantially different than what the General Plan contemplated. *Id.* If this is true, how can this DEIR traffic analysis rely on the General Plan traffic analysis without some detailed correlation as to what the General Plan contemplates and what is actually occurring on the ground?

Response to Comment B21-89

LSC performed a comparison of the land use quantities in the "2004+ Approved Projects" model and the "Final General Plan" model. In some Traffic Analysis Zones ("TAZs"), the land use quantities in the former exceeded those in the latter. The results of the comparison were sent to the Town, in order to assist the Town in responding to this comment.

The traffic analysis performed as part of the Draft EIR analyzes the traffic impacts under existing, cumulative, and General Plan scenarios. Per the General Plan EIR, the analysis assumes that a maximum allowable density would be built on currently undeveloped parcels under the Updated General Plan EIR. Additionally, the analysis assigns an increment of additional development over this number to each TAZ to account for aspects such as award of density bonuses for affordable housing, as Town policy allows. Overall, the total numbers of units contained within the TAZs are approximately ten percent higher than would be assumed if maximum zoning densities were applied. Therefore, the General Plan traffic analysis did contemplate traffic impacts associated with increased density above zoning.

Further, the comment incorrectly implies that the cumulative project list consists of projects that the Town has already approved that are over General Plan densities. As required by CEQA, the cumulative list

includes a list of "reasonably foreseeable" future projects - these include a number of projects for which the Town has received applications, or which have been otherwise contemplated, but which have not necessarily been approved. This represents a conservative "worst-case" scenario for the analysis under cumulative development conditions.

Comment B21-90

Finally, the DEIR does not look at cumulative construction-related traffic impacts. Construction is expected to occur through 2020. DEIR at IV.C-23. The cumulative traffic analysis must take into account all of the projects in the vicinity that might be under construction at the same time, especially since the construction of some of these massive projects will occur over a period of several years. Moreover, some components of the Project would be operational and generating traffic at the same time as other project phases are under construction. DEIR at IV.C-23. The DEIR cannot look at project and construction traffic in isolation. [footnote]

[footnote to comment] The cumulative analysis, like the analysis of project traffic, also suffers from the lack of specificity in identifying improvements and failure to analyze winter conditions as discussed in Section I.B(3)(a)(2), *supra*.

Response to Comment B21-90

This comment has been previously addressed. See Response to Comment B21-86.

Comment B21-91

4. The DEIR Fails to Adequately Analyze and Mitigate Air Quality Impacts.

a. The DEIR Omits Analysis of Demolition As a Source of PM₁₀ and Fails to Include All Feasible Mitigation.

The DEIR rightly concludes that the Project's PM₁₀ emissions due to construction are potentially significant. DEIR at IV.C-26. The DEIR then identifies a handful of mitigation measures and determines that even with the proposed mitigation, the Project would result in significant and unavoidable impacts with regard to PM₁₀ emissions. DEIR IV.C-27.

The DEIR's proposed measures lack the specificity required to ensure enforceability and are thus legally inadequate. Moreover, given the seriousness of this impact, the DEIR fails to include all feasible mitigation for construction-related PM₁₀ emissions. The DEIR should consider and adopt the following additional mitigation measures to further reduce construction impacts and protect the health of Town residents:

- For backfilling during earthmoving operations, water backfill material or apply dust palliative to maintain material moisture or to form crust when not actively handling; cover or enclose backfill material when not actively handling; mix backfill soil with water prior to moving; dedicate water truck or large hose to backfilling equipment and apply water as needed; water to form crust on soil immediately following backfilling; and empty loader bucket slowly; minimize drop height from loader bucket.
- During clearing and grubbing, prewet surface soils where equipment will be operated; for areas without continuing construction, maintain live perennial vegetation and desert pavement; stabilize surface soil with dust palliative unless immediate construction is to continue; and use water or dust palliative to form crust on soil immediately following clearing/grubbing.
- While clearing forms, use single stage pours where allowed; use water spray to clear forms; use sweeping and water spray to clear forms; use industrial shop vacuum to clear forms; and avoid use of high pressure air to blow soil and debris from the form.
- During cut and fill activities, prewater with sprinklers or wobblers to allow time for penetration; prewater with water trucks or water pulls to allow time for penetration; dig a test hole to depth of cut to determine if soils are moist at depth and continue to prewater if not moist to depth of cut; use water truck/pull to water soils to depth of cut prior to subsequent cuts; and apply water or dust palliative to form crust on soil following fill and compaction.
- For large tracts of disturbed land, prevent access by fencing, ditches, vegetation, berms, or other barrier; install perimeter wind barriers 3 to 5 feet high with low porosity; plant perimeter vegetation early; and for long-term stabilization, stabilize disturbed soil with dust palliative or vegetation or pave or apply surface rock.
- In staging areas, limit size of area; apply water to surface soils where support equipment and vehicles are operated; limit vehicle speeds to 15 mph; and limit ingress and egress points.
- Discontinue grading and excavation activities during smog alerts.
- Install a windbreak or other dust control screening between the Project site and adjoining sites.
- During construction, trucks and vehicles in loading and unloading queues shall turn their engines off when not in use to reduce vehicle emissions. Operating vehicles solely for comfort (e.g., air conditioning) purposes shall be prohibited.
- Except for concrete trucks, all construction vehicles shall be prohibited from idling in excess of five minutes, both on-site and off-site.
- To prevent trackout, pave construction roadways as early as possible; install gravel pads; install wheel shakers or wheel washers, and limit site access.
- Use bedliners in bottom-dumping haul vehicles.
- Grade each phase separately, timed to coincide with construction phase or grade entire project, but apply chemical stabilizers or ground cover to graded areas where construction phase begins more than 60 days after grading phase ends.

- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- During initial grading, earth moving, or site preparation, construct a paved (or dust palliative treated) apron, at least 100 ft in length, onto the project site from the adjacent site if applicable.
- Post a publicly visible sign with the telephone number and person to contact regarding construction complaints. This person shall respond and take corrective action within 24 hours.
- Prior to final occupancy, demonstrate that all ground surfaces are covered or treated sufficiently to minimize fugitive dust emissions.
- Install gravel pads at all access points to prevent tracking of mud on to public roads.
- Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.
- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Provide barriers with 50% or less porosity located adjacent to roadways to reduce windblown material leaving a site.
- Prohibit all grading activities during periods of high wind (over 15 mph).
- Pave all roads on construction sites.
- Replant vegetation in disturbed areas as quickly as possible.
- Permanent dust control measures in an approved project revegetation and landscape plan shall be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
- Require a dust control plan for earthmoving operations prior to final map approval.

Response to Comment B21-91

The mitigation measures for construction activities listed in the Draft EIR are consistent with Rule 401 and 402 and are enforceable. Although the mitigation measures listed above will not change the significance determination presented in the Draft EIR (i.e., they will not eliminate all PM₁₀ emissions), some will be included in Section IV.C, Air Quality, of the Draft EIR.

In response to this comment Mitigation Measure AQ-1 Construction Emissions on page IV.C-26 and -27 has been revised with approval from the Great Basin Unified Air Pollution Control District as follows:³⁷

In compliance with Rule 401 and 402, the Project applicant shall require that the following practices be implemented by including them in the contractor construction documents to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project site throughout the Project construction phases:

- a. Water all construction areas at least twice daily; water trucks will be filled locally after the contractor makes water acquisition agreements and obtains any required permits.*
- b. Cover all trucks hauling soil, sand, and other loose materials;*
- c. Apply clean gravel, water, or non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;*
- d. Remove excess soils from paved access roads, parking areas and staging areas at construction sites;*
- e. Install trackout pads or grizzly devices at all egress points for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site;*
- f. ~~e~~ Sweep streets daily (with mechanical sweepers) if visible soil material is carried onto adjacent public streets;*
- g. ~~f~~ Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);*
- h. ~~g~~ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);*
- i. ~~h~~ Install gravel-bags, cobble entries, or other Best Management Practices (BMPs) and erosion control measures to prevent silt runoff to public roadways;*
- j. ~~i~~ Replant vegetation in disturbed areas as soon as possible within ten days of disturbance;*
~~j. Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site;~~
- k. Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour (mph) and when sustained winds exceed 25 mph increase the frequency*

³⁷ E-mail correspondence between Ellen Clark, Senior Planner, Town of Mammoth Lakes, and Jon Becknell, Air Quality Specialist II and Ted Schade, Air Pollution Control Officer, Great Basin Unified Air Pollution Control District, February 25, 2009.

of watering from twice daily, as described in Mitigation Measure AQ-1a above, to three to four times a day;

- l. The construction fleet will meet the terms set forth in the CARB Proposed Regulation for in-use Off Road Diesel Vehicles, paragraph (d)(3) Idling. The proposed regulation implementation date is May 1, 2008.*
- m. All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications;*
- n. Use the minimum practical engine size for construction equipment;*
- o. Gasoline-powered equipment shall be equipped with catalytic converters, where feasible; and*
- p. Incorporate BMP's during construction of the Project site;-*
- q. For backfilling during earthmoving operations, water backfill material or apply dust palliative to maintain material moisture or to form crust when not actively handling; cover or enclose backfill material when not actively handling; mix backfill soil with water prior to moving; dedicate water truck or large hose to backfilling equipment and apply water as needed; water to form crust on soil immediately following backfilling; and empty loader bucket slowly; minimize drop height from loader bucket;*
- r. While clearing forms, use single stage pours where allowed; use water spray to clear forms; use sweeping and water spray to clear forms; use industrial shop vacuum to clear forms; and avoid use of high pressure air to blow soil and debris from the form;*
- s. During cut and fill activities, prewater with sprinklers or wobblers to allow time for penetration; prewater with water trucks or water pulls to allow time for penetration; dig a test hole to depth of cut to determine if soils are moist at depth and continue to prewater if not moist to depth of cut; use water truck/pull to water soils to depth of cut prior to subsequent cuts; and apply water or dust palliative to form crust on soil following fill and compaction;*
- t. Install a windbreak or other dust control screening between the Project site and adjoining sites;*
- u. During construction, trucks and vehicles in loading and unloading queues shall turn their engines off when not in use to reduce vehicle emissions. Operating vehicles solely for comfort (e.g., air conditioning) purposes shall be prohibited;*
- v. Except for concrete trucks, all construction vehicles shall be prohibited from idling in excess of five minutes, both on-site and off-site;*

- w. Use bed-covers in bottom-dumping haul vehicles;
- x. Grade each phase separately, timed to coincide with construction phase or grade entire project, but apply chemical stabilizers or ground cover to graded areas where construction phase begins more than 60 days after grading phase ends;
- y. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;
- z. Post a publicly visible sign with the telephone number and person to contact regarding construction complaints. This person shall respond and take corrective action within 24 hours; and
- aa. All roadways, driveways, sidewalks, etc. to be paved shall be completed as early as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B21-92

Moreover, the DEIR appears to understate this impact because it fails to take into account PM₁₀ emissions resulting from building demolition. Compare DEIR at IV.C-22 (Project requires demolition of existing structures and construction activities include removal of existing structures) with DEIR at IV.C-24-25 (Table IV.C-5) (analysis of emissions due to construction activities limited to grading, excavation and construction).

Had the DEIR conducted the analysis, it would have determined that additional mitigation measures are available to reduce PM₁₀ emissions resulting from demolition, including but not limited to the following actions:

- Water during demolition of structures and break-up of pavement to control dust generation;
- Cover all trucks hauling demolition debris from the site; and
- Use dust-proof chutes to load debris into trucks.

Response to Comment B21-92

Emissions from building demolition were expected to be lower than grading emissions and were not included in the Draft EIR. Since the evaluation looks at the maximum daily emissions, the impacts are

not understated. Although inclusion of demolition emissions will not change the significance determination, in response to this comment Table IV.C-5, Estimated Daily Construction Emissions on page IV.C-24 and -25 and Table IV.6, Estimated Mitigated Daily Construction Emissions, on page IV.C-27 and -28 have been revised as follows:

Table IV.C-5
Estimated Daily Construction Emissions

Emissions Source	Emissions in Pounds per Day					
	ROC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Site 1 - Demolition						
<u>Fugitive Dust</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>10.79</u>	<u>2.24</u>
<u>Off-Road Diesel Equipment</u>	<u>1.05</u>	<u>7.22</u>	<u>4.58</u>	<u>0.00</u>	<u>0.55</u>	<u>0.50</u>
<u>On-Road Diesel Equipment</u>	<u>0.90</u>	<u>13.37</u>	<u>4.56</u>	<u>0.02</u>	<u>0.58</u>	<u>0.49</u>
<u>Worker Trips</u>	<u>0.03</u>	<u>0.06</u>	<u>1.02</u>	<u>-</u>	<u>0.01</u>	<u>0.00</u>
<u>Total Emissions</u>	<u>1.98</u>	<u>20.64</u>	<u>10.16</u>	<u>0.02</u>	<u>11.92</u>	<u>3.24</u>
Site 1 - Site Grading and Excavation						
<u>Fugitive Dust</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>9</u>	<u>1.88</u>
<u>Off-Road Diesel Equipment</u>	<u>2.83</u>	<u>23.44</u>	<u>11.96</u>	<u>0.00</u>	<u>1.17</u>	<u>1.08</u>
<u>On-Road Diesel Equipment</u>	<u>5.00</u>	<u>74.62</u>	<u>25.46</u>	<u>0.11</u>	<u>3.22</u>	<u>2.73</u>
<u>Worker Trips</u>	<u>0.03</u>	<u>0.06</u>	<u>1.02</u>	<u>-</u>	<u>0.01</u>	<u>0.00</u>
<u>Total Emissions</u>	<u>7.86</u>	<u>98.12</u>	<u>38.43</u>	<u>0.11</u>	<u>13.40</u>	<u>5.69</u>
Site 1 - Building Construction Phase						
<u>Building Construction Off-Road Diesel Equipment</u>	<u>1.11</u>	<u>8.51</u>	<u>4.68</u>	<u>0.00</u>	<u>0.54</u>	<u>0.50</u>
<u>Building Vendor Trips</u>	<u>0.08</u>	<u>1.02</u>	<u>0.88</u>	<u>0.00</u>	<u>0.05</u>	<u>0.04</u>
<u>Building Construction Worker Trips</u>	<u>0.28</u>	<u>0.48</u>	<u>8.83</u>	<u>0.01</u>	<u>0.07</u>	<u>0.03</u>
<u>Architectural Coatings Off-Gas</u>	<u>65.91</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>Architectural Coatings Worker Trips</u>	<u>0.02</u>	<u>0.04</u>	<u>0.67</u>	<u>0.00</u>	<u>0.01</u>	<u>0.00</u>
<u>Asphalt Off-Gas</u>	<u>0.05</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>Asphalt Off-Road Diesel Equipment</u>	<u>1.61</u>	<u>10.07</u>	<u>6.79</u>	<u>0.00</u>	<u>0.83</u>	<u>0.77</u>
<u>Asphalt On-Road Diesel Equipment</u>	<u>0.01</u>	<u>0.12</u>	<u>0.04</u>	<u>0.00</u>	<u>0.01</u>	<u>0.00</u>
<u>Asphalt Worker Trips</u>	<u>0.05</u>	<u>0.08</u>	<u>1.53</u>	<u>0.00</u>	<u>0.01</u>	<u>0.01</u>
<u>Total Emissions</u>	<u>69.12</u>	<u>20.32</u>	<u>23.42</u>	<u>0.01</u>	<u>1.52</u>	<u>1.35</u>
Site 2 - Demolition						
<u>Fugitive Dust</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>7.24</u>	<u>1.51</u>
<u>Off-Road Diesel Equipment</u>	<u>0.68</u>	<u>4.70</u>	<u>4.13</u>	<u>0.00</u>	<u>0.27</u>	<u>0.25</u>
<u>On-Road Diesel Equipment</u>	<u>0.35</u>	<u>4.23</u>	<u>1.62</u>	<u>0.01</u>	<u>0.20</u>	<u>0.16</u>
<u>Worker Trips</u>	<u>0.02</u>	<u>0.03</u>	<u>0.64</u>	<u>-</u>	<u>0.01</u>	<u>0.00</u>
<u>Total Emissions</u>	<u>1.05</u>	<u>8.96</u>	<u>6.39</u>	<u>0.01</u>	<u>7.72</u>	<u>1.92</u>

Table IV.C-5
Estimated Daily Construction Emissions

Emissions Source	Emissions in Pounds per Day					
	ROC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Site 2 - Site Grading and Excavation						
Fugitive Dust	-	-	-	-	31.20	6.52
Off-Road Diesel Equipment	2.03	14.69	9.80	0.00	0.68	0.62
On-Road Diesel Equipment	1.76	21.30	8.15	0.06	1.02	0.80
Worker Trips	0.02	0.03	0.64	0.00	0.01	0.00
Total Emissions	3.81	36.02	18.60	0.07	32.91	7.94
Site 2 - Building Construction Phase						
Building Construction Off-Road Diesel Equipment	2.63	12.97	9.89	0.00	0.82	0.76
Building Vendor Trips	0.11	1.18	1.18	0.00	0.06	0.05
Building Construction Worker Trips	0.35	0.61	11.64	0.01	0.11	0.06
Architectural Coatings Off-Gas	112.16	-	-	-	-	-
Architectural Coatings Worker Trips	0.03	0.05	0.91	0.00	0.01	0.01
Asphalt Off-Gas	0.10	-	-	-	-	-
Asphalt Off-Road Diesel Equipment	1.8	11.29	8.72	0.00	0.88	0.81
Asphalt On-Road Diesel Equipment	0.01	0.15	0.06	0.00	0.01	0.01
Asphalt Worker Trips	0.03	0.07	1.38	0.00	0.02	0.01
Total Emissions	117.22	26.32	33.78	0.01	1.91	1.71
Site 3 - Demolition						
Fugitive Dust	-	-	-	-	7.33	1.53
Off-Road Diesel Equipment	0.68	4.70	4.13	0.00	0.27	0.25
On-Road Diesel Equipment	0.35	4.28	1.64	0.01	0.21	0.16
Worker Trips	0.02	0.03	0.64	-	0.01	0.00
Total Emissions	1.05	9.01	6.41	0.01	7.82	1.94
Site 3 - Site Grading and Excavation						
Fugitive Dust	-	-	-	-	27.6	5.76
Off-Road Diesel Equipment	2.03	14.69	9.80	0.00	0.68	0.62
On-Road Diesel Equipment	1.36	16.36	6.26	0.05	0.78	0.61
Worker Trips	0.02	0.03	0.64	0.00	0.01	0.00
Total Emissions	3.40	31.08	16.70	0.05	29.07	7.00
Site 3 - Building Construction Phase						
Building Construction Off-Road Diesel Equipment	1.98	10.41	9.21	0.00	0.6	0.55
Building Vendor Trips	0.04	0.43	0.51	0.00	0.03	0.02
Building Construction Worker Trips	0.14	0.25	4.93	0.01	0.06	0.03
Architectural Coatings Off-Gas	58.49	-	-	-	-	-
Architectural Coatings Worker Trips	0.01	0.02	0.72	0.00	0.01	0.00
Asphalt Off-Gas	0.08	-	-	-	-	-
Asphalt Off-Road Diesel Equipment	1.48	9.28	8.57	0.00	0.66	0.61
Asphalt On-Road Diesel Equipment	0.01	0.09	0.04	0.00	0.00	0.00
Asphalt Worker Trips	0.03	0.05	1.10	0.00	0.02	0.01
Total Emissions	62.26	20.53	24.72	0.01	1.37	1.23
Note: Subtotals may not appear to add correctly due to rounding in the URBEMIS 2007 model.						
Source: Christopher A. Joseph & Associates, 2008. Calculation sheets are provided in Appendix K of this Draft EIR.						

Table IV.C-6
Estimated Mitigated Daily Construction Emissions

Emissions Source	Emissions in Pounds per Day					
	ROC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Site 1 - Demolition						
<i>Fugitive Dust</i>	-	-	-	-	10.79	2.24
<i>Off-Road Diesel Equipment</i>	1.05	7.22	4.58	0.00	0.55	0.50
<i>On-Road Diesel Equipment</i>	0.90	13.37	4.56	0.02	0.58	0.49
<i>Worker Trips</i>	0.03	0.06	1.02	-	0.01	0.00
Total Emissions	1.98	20.64	10.16	0.02	11.92	3.24
Site 1 - Site Grading and Excavation						
<i>Fugitive Dust</i>	-	-	-	-	3.32	0.69
<i>Off-Road Diesel Equipment</i>	2.83	23.44	11.96	0.00	1.17	1.08
<i>On-Road Diesel Equipment</i>	5.00	74.62	25.46	0.11	3.22	2.73
<i>Worker Trips</i>	0.03	0.06	1.02	-	0.01	0.00
Total Emissions	7.86	98.12	38.43	0.11	7.72	4.50
Site 1 - Building Construction Phase						
<i>Building Construction Off-Road Diesel Equipment</i>	1.11	8.51	4.68	0.00	0.54	0.5
<i>Building Vendor Trips</i>	0.08	1.02	0.88	0.00	0.05	0.04
<i>Building Construction Worker Trips</i>	0.28	0.48	8.83	0.01	0.07	0.03
<i>Architectural Coatings Off-Gas</i>	64.42	-	-	-	-	-
<i>Architectural Coatings Worker Trips</i>	0.02	0.04	0.67	0.00	0.01	0.00
<i>Asphalt Off-Gas</i>	0.05	-	-	-	-	-
<i>Asphalt Off-Road Diesel Equipment</i>	1.61	10.07	6.79	0.00	0.83	0.77
<i>Asphalt On-Road Diesel Equipment</i>	0.01	0.12	0.04	0.00	0.01	0.00
<i>Asphalt Worker Trips</i>	0.05	0.08	1.53	0.00	0.01	0.01
Total Emissions	67.63	20.32	23.42	0.01	1.52	1.35
Site 2 - Demolition						
<i>Fugitive Dust</i>	-	-	-	-	7.24	1.51
<i>Off-Road Diesel Equipment</i>	0.68	4.70	4.13	0.00	0.27	0.25
<i>On-Road Diesel Equipment</i>	0.35	4.23	1.62	0.01	0.20	0.16
<i>Worker Trips</i>	0.02	0.03	0.64	-	0.01	0.00
Total Emissions	1.05	8.96	6.39	0.01	7.72	1.92
Site 2 - Site Grading and Excavation						
<i>Fugitive Dust</i>	-	-	-	-	11.51	2.40
<i>Off-Road Diesel Equipment</i>	2.03	14.69	9.80	0.00	0.68	0.62
<i>On-Road Diesel Equipment</i>	1.76	21.30	8.15	0.06	1.02	0.80
<i>Worker Trips</i>	0.02	0.03	0.64	0.00	0.01	0.00
Total Emissions	3.81	36.02	18.60	0.07	13.22	3.83
Site 2 - Building Construction Phase						
<i>Building Construction Off-Road Diesel Equipment</i>	1.98	10.41	9.21	0.00	0.6	0.55
<i>Building Vendor Trips</i>	0.08	0.81	0.95	0.00	0.05	0.03
<i>Building Construction Worker Trips</i>	0.27	0.47	9.23	0.01	0.11	0.06
<i>Architectural Coatings Off-Gas</i>	96.43	-	-	-	-	-
<i>Architectural Coatings Worker Trips</i>	0.02	0.03	0.7	0.00	0.01	0.01

Table IV.C-6
Estimated Mitigated Daily Construction Emissions

<i>Emissions Source</i>	<i>Emissions in Pounds per Day</i>					
	<i>ROC</i>	<i>NO_x</i>	<i>CO</i>	<i>SO_x</i>	<i>PM₁₀</i>	<i>PM_{2.5}</i>
<i>Asphalt Off-Gas</i>	0.15	-	-	-	-	-
<i>Asphalt Off-Road Diesel Equipment</i>	1.48	9.28	8.57	0.00	0.66	0.61
<i>Asphalt On-Road Diesel Equipment</i>	0.01	0.17	0.07	0.00	0.01	0.01
<i>Asphalt Worker Trips</i>	0.03	0.05	1.10	0.00	0.02	0.01
Total Emissions	100.45	21.22	29.83	.01	1.46	1.28
Site 3 - Demolition						
<i>Fugitive Dust</i>	-	-	-	-	7.33	1.53
<i>Off-Road Diesel Equipment</i>	0.68	4.70	4.13	0.00	0.27	0.25
<i>On-Road Diesel Equipment</i>	0.35	4.28	1.64	0.01	0.21	0.16
<i>Worker Trips</i>	0.02	0.03	0.64	-	0.01	0.00
Total Emissions	1.05	9.01	6.41	0.01	7.82	1.94
Site 3 - Site Grading and Excavation						
<i>Fugitive Dust</i>	-	-	-	-	11.81	2.47
<i>Off-Road Diesel Equipment</i>	2.03	14.69	9.80	0.00	0.68	0.62
<i>On-Road Diesel Equipment</i>	1.36	16.36	6.26	0.05	0.78	0.61
<i>Worker Trips</i>	0.02	0.03	0.64	0.00	0.01	0.00
Total Emissions	3.40	31.08	16.70	0.05	13.28	3.70
Site 3 - Building Construction Phase						
<i>Building Construction Off-Road Diesel Equipment</i>	1.98	10.41	9.21	0.00	0.60	0.55
<i>Building Vendor Trips</i>	0.04	0.43	0.51	0.00	0.03	0.02
<i>Building Construction Worker Trips</i>	0.14	0.25	4.93	0.01	0.06	0.03
<i>Architectural Coatings Off-Gas</i>	51.44	-	-	-	-	-
<i>Architectural Coatings Worker Trips</i>	0.01	0.02	0.38	0.00	0.01	0.00
<i>Asphalt Off-Gas</i>	0.08	-	-	-	-	-
<i>Asphalt Off-Road Diesel Equipment</i>	1.48	9.28	8.57	0.00	0.66	0.61
<i>Asphalt On-Road Diesel Equipment</i>	0.01	0.09	0.04	0.00	0.00	0.00
<i>Asphalt Worker Trips</i>	0.03	0.05	1.10	0.00	0.02	0.01
Total Emissions	55.22	20.53	24.72	0.01	1.37	1.23
Note: Subtotals may not appear to add correctly due to rounding in the URBEMIS 2007 model.						
Source: Christopher A. Joseph & Associates, 2008. Calculation sheets are provided in Appendix K of this Draft EIR.						

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR. In addition, see Response to Comment B21-91.

Comment B21-93

The DEIR also fails to adequately mitigate operation-related PM₁₀ emissions. The DEIR asserts that because the Town is in a PM₁₀ non-attainment area, total vehicle miles traveled ("VMT") may not exceed 106,600 per day. DEIR at IV.C-21 and IV.C-31. The Project would generate 6,450 VMT resulting in a total of 114,665 VMT. DEIR at IV.C-31.

Although the DEIR correctly identifies this increase in VMT as a potentially significant air quality impact, it fails to provide any evidentiary support that its proposed mitigation measures would reduce this impact to a less than significant level. DEIR at IV.C-32. The proposed mitigation calls for a transportation demand management program (“TDMP”) to reduce VMT, but the requirement fails to establish performance standards for the TDMP to ensure that it will effectively reduce VMT to below the level considered a significant impact. Moreover, it omits the single most important measure to reduce travel demand – a reduction in parking. DEIR at IV.C-32.

According to the DEIR, the project would add more parking than is required by the City. DEIR at IV.M-18 (Table IV.M-5). As noted in Section I.B.3, *supra*, the presence of parking often depresses transit ridership and other non-automobile uses. Put simply, when parking is available, people drive. The DEIR should consider a reduction in parking in order to reduce the potentially significant PM₁₀ emissions resulting from operation of the Project.

Response to Comment B21-93

A Transportation Demand Management Program (“TDMP”) will be developed and will ensure that the VMT will not exceed 106,600 per day. The TDMP will be conducted by traffic experts in conjunction with the Lead Agency. See Response to Comment B16-33.

As discussed in Section IV.M, Traffic and Circulation, of the Draft EIR, according to the Town the existing parking conditions for land uses in the North Village area are deficient. Adequate parking for the Project was calculated pursuant to the parking code provided in the North Village Specific Plan, including calculation of commercial/restaurant/retail uses. As a community benefit, Site 3 would provide an additional 100 public parking spaces. Also discussed in this section, existing bicycle and pedestrian conditions throughout the Project’s three sites do not provide connectivity within the North Village Specific Plan area. However, the proposed Project would provide pedestrian access throughout the Project’s three sites and subsequently provide pedestrian and bicycle connectivity within the Specific Plan area and would link to the larger Town-wide existing and planned recreational trail network, which includes pedestrian trails, bike lanes and sidewalks that are adjacent to major roadways. As discussed in Section III, Project Description, on page III-31, the Project would not only use the existing bus/shuttle shelters located at the North Village, but also proposes additional transit stops pursuant to the Town’s transit needs at the time of Project development. All three Project hotels would provide their guests with exclusive shuttle service for destinations in Town as well as service to the Mammoth Yosemite Airport. Comment B21-94

b. The DEIR Fails to Analyze Whether the Project’s Ozone Emissions Would Violate the Ozone Standards.

The DEIR fails to analyze whether the Project’s ozone emissions from both construction and operation of the project would contribute to a violation of applicable ozone standards. The Town is

located within a non attainment area for ozone. DEIR at IV.C-20. The DEIR suggests that the Project's increase in ozone precursor emissions (nitrogen oxides and hydrocarbons) would not contribute to ozone exceedances because (1) ozone is transported from the San Joaquin Valley; (2) the local air district has not identified quantifiable thresholds of significance for evaluating ozone impacts; and (3) local ozone levels exceed the standards only in the evening. None of these reasons excuses the Town from evaluating the Project's potentially significant contribution to ozone emissions.

First, the fact that ozone is transported does not relieve the Town of its obligation to analyze impacts. The tables show that construction and operation of the Project would cause an increase in ozone precursor emissions (ROC and NOX). DEIR at IV.C-28 and 30 (Tables IV.C-6 and IV.C-7), and the potential impacts of this increase in emissions must be analyzed. Second, the Town is not excused from evaluating this impact merely because the air district has not established a threshold of significance. *See Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1106-12 (CEQA does not allow an analysis to be labeled too "speculative" based on lack of threshold). Finally, the DEIR does not explain why time of day (i.e., evening ozone exceedances) would have any bearing on whether the Project's emissions would contribute to ozone standard exceedances.

Response to Comment B21-94

As discussed in Section IV.C, Air Quality, of the Draft EIR, ozone non-attainment is due to transport from the Central Valley. The Air Resources Board ("ARB") has determined that the Town is overwhelmed by ozone from the San Joaquin Valley. Due to the overwhelming ozone transport, no attainment implementation plan needs to be established and therefore no localized quantitative analysis for ozone needs to be performed. This approach constitutes an accepted approach with the Town and the Great Basin Unified Air Pollution Control District standard practices.

Comment B21-95

c. The DEIR Fails to Identify, Analyze and Mitigate Diesel Emissions.

The DEIR fails to identify and analyze impacts resulting from the use of diesel-powered engines during Project construction. The combustion of diesel fuel in engines produces diesel exhaust, which contains some 40 compounds that are listed by the U.S. Environmental Protection Agency as hazardous air pollutants and by the California Air Resources Board ("CARB") as toxic air contaminants. Diesel particulate matter ("DPM") emitted from diesel exhaust is a serious public health concern. It has been linked to a range of serious health problems, including an increase in respiratory disease, lung damage, cancer, and premature death. Fine diesel particles are deposited deep in the lungs and can result in increased respiratory symptoms and disease, particularly in children and individuals with asthma. On August 27, 1998, after extensive scientific review and public hearing, the CARB identified particulate emissions from diesel-fueled engines as a toxic air contaminant.

Construction of the Project would include extensive grading and would require the use of generators, bulldozers, excavators, compactors and hauling trucks. DEIR at IV.C-22 to 24. Most construction equipment uses diesel fuel. On an equivalent horsepower basis, diesel engines produce particles at a markedly greater rate than gasoline engines. Project construction would expose workers, as well as residents of adjacent neighborhoods, to elevated concentration of diesel exhaust. The DEIR nevertheless includes no information about DPM emissions and therefore inadequately analyzes air quality impacts.

The DEIR must identify and analyze the impacts of diesel emissions and adopt appropriate diesel emission control strategies. CEQA requires the EIR identify mitigation measures to reduce significant impacts such as diesel emissions. These would include, but are not limited to, measures that require (i) all diesel equipment to utilize diesel particulate filters that remove at least 85% of diesel particulate emissions, and all construction vehicles, except for concrete trucks, to have California Air Resources Board (CARB)-certified engines (based on the most recent rules adopted by CARB); (ii) all diesel equipment to comply with CARB Rule 401(b)(1)(A), as measured against a Ringelmann Chart; (iii) all diesel equipment and vehicles to use biodiesel fuel or ultra-low sulfur (less than 15 ppmw sulfur) diesel fuel; (iv) contractors to maintain and operate construction equipment so as to minimize exhaust emissions; (v) all construction equipment to be properly tuned and maintained in accordance with manufacturers' specifications and (vi) use of electricity from power poles rather than temporary diesel- or gasoline-powered generators, except where developer can demonstrate that such use is not feasible.

Response to Comment B21-95

According to the Great Basin Unified Air Pollution Control District, particulate matter resulting from construction equipment diesel combustion does not require a separate analysis from other sources of particulate matter. Diesel particulate matter ("DPM") from construction is not considered due to the short-term nature of construction (versus a lifetime exposure) since health effects from DPM are chronic in nature. The short-term exposure to DPM is not expected to result in a significant impact. Since DPM is not expected to be a concern, mitigation measures designed to reduce DPM emissions are not necessary. Particulate matter from construction activities has been addressed in the Draft EIR and fulfills the requirement to address impacts from the construction sources. Therefore, no additional analysis or change to the text is necessary.

Comment B21-96

d. The DEIR's Analysis of the Project's Contribution to Global Warming Is Inadequate.

While the DEIR appropriately acknowledges the importance and legal necessity of analyzing the Project's contribution to global climate change, it makes a number of statements that are contrary to the scientific consensus regarding global warming. For example, the DEIR states that greenhouse gas

emissions are “alleged” to be the cause of global climate change (DEIR at IV.c-14), and that “some believe” that atmospheric greenhouse gas accumulation has caused observed temperature increases (DEIR at IV.C-15). This sort of unwarranted hedging is wholly inappropriate for a public agency, and is counter-productive and indicative of the DEIR’s grudging approach to this analysis.

Substantively, the analysis fails in two primary regards: first, it fails to account for all of the Project’s greenhouse gas emissions, and second, it declines to take the crucial step of determining whether that contribution is significant. As a direct result of the second flaw, the DEIR fails to identify mitigation for the Project’s impact, which it should have determined to be significant.

Response to Comment B21-96

Inclusion of the conditional language was intended to convey the fact that there exists some, albeit small uncertainty regarding the direct causation of global climate change from greenhouse gas. The Draft EIR does not dispute the general consensus that greenhouse gases can cause global climate change. However, to remove uncertainty regarding the intent of the Draft EIR, language regarding greenhouse gases will be revised to remove uncertainty to the cause and effect of greenhouse gases. In response to this comment the following text on pages IV.C-14 and IV.C-15 of Section IV.C, Air Quality, of the Draft EIR has been revised as follows:

First paragraph under subheading “Global Climate Change” on page IV.C-14:

The issue of global climate change ~~alleged to be~~ caused by GHG emissions is currently one of the most important and widely debated scientific, economic, and political issues in the United States. Climate change is a shift in the “average weather” that a given region experiences.

Third paragraph on page IV.C-15:

Based on the potential increase in longwave radiation contained within the atmosphere (the so-called “greenhouse effect”), ~~some believe that the~~ accumulation of these gases in the Earth’s atmosphere is the cause of the observed increase in the Earth’s temperature (global warming) over recent decades.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

The two comments identified in the second paragraph will be addressed in detail in Response to Comments B21-97 and B21-100, respectively.

Comment B21-97**(i) The DEIR Underestimates the Project's Carbon Emissions**

The DEIR's estimate of the Project's carbon emissions has only two constituents: vehicle miles traveled, and natural gas combustion. To tell the true story of the Project's role in climate change, the EIR would need to inventory, at the least, the carbon emissions generated through all of its energy consumption (not just natural gas used for heating), as well as the carbon emissions generated throughout the manufacturing and lifecycle of its building materials. Most importantly, unless EIR breaks out its estimates of emissions from different sources, designing appropriate mitigation will be impossible.

Response to Comment B21-97

The greenhouse gas analysis presented in the Section IV.C, Air Quality, provides an estimate of greenhouse gas emissions from direct sources (natural gas use at the Project site and vehicle emissions traveling to and from the Project site). However, subsequent to the analysis of greenhouse gases, the Governor's Office of Planning and Research ("OPR") released a technical advisory entitled, *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review* (the "OPR Climate Change Report"). In the document, it is recommended that energy consumption, both direct and indirect, be evaluated. The inclusion of building materials is not included in the recommendation for evaluation. An evaluation of greenhouse gas emissions from building material is considered to be too speculative to be included. Therefore, the greenhouse gas evaluation will be revised to include the indirect greenhouse gas emissions from electricity usage at the Project site.

In response to this comment the following text and tables on pages IV.C-36 and -37, of Section IV.C, Air Quality of the Draft EIR has been revised as follows:

Carbon Dioxide (CO₂): *The Project will generate emissions of carbon dioxide primarily in the form of vehicle exhaust and in the consumption of natural gas for heating from on-site combustion. Carbon dioxide emissions from vehicles were calculated with EMFAC 2007 emission factors using burden values for the South Coast Air Quality Management District. Carbon dioxide emissions from natural gas combustion were generated from guidance as presented in the Climate Leaders Greenhouse Inventory Protocol. The natural gas usage came from discussions with the California Energy Commission; it is lower than default URBEMIS 2007 natural gas usage because the Project will only use natural gas for heating the buildings and for minimal hot water heating. The carbon dioxide emissions are shown in Table IV.C-11. As shown in Table IV.C-11, at build-out, the Project is estimated to emit ~~0.00750~~0.0095 Tg CO₂ Eq.*

Table IV.C-11
Carbon Dioxide Emissions

Emission Source	2017
<i>Vehicles (tons/year)</i>	856.87
<i>Natural Gas Combustion (tons/year)</i>	6,639.68
<i>Electricity Consumption (tons/year)</i>	<u>1,974.90</u>
Total (tons per year)	~~7,496.55~~
	<u>11,446.35</u>
Total (Tg CO₂ Eq.)	~~0.0075~~ <u>0.0095</u>

Methane: The Project will generate some methane gas from vehicle emissions and natural gas combustion. Methane emissions from natural gas combustion were generated using guidance as presented in the Climate Leaders Greenhouse Inventory Protocol. Methane emissions from vehicles were estimated using U.S. EPA emission factors for on-highway vehicles and the same assumptions were used to estimate criteria pollutants in URBEMIS 2007. The emissions are shown in Table IV.C-12. As shown in Table IV.C-12, in 2017, emissions would be ~~1.72E-5~~ 1.75E-5 Tg CO₂ Eq.

Table IV.C-12
Methane Emissions

Emission Source	2017
<i>Vehicles (tons/year)</i>	0.005
<i>Natural Gas Combustion (tons/year)</i>	0.742
<i>Electricity Consumption (tons/year)</i>	<u>0.016</u>
Total (tons/year)	~~0.747~~ <u>0.763</u>
Total (Tg CO₂ Eq.)	~~1.72E-5~~ <u>1.75E-5</u>

Nitrous Oxide (N₂O): The Project generates small amounts of nitrous oxide from vehicle emissions. Emissions from natural gas combustion were generated using guidance as presented in the Climate Leaders Greenhouse Inventory Protocol. Nitrous oxide from vehicles was estimated using U.S. EPA emission factors for on-highway vehicles and the same assumptions that were used to estimate criteria pollutants. The emissions are presented in Table IV.C-13. As shown in Table IV.C-13, in 2017 emissions would be ~~8.05E-6~~ 8.05E-6 Tg CO₂ Eq.

Table IV.C-13
Nitrous Oxide Emissions

Emission Source	2017
<i>Vehicles (tons/year)</i>	<i>0.0056</i>
<i>Natural Gas Combustion (tons/year)</i>	<i>0.0126</i>
<i>Electricity Consumption (tons/year)</i>	<i>0.009</i>
Total (tons/year)	~~0.0182~~ 0.0272
Total (Tg CO₂ Eq.)	~~5.39E-~~ 68.05E-6

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B21-98

Electricity is the key omission in the DEIR's inventory. Electricity generation accounts for approximately 21 percent of greenhouse gas emissions in California. The amount of carbon emissions resulting from the Project's demand is easily calculated: According to the Energy Star Program, a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy, one kilowatt hour consumed equates to 1.55 pounds of CO₂ emissions. [footnote]. The EIR should have included this calculation.

[footnote to comment] It is important to note that the Town, not the public, bears the responsibility for choosing or developing a methodology for determining impacts. We offer these suggested formulae to help guide the EIR's preparers in the necessary revisions, and to demonstrate that these calculations are not arcane but are actually quite easily performed.

Response to Comment B21-98

See Response to Comment B21-97.

Comment B21-99

Finally, even as to those factors that are included in the DEIR's inventory, the document lacks substantial evidence supporting its figures. The DEIR never states the figure it uses for vehicle miles traveled. Without this information, it is impossible to evaluate whether the inventory is accurate. A reader cannot determine whether the calculation includes the appropriate number and length of trips, whether it includes visitors' trips to and from distant cities such as Los Angeles, or whether it includes employee trips as well as resident and visitor trips. The DEIR must be revised to disclose these parts of the analysis.

Response to Comment B21-99

Assumptions used to estimate the vehicle miles traveled are provided in Appendix K, Air Quality Data, of the Draft EIR. Unless otherwise noted, default assumptions in URBEMIS 2007 model were used.

Comment B21-100

(ii) The DEIR Inappropriately Refuses to Make a Significance Determination Regarding the Project's Contribution to Climate Change.

The first step in any discussion of an environmental impact is to select a threshold of significance. The DEIR does not choose such a threshold. *See* DEIR at IV.C-38. There is simply nothing in CEQA that relieves a lead agency from its obligation to determine significant effects simply because the impact is related to a rapidly-evolving area of science and policy. *See Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1106-12 (CEQA does not allow an analysis to be labeled too “speculative” based on lack of threshold). As long as it lacks a significance determination, the DEIR remains inadequate. This flaw leads to a cascade of other failures: without a threshold, the EIR cannot do its job.

Under CEQA a determination of the significance of an environment impact calls for “careful judgment ... based to the extent possible on scientific and factual data.” CEQA Guideline § 15064(b). Accordingly, a significance threshold for greenhouse gases must reflect the grave threats posed by the cumulative impact of additional new sources of emissions into an environment where deep reductions from existing emission levels are necessary to avert the worst consequences of global warming. *See Communities for Better Env't v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 120 (“[T]he greater the existing environmental problems are, the lower the threshold for treating a project's contribution to cumulative impacts as significant.”); *see also Center for Biological Diversity v. National Highway Traffic Safety Administration* (9th Cir. 2007) 508 F.3d 508, 550 (“[W]e cannot afford to ignore even modest contributions to global warming.”).

Moreover, the Town ignores at least one widely-known publication that includes extensive discussion of standards of significance for greenhouse gas emissions. Well before the preparation of the DEIR, the California Air Pollution Control Officers Association (“CAPCOA”) published “CEQA & Climate Change,” Chapters 6 and 7 of which propose a variety of potential thresholds of significance, and describes appropriate applications for each. We have included a copy of the report as Attachment 2 to this letter. There is no excuse for the Town to claim that determining a standard of significance is out of its reach.

Under CAPCOA's analysis, the only two thresholds that are highly effective at reducing emissions and consistent with AB 32 and Executive Order S-3-05 are a threshold of zero or a quantitative threshold of 900-ton CO₂ Eq. The zero threshold is preferable in light of ongoing scientific advances. In

addition, even the ambitious emissions reduction targets set by Executive Order S-3-05 in 2005, which were consistent with contemporaneous science indicating that reductions of 80% below 1990 levels by developed countries were sufficient to stabilize the climate, are now believed to be insufficient. Given the recent extreme losses in arctic sea ice, scientists at the National Snow and Ice Data Center have concluded that “the observed changes in the arctic indicate that this feedback loop is now starting to take hold.” Based on these and other recent climate change observations, leading scientists now state that “humanity must aim for an even lower level of GHGs.” As our current scientific understanding now calls for even greater reductions and indicates that we already may have passed a climactic tipping point, the scientific and factual data support a threshold of significance of zero in order to ensure that new projects do not have a cumulatively significant impact on global warming. Indeed, consistent with scientific data, many EIRs have adopted a zero threshold of significance because it is the most “scientifically supportable” threshold. (See e.g., DEIR, Venoco Ellwood Full Field Development Project at 4.3-33, SCH # 2006061146.)

In any event, the Project, with its yearly emissions of nearly 7500 tons per year of CO₂ Eq (DEIR IV.C-36), is well above either of the two potential thresholds of significance. Its contribution to global warming must therefore be considered significant. With this significance determination comes CEQA’s mandate to identify and adopt feasible mitigation measures that would reduce or avoid the impact. CEQA Guidelines § 15126.3(a)(1); see also *Woodward Park Homeowners Ass’n, Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 724 (“The EIR also must describe feasible measures that could minimize significant impacts.”). Dozens of potential mitigation measures, at least, are available to reduce the Project’s greenhouse gas emissions. A small sampling includes:

- Require all aspects of the Project to be “carbon neutral” through a combination of on-site and off-site measures. An important aspect of this mitigation could be the adoption of an off-set requirement for any reductions that could not be achieved directly. Emissions could be offset either through contributing to the financing of sustainable energy projects or through the purchase of carbon credits. The programs are increasingly common and thus raise no issue of infeasibility.
- Require that off-road diesel-powered vehicles used for construction be new low-emission vehicles, or use retrofit emission control devices, such as diesel oxidation catalysts and diesel particulate filters verified by the California Air Resources Board.
- Require that all condominium and hotel facilities use only Energy Star rated appliances, the most energy-efficient water heaters and air conditioning systems that are feasible, and energy efficient lighting (indoor and outdoor) that reduces electricity use by substantially more than current state building code requirements.
- Require the Project to comply with Green Building Council’s LEED standards for energy use. Require the Project to generate all or a portion of its own power through alternative means, such as photovoltaic arrays on roofs, or wind turbines integrated into buildings.

In addition to the mitigation measures identified above, the DEIR should also consider the mitigation measures proposed in CAPCOA's publication. (Attachment 2.)

The DEIR must be revised to make the required significance determination. Any thorough analysis will find that the Project's contribution to global climate change is, indeed, significant; the DEIR therefore must be further revised to identify feasible, effective mitigation measures to reduce or avoid that impact.

Response to Comment B21-100

In regards to significance thresholds, CAPCOA presents a number of options but does not indicate which approach is "highly effective." Moreover, as stated in the CAPCOA white paper, "This paper is provided as a resource for local policy and decision makers to enable them to make the best decisions they can in the face of incomplete information during a period of change. This paper is intended as a resource, not a guidance document. It is not intended, and should not be interpreted, to dictate the manner in which an air district or lead agency chooses to address greenhouse gas emissions in the context of its review of projects under CEQA."

As stated in Section IV.C, Air Quality, of the Draft EIR, no official state or local greenhouse gas thresholds have been established, also there is no state or local guidance for the analysis of greenhouse gases in CEQA documents. Without established thresholds, it was determined that a significance determination could not be adequately evaluated. However, subsequent to the analysis of greenhouse gases, the OPR released its *Climate Change Report* that required a significance determination. The approach that has been taken is to follow prescribed mitigation measures set in the 2006 CAT report. Although a significance determination was not previously stated, this analysis now assumes that the Project would be considered to generate a substantial increase in greenhouse gas emissions if it is not consistent with strategies from the 2006 CAT Report that are applicable and feasible for the proposed land use. If the Project were inconsistent with these strategies, the Project would be considered to have a significant impact with regards to global climate change. This approach is consistent with greenhouse gases evaluations conducted in other districts.

As shown in Table IV-C-14, Project Compliance with 2006 CAT Report Greenhouse Gas Emission Reduction Strategies, the Project is consistent with the 2006 CAT report and therefore is not considered to have a significant impact with regards to global climate change. Based on the less than significant determination, inclusion of mitigation measures is not required. However, the Project Applicant will consider the following measures as part of the Project design and implementation to reduce greenhouse gas emissions that were provided in the California Attorney General's *The California Environmental Quality Act Addressing Global Warming Impacts at the Local Agency Level* released in September 2008:

Energy Efficiency

- Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing

winds, landscaping and sun screens to reduce energy use.

- Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.
- Install light colored “cool” roofs, cool pavements, and strategically placed shade trees.
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems.
- Install light emitting diodes (LEDs) for outdoor lighting.
- Limit the hours of operation of outdoor lighting.
- Use solar heating, automatic covers, and efficient pumps and motors for outdoor pools and spas.

Renewable Energy

- Install solar power systems, solar and tankless hot water heaters, and energy efficient heating ventilation and air conditioning.
- Install infrastructure for geothermal energy use.

Water Conservation and Efficiency

- Create water-efficient landscapes.
- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
- Restrict watering methods (*e.g.*, prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment.

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.
- Provide education and publicity about reducing waste and available recycling services.

Comment B21-101

e. The DEIR’s Analysis of Cumulative Air Quality Is Inadequate.

The DEIR utterly fails to analyze the Project's cumulative construction-related PM₁₀ impacts, concluding that because the Town's General Plan EIR found that PM₁₀ emissions resulting from construction would be "cumulatively considerable" even without the Project, the impacts would be significant and unavoidable. DEIR at IV.C-42 to 43. A legally adequate "cumulative impacts analysis" views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. The cumulative impacts concept recognizes that "[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum." *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408.

Response to Comment B21-101

See Response to Comment B21-54.

Comment B21-102

Here, the DEIR fails to consider how the Project will worsen an already-significant cumulative impact. Because the DEIR fails to conduct the required analysis, it also fails to identify all feasible mitigation for this significant impact—which CEQA requires even if the impact will not be reduced to a less than significant level. The DEIR must consider and adopt mitigation to reduce the Project's contribution to construction-related PM₁₀ impacts.

Response to Comment B21-102

See Response to Comment B21-54.

Comment B21-103

Moreover, there is no evidence that the mitigation proposed for operational sources of PM₁₀ (from cars and wood-burning) will actually occur and reduce impacts. The DEIR states, absent any evidence, that despite the increase in VMT—and the exceedence of the VMT limit set by the local Air Quality Management Plan—the mitigation measures identified in AQ-2, DEIR at IV.C-32, would reduce the Project's cumulative impacts to a less than significant level. DEIR at IV.C-43. This mitigation fails to ensure that the identified significant air quality impact will be reduced to an insignificant level, and thus inadequate.

Response to Comment B21-103

See Response to Comment B21-93.

Comment B21-104

In addition, the DEIR concludes, based on no evidence or enforceable mitigation, that operational PM₁₀ impacts would also be less than significant because other projects would likely ban solid-fuel burning appliances. Such speculation does not provide an adequate basis for concluding an impact is less than significant. *See Citizens of Goleta Valley*, 52 Cal. 3d at 568 (resting decisions about mitigation on unsubstantiated assumptions is inappropriate in an EIR).

Response to Comment B21-104

The approach in this Draft EIR is consistent with environmental review prepared for other projects within the Town. The analysis was performed in a manner that is consistent with the Town of Mammoth Lakes Air Quality Management Plan, and the Great Basin Unified Air Pollution Control District recognizes the Air Quality Management Plan for the Town of Mammoth Lakes as applicable. Much of this analysis is based on the supporting Air Quality Management Plan appendices, especially Appendix B, Appendix E, and Appendix I. In addition, the stated mitigation measures for operational PM₁₀ emissions reduction are also consistent with General Plan policies. See Response to Comment B21-91.

Comment B21-105

Finally, with regard to the Project's cumulative contribution to ozone impacts, the DEIR relies on the same faulty reasoning discussed in Section I.B.4.a, *supra*, as the project-specific analysis. *See* DEIR at IV.C-42. As stated above, the DEIR must fully analyze ozone impacts regardless of the lack of numerical thresholds and the effect of ozone transport.

Response to Comment B21-105

See Response to Comment B21-95.

Comment B21-106**5. The DEIR's Analysis and Mitigation of Noise is Inadequate.**

Section J of the DEIR ("Noise") is highly flawed, particularly with respect to the failure to adopt feasible mitigation measures to lessen the Project's construction noise impacts on surrounding sensitive receptors, such as Fireside. This failure is especially significant given that the DEIR forecasts that construction will continue for 12 years. DEIR at IV.J-17.

Response to Comment B21-106

Implementation of all feasible mitigation (Mitigation Measures NOISE-1a and NOISE-1b), in Section IV.J, Noise, on page IV.J-19 of the Draft EIR, would reduce noise levels from construction activity;

however, temporary construction noise levels could continue to exceed the Town's maximum exterior noise standards resulting in significant and unavoidable temporary construction noise impacts. Construction activities are not expected to occur continually or for the duration of a seasonal construction period of more than three years near any one sensitive receptor.

Comment B21-107

a. The Project is Inconsistent with the General Plan.

The noise impact analysis is inconsistent with the General Plan's policies on noise, and in fact fails to even discuss those policies. In terms of local regulation, the DEIR references only the Town Noise Ordinance, with no mention of the higher standards established in the General Plan.

General Plan Goal C.6 (the "Quiet Community" goal) seeks to enhance community character by minimizing noise. The Project is noncompliant with nearly all of the policies designed to support that goal, especially:

- Policy C.6.B: "Allow development only if consistent with the Noise Element and the policies of this Element. Measure noise use...based on worst case levels."
- Policy C.6.D: "Require development to mitigate exterior noise to 'normally acceptable' levels in outdoor areas."
- Policy C.6.E: "Address noise issues though [sic] the planning and permitting process."
- Policy C.6.F: "Require mitigation of all significant noise impacts as a condition of project approval."
- Policy C.6.G: "Require preparation of a noise analysis or acoustical study, which is to include recommendations for mitigation, for all proposed projects that may result in potentially significant noise impacts."

The DEIR admits that even with the proposed mitigation, the Project will result in significant construction noise impacts that cannot be mitigated with the proposed mitigation. DEIR IV.J-28. As discussed in more detail below, the Project as currently designed conflicts with the General Plan, and the failure to consider mitigation measures in more detail and adopt specific feasible mitigation of construction noise violates all of the General Plan policies identified above. The DEIR's failure to include this analysis and mitigate for the significant construction noise impacts violates CEQA.

Response to Comment B21-107

The comment incorrectly states that the General Plan has higher standards than the Municipal Code. In fact the EIR, which was performed on the General Plan Update in May 2007, also used the Municipal Code for guidance in determining impacts.

The commenter states that the Project is inconsistent with General Plan policies with respect to construction noise impacts, and that the significant and unavoidable impacts associated with construction noise should be mitigated in more detail than is provided in the Draft EIR. The determination that the Project is consistent or inconsistent with the General Plan policies or other Town plans and policies is ultimately the decision of the Town. Furthermore, although CEQA analysis may identify some areas of inconsistency with Town policies, the Town has the ability to impose additional requirements or conditions of approval on a project, at the time of its approval, to bring a project into more complete conformance with existing policies.

The commenter erroneously states that CEQA has been violated because the acoustical analysis finds temporary construction noise impacts to be significant and unavoidable, and that the listed mitigation measures are not detailed enough to reduce the significant and unavoidable finding. The acoustical analysis provided in Section IV.J, Noise, of the Draft EIR, recognizes construction activities to be temporary and they would occur in accordance with the Town's Municipal Code and Noise Ordinance. The impact analysis identifies that the Project requires mitigation to reduce temporary or periodic increases in ambient noise levels associated with construction-related activities, and in lieu of the mitigation measures, construction noise levels could continue to exceed the Town's maximum exterior noise standards.

Comment B21-108

b. The Project Violates the Municipal Code.

Chapter 8.16 of the Municipal Code regulates noise in the Town. Although the DEIR cites Section 8.16.090 for the noise standards for construction activity (DEIR at IV.J-9 to_10), Table IV.J-5 appears to misstate the applicable numbers, with the standards for mobile and stationary source transposed, and imperfectly at that.

Moreover, the Project does not conform to Chapter 8.16. The DEIR admits as much: "temporary construction noise levels could continue to exceed the Town's maximum exterior noise standards resulting in *significant and unavoidable* temporary construction noise impacts" (emphasis in original). Section 8.16.090(B)(6) sets maximum noise levels, over which construction is in violation of the code.

Variances from Chapter 8.16 may be sought in compliance with Chapter 17 of the Municipal Code (Section 8.16.110), which requires that variances "shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this title deprives such property of the privileges enjoyed by other property in the vicinity or under identical zoning classification. Any variance granted shall be subject to such conditions as will assure the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity or zone in which such property is

situated.” Section 17.64.010. No special circumstances exist here to justify the blatant violation of the Town’s Noise Ordinance. As a result, the Town cannot legally approve the Project as currently designed.

Response to Comment B21-108

The commenter correctly identifies that the values provided in Table IV.J-5, Town of Mammoth Lakes Construction Noise Standards, are incorrect. Therefore, the following changes to Table IV.J-5 will be made.

Table IV.J-5
Town of Mammoth Lakes Construction Noise Standards

Construction Equipment⁽¹⁾	Maximum Noise Levels			
	<i>Type I Areas</i> <i>Single-Family</i> <i>Residential</i>	<i>Type II Areas</i> <i>Multi-Family</i> <i>Residential</i>	<i>Type III Areas</i> <i>Semi-Residential</i> <i>Commercial</i>	<i>Business Properties</i>
~~Mobile~~Stationary Equipment⁽²⁾				
Daily, except Sundays and legal holidays; 7 a.m. to 8 p.m.	60 dBA	65 dBA	70 dBA	—
Daily, 8 p.m. to 7 a.m. and all day Sunday and legal holidays	50 dBA	55 dBA	60 dBA	—
Daily, including Sunday and legal holidays; All hours	—	—	—	75 dBA
~~Stationary~~Mobile Equipment⁽³⁾				
Daily, except Sundays and legal holidays; 7 a.m. to 8 p.m.	~~75~~ 75 dBA	80 dBA	85 dBA	—
Daily, 8 p.m. to 7 a.m. and all day Sunday and legal holidays	60 dBA	65 dBA	70 dBA	—
Daily, including Sunday and legal holidays; All hours	—	—	—	85 dBA
Notes: (1) All mobile or stationary internal combustion engine-powered equipment or machinery shall be equipped with suitable exhaust and air intake silencers in proper working order. (2) <u>Maximum noise levels for repetitively scheduled and relatively long-term operation (periods of ten days or more) of stationary equipment.</u> (3) Maximum noise levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment. (4) ~~Maximum noise levels for repetitively scheduled and relatively long-term operation (periods of ten days or more) of stationary equipment.~~				
Source: Town of Mammoth Lakes Noise Ordinance, Chapter 8.16.				

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

The acoustical analysis provided in the Draft EIR recognizes construction activities to be temporary and that they would be carried out in accordance with the Town’s Municipal Code and Noise Ordinance. The Project would be subject to Section 15.08.020 of the Town Municipal Code, which limits the hours of

allowable construction activities, and to Section 8.16.090 of the Town Noise Ordinance, which establishes noise standards for mobile and stationary construction equipment. The Draft EIR identifies that the Project requires mitigation to reduce temporary or periodic increases in ambient noise levels associated with construction-related activities. While implementation of Mitigation Measures NOISE-1a and NOISE-1b listed on page IV.J-19, as discussed under Impact NOISE-1 Exposure of Persons to Excessive Noise Levels, would reduce noise levels from construction activity associated with the Project, temporary construction noise levels could continue to exceed the Town's maximum exterior noise standards, resulting in significant and unavoidable temporary construction noise impacts. Furthermore, additional mitigation measures have been required. See Response to Comment B21-109 below for a complete list.

The commenter quotes from Section 17.64.010(A) of the Town's Municipal Code and concludes with an opinion that the Town cannot legally approve the Project as currently designed. Any project built on Site 1 would generate noise levels during construction that exceed the Town's maximum exterior noise threshold and would significantly impact adjacent sensitive receptors. As such, conditions for variance would be met, based on proximity of nearby development. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B21-109

c. The DEIR Fails to Describe Numerous Feasible Mitigation Measures for Construction Noise.

CEQA requires that all feasible mitigation measures be adopted if they would substantially lessen a project's significant environmental impacts. Pub. Res. Code § 21002. The two measures set forth in the DEIR to mitigate noise (Mitigation Measure NOISE-1a and Mitigation Measure NOISE-1b) lack substance and fail to incorporate numerous feasible approaches to the mitigation of construction noise. Because the Project is located only 8-10 feet from the Fireside property line and 26 feet from Fireside buildings, not to mention the possibility of new sensitive receptors locating near the Project in intervening years, construction noise occurring for 12 years is a very serious impact and deserves serious mitigation measures. The DEIR should consider design modifications to the Project, either as mitigation or as an alternative to the Project, that increase the setback from adjoining residences. In addition the Town must consider the feasibility of requiring the following actions as mitigation to reduce this admittedly significant noise impact:

- Flexible sound curtain or acoustic barrier (not plywood) of no less than 15 feet in height shall be installed between the Project and adjacent residences prior to demolition or excavation of the Project site and shall remain in place throughout construction. Sound curtains shall provide a STC rating of 20 or surface weight of at least 3 lbs.

- Portable noise enclosures around loud machinery (such as jackhammers) or similar muffling devices must be used. Mufflers shall be required on all internal combustion equipment.
- Noise shields must be used for excavators. The shields must be long enough to also shield the receiving dump truck.
- Noise shrouds must be used on backhoes and similar equipment.
- Impact tools shall be hydraulic or electrically powered. Diesel tools shall not be used.
- Impact pile driving shall be prohibited.
- Prior to construction, the developer shall pay for treatments/improvements to nearby residences needed to reduce noise level in the buildings so that construction does not cause interior noise levels to exceed the interior noise standards established in the Municipal Code. Alternatively, if residences are used solely for vacation rentals, developer may compensate property owners for the rental amount during the construction period so as to eliminate sensitive receptors from the area affected by the noise exceedances.
- Noise levels shall be monitored and in the event noise levels exceed the levels permitted under the Town's Noise Ordinance, the specific activity causing the noise exceedance must stop and not resume until the Project has implemented measures to correct the exceedance.
- Stationary noise generating equipment must be parked as far from the adjoining property line as reasonably practicable and radios used on the site must not be audible on adjoining sites, including at Fireside.

Response to Comment B21-109

The commenter implies the total construction period as 12 years, which is incorrect. Twelve years is a speculative period of time and possibly assumes the Project would begin construction in 2008, which did not occur. As discussed in Section III, Project Description, on page III-40 of the Draft EIR, the Project has been organized so that it would be developed in several phases. Most phases would last approximately 24 to 36 months. Construction activities are proposed to be complete by 2020. Construction activities are not expected to occur continually or for the duration of more than three years near any one sensitive receptor.

Not all of the mitigation measures listed by the commenter apply to the Mammoth Crossing Project, nor are they all practical. For example, as noted in Section IV.J, the Project would not require any pile driving. Additionally, noise vibration impacts were found to be less than significant. See pages IV.J-20 and IV.J-21. The implementation of the requested noise mitigation measures would not change the impact finding of significant and unavoidable with regards to construction noise. Nonetheless, Mitigation Measure NOISE-1 Exposure of Persons to Excessive Noise Levels on page IV.J-19, of Section IV.J, Noise, of the Draft EIR has been revised as follows:

Mitigation Measure NOISE-1a Exposure of Persons to Excessive Noise Levels

Project developers shall require by contract specifications that the following construction best management practices (“BMPs”) be implemented by contractors to reduce construction noise levels:

- a. Provide advance notification of construction to the immediate surrounding land uses around a development site.*
- b. Ensure that construction equipment is properly muffled according to industry standards.*
- c. Place noise-generating construction equipment and locate construction staging areas away from residences, where feasible.*
- d. Schedule high noise-producing activities between the hours of 8 a.m. and 5 p.m. to minimize disruption on sensitive uses.*
- e. Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets.*
- f. Noise levels shall be monitored and in the event noise levels exceed the levels permitted under the Town’s Noise Ordinance, the specific activity causing the noise exceedance must stop and not resume until the Project has implemented measures to correct the exceedance.*

Mitigation Measure NOISE-1b Exposure of Persons to Excessive Noise Levels

Project developers shall require by contract specifications that construction staging areas within the Project site would be located as far away from noise-sensitive sites as ~~feasible~~ reasonably practicable (i.e., not along the border of the sensitive noise receptors adjacent to the Project sites).

Mitigation Measure NOISE-1c Exposure of Persons to Excessive Noise Levels

Construction shall be prohibited on the days listed in a through g below; however, depending on the construction phase, waiver of some of these restrictions could be made at the discretion of the Public Works director.

- a. Prohibit construction on Sunday and legal holidays (i.e., Labor Day, Thanksgiving, Veteran’s Day, Christmas Eve, Christmas Day, New Year’s Day, Martin Luther King, Jr.’s Birthday, President’s Day, Memorial Day, and Independence Day).*
- b. The Saturday before President’s Day and Martin Luther King, Jr.’s Birthday.*

- c. For up to 2 additional days around July 4. (e.g. if 4th is on a Friday, construction might be limited on the Saturday; if on Thursday, limit construction on Friday and Saturday)
- d. The Saturday before Labor Day
- e. The Friday and Saturday after Thanksgiving
- f. The period between Christmas and New Year, from Christmas Eve to New Years Day.
- g. During other major daytime special events in the Village area or the Town (e.g., Jazz Jubilee, Bluesapalooza) at the discretion of the Public Works director, to be agreed upon one month in advance of the event.

These changes, together with those changes made in Response to Comment B13-41 have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

Comment B21-110

d. The DEIR Understates the Operational Noise Impacts.

As discussed in Section I.B.3 of this letter, the traffic generating impacts of this Project are understated in the DEIR. In turn, this causes the DEIR to understate the ongoing noise levels produced by the increased traffic. When the traffic impact analysis is revised, the operational noise impact analysis should be revised as well. If the new analysis shows noise levels over the threshold of significance, all feasible mitigation measures will need to be imposed.

Response to Comment B21-110

As discussed in Section IV.J, Noise, on page IV.J-11 of the Draft EIR and shown in Table IV.J-11, Future Plus Project Roadway Noise Levels On Site, and Table IV.J-12, Future Roadway Noise Levels Off Site, roadway noise levels were calculated for the all affected off-site roadways. This task was accomplished using the Federal Highway Administration Highway Noise Prediction Model (“FHWA-RD-77-108”) and traffic volumes from the Project traffic analysis (included as Appendix H, Noise Data, of this Draft EIR). The noise model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (energy rates) utilized in the FHWA Model have been modified to reflect average vehicle noise rates identified for the state of California by Caltrans.

Comment B21-111

Furthermore, the DEIR's analysis of operational noise should include noise from traffic entering or exiting parking garages, delivery vehicles, temporary traffic due to hotel check-ins, air conditioners, generators or ventilation equipment, projected pedestrian traffic, noise generated by guests with open windows or using balconies nearest adjoining residences, evening noise generated by bar and restaurant traffic, special event noise considerations and cumulative traffic noise. Not all of these sources are addressed in the DEIR. Finally, operational noise impacts should be considered with respect to Fireside's interior and exterior noise levels, particularly given that windows are often open during the summer.

Response to Comment B21-111

All anticipated major on-site operational sources of audible noise are discussed and calculated on page IV.J-24 in Section IV.J, Noise, of the Draft EIR.

Comment B21-112**e. Impacts to Fireside Should Be Specifically Analyzed.**

Specific attention should be paid to the noise impacts on Fireside and other surrounding noise-sensitive uses. The DEIR should describe mitigation measures specific to these residential uses. In particular, a separate analysis should be made of the varying noise impacts on the eastern and western units at Fireside, as varying noise sources will impact the two sides differently, thus necessitating tailored mitigation measures.

Response to Comment B21-112

See Response to Comment B13-41, -45 and B21-109.

Comment B21-113**f. The Analysis of Vibration Impacts is Incomplete.**

The DEIR's conclusion regarding the significance of the Project's groundborne vibration impacts is illogical and contrary to the evidence in the DEIR itself. The DEIR states that the multi-family residences located closest to the Project "may experience vibration levels of approximately 87 VdB with the use of large bulldozers and caisson drilling on the Project site." DEIR at IV.J-20. As for thresholds of significance, the DEIR mentions both a federal standard of 80 VdB for infrequent activities and 72 for frequent events (DEIR at IV.J-5 to 6) and a local threshold whereby any vibration above an individual's perception level is prohibited beyond the property boundary of the source (DEIR at IV.J-10; 15). The obvious conclusion is that the Project, under any of the thresholds, has a significant impact on

groundborne vibration levels. Nonetheless, the DEIR insists that despite the analysis' admission that vibration levels will exceed the standards of significance, the Project will not expose sensitive receptors to excessive groundborne vibration levels. DEIR at IV.J-21.) Apparently, to reach this conclusion, the DEIR relies on factors that are irrelevant to the identified standards (i.e. that the nearest residences are approximately 25 feet from construction and construction will not occur during recognized sleep hours) and that do not change the conclusion that vibration impacts will indeed be significant.

Response to Comment B21-113

As discussed in Section IV.J, Noise, on pages IV.J-3 and IV.J-4, and shown in Table IV.J-2, Reaction of People and Damage to Buildings at Various Continuous Vibration Levels, on page IV.J-5 of the Draft EIR, data published by Caltrans indicate that 0.08 inch/second PPV is the level at which continuous vibrations are readily perceptible by people, and 0.10 inch/second PPV is the level at which continuous vibrations begin to annoy people in buildings. It should be noted, however, that the annoyance levels in Table IV.J-2 need to be interpreted with care. In addition, a 0.20 inch/second PPV is the threshold at which vibrations are annoying to people in buildings and where structural damage may begin to occur. As discussed in Chapter 8.16 of the Town of Mammoth Lakes Municipal Code a threshold of 0.01 inch/second would cause a normal person to be aware of the vibration. However, this threshold is extremely low and almost impossible to achieve. Therefore, the analysis used the Federal Railway Administration's vibration impact thresholds for sensitive buildings, residences, and institutional land uses. These thresholds for residences and buildings where people normally sleep (e.g., nearby residences) are 80 vibration decibel (VdB) for infrequent activities (less than 70 per day) and 72 VdB for frequent events (more than 70 per day).

However, in order to address the particular concerns of vibrations upon a normal person and damage to buildings, a PPV analysis indicates that a large bulldozer or caisson drilling (both have a vibration level of 0.089 inch/second)³⁸ operating at 25 feet from a receptor would result in a 0.089 inch/second PPV $[0.089 \times (25/25)^{1.5}]$.³⁹ As shown in Table IV.J-2 of the Draft EIR, a 0.20 inch/second PPV would result in a potentially significant impact. However, the use of a large bulldozer and caisson drilling, which is what was used in the Draft EIR analysis, would not generate vibration levels which exceed these thresholds at existing sensitive receptors. In addition, the nearest portion of the existing surrounding uses is approximately 25 feet from where active construction would take place. As discussed in the Draft EIR, the nearest sensitive receptors are the multi-family residences located approximately 25 feet to the north of Site 1 and 25 feet west and southwest of Site 2.

³⁸ Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, Table 12-2, May 2006.

³⁹ Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, formula on page 12-11, May 2006.

Comment B21-114

Mitigation measures must be identified in the DEIR to reduce vibration impacts including requirements that vibration dampening equipment be used and vibration-causing activities be scheduled so that sleep is not disrupted. In addition, because vibration causes structural damage to nearby structures, mitigation measures must require the developer to conduct pre-construction and post-construction surveys of the structural integrity of each property that could be affected by vibration. The developer should be required to repair any structural and cosmetic damage to nearby residences caused by the Project's construction activities.

Response to Comment B21-114

See Response to Comment B21-113.

Comment B21-115**g. The Noise Analysis is Inadequate with Respect to Cumulative Impacts.**

Finally, the analysis of cumulative noise impacts should identify which of the other projects identified in the list of related projects could be under construction simultaneously with the Project. It must then discuss the worst case cumulative noise impacts to users of nearby properties, including Fireside, associated with construction of the Project and other surrounding development, such as construction on the South Hotel, 8050 C, Hillside, and Dempsey parcels.

Response to Comment B21-115

See Response to Comment B13-41.

Comment B21-116**h. The Construction Management Plan Must Include Measures To Reduce Noise Impacts as well as other Construction Related Impacts.**

As discussed in section I.A above, the Project includes preparation of a Construction Management Plan, but fails to describe the contents or any details of the plan. The Construction Management Plan is critical to reducing the admittedly significant noise and construction impacts this Project will cause. Therefore, the details of such plan must be specified now. At the very least, mitigation should specify the elements the construction plan must include, including: (i) the sequencing, phasing, and scheduling of construction of the Project, including the types and locations of equipment to be used during each phase, the noise/vibration/air quality controls that will be used and the scheduling of construction to ensure that loud construction activities do not exceed noise standards; (ii) a communication and coordination process between the developer and adjoining landowners, including

Fireside; (iii) details of the vibration plan, including the process and timing for conducting the preconstruction and post-construction surveys of adjoining properties, a process for monitoring vibration levels on adjoining property including Fireside, and a process and timing for any necessary remedies to damaged property, and (iv) a requirement that the developer monitor and demonstrate compliance with all the adopted mitigation measures for construction impacts.

Response to Comment B21-116

As discussed in Section III, Project Description, of the Draft EIR, on page III-37 under subheading “Grading and Drainage”, the Project Applicant would be required to submit a Construction Management Plan (“CMP”) for approval by the Town. The CMP is required to be submitted and approved prior to the issuance of building permits by the Town. A Construction Management Plan is a separate document and is subject to an independent review and approval process and is not required to be included in the environmental document. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comments B13-33 and B21-49.

Comment B21-117

6. The DEIR Fails to Identify Sufficient Water Supplies for the Project, and Fails to Consider the Environmental Impacts of the Sources That It Does Identify.

Water supply is a crucial and difficult issue facing every new development in California. In the past, too many jurisdictions have forgone careful consideration of water supply and demand, with the result that projects were approved in the absence of sufficient water. Rather than cut off half-built projects, jurisdictions usually found supplies, at grave environmental and social costs. This is exactly the type of haphazard, damaging development that CEQA is meant to avoid. CEQA therefore has a particularly important role to play in water planning.

The California Supreme Court’s decision in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412 explained CEQA’s mandate for an adequate analysis of a project’s water-supply plans and their environmental consequences. There are four basic requirements: First, the EIR must identify and analyze the primary proposed water supply for the project. “CEQA’s informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to the problem of supplying water to a proposed land use project.” 40 Cal.4th at 431. This analysis must include consideration of the environmental impacts of tapping that supply. Second, the EIR must consider the water demands of the entire project. “An EIR evaluating a planned land use project must assume that all phases of the project will eventually be built and will need water, and must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project.” *Id.* Of course, this analysis must take in account cumulative development that would be drawing on the same sources as the Project.

Third, “[t]he future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations (‘paper water’) are insufficient bases for decisionmaking under CEQA.” *Id.* at 432. The EIR’s determination concerning the likelihood of the availability of these supplies must be supported by substantial evidence. “Finally, where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies.” *Id.*

The DEIR does not even begin to meet these requirements. The Mammoth Community Water District (“MWCD”) is the proposed primary water supply for the Project. By the DEIR’s own admission, however, MWCD does not have sufficient supplies to serve the Project during multiple dry years under current conditions, and will fall short during even a single dry year at 2025 development levels. DEIR at IV.N-28. The DEIR has thus failed to fulfill the most basic requirement of water supply analysis: it has not identified a water supply sufficient to meet the demands of the entire Project.

Response to Comment B21-117

This comment has been previously addressed. Consistent with the findings of the *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (40 Cal. 4th 412) case as mentioned by the commenter, the Draft EIR provides decision-making bodies and the public with sufficient facts to evaluate the pros and cons of supplying the amount of water that the Project will need by illustrating the existing water supply and demand in relationship to the Project and the Project plus future development at Town buildout. The environmental analysis for the Project assumes that all phases of the Project will eventually be built and will need water, and analyzes, to the extent reasonably possible, the impacts of providing water to the entire Project. Additionally, the environmental analysis for the Project addresses the impacts of likely future water sources, and the discussion includes a reasoned analysis of the circumstances affecting the likelihood of that water’s availability. Because the UWMP and Project WSA leave some uncertainty regarding actual availability of anticipated future water sources, consistent with CEQA a discussion of possible additional water sources was provided on page IV.N-20 through IV.N-24. The MCWD has either completed, or is in the process of conducting environmental review related to the proposed additional sources of water, which would be used to meet the Town’s water supply needs at buildout, and has completed some phases of work on these projects.⁴⁰ The issue of water supply is discussed in detail in Section IV.N, Utilities, of the Draft EIR, under subheading “Water Services” and in Topical Response 6, Water Services. Also, see Response to Comment A6-5.

⁴⁰ Mammoth Community Water District Website, Last updated March 13, 2009. http://www.mcwd.dst.ca.us/projects_and_reports.htm, April 7, 2009.

Comment B21-118

The DEIR thus fails on its face to meet CEQA's mandate. The *Vineyard* case could not be more clear: CEQA requires an EIR to identify a water supply capable of fulfilling the project's requirements, taking into account cumulative development. When the proposed water supply is insufficient, the EIR cannot simply let the matter drop--it must identify a backup source. *See, e.g., Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 723-24 (EIR was inadequate where it merely "acknowledged that there 'could be a deficit of supply'"). This DEIR identifies a source that cannot meet Project demand, and goes no further, simply labeling the water-supply impact significant and unavoidable. It is therefore clearly, and fatally, flawed.

Response to Comment B21-118

This comment has been previously addressed. See Topical Response 6, Water Services and Response to Comment B21-117.

Comment B21-119

It is important to note that this failing is more than a legalism or a technicality, but actually highlights a crucial issue of public policy. The developer is asking the Town to approve a project without first assuring that sufficient water is available. In short, Mammoth Lakes does not have enough water for this Project, and on that ground alone, the Town should reject this proposal.

Response to Comment B21-119

This comment has been previously addressed. Additional water supply sources were disclosed on page IV.N-20 through IV.N-24 of Section IV.N, Utilities, of the Draft EIR. The MCWD's conclusion in the UWMP and the Project WSA both find that with the implementation of the additional water sources discussed in the Draft EIR there would be sufficient water supply to meet demand at Town buildout. Compliance with General Plan Policy R.4.A would further ensure that adequate supplies are available. See Topical Response 6, Water Services and Response to Comment B21-117.

Comment B21-120

Even the DEIR's incomplete analysis is flawed. The assessment of 2025 water supplies assumes that MWCD will draw on several new sources, including new wells in the Mammoth Basin or the Dry Creek Basin. DEIR at IV.N-20 to 21. The DEIR does not provide sufficient evidence that any of these proposals are likely to be implemented, nor even whether they are feasible. There is no evidence, for example, that the Dry Creek Basin could support the assumed groundwater production, and there is no discussion of the feasibility of or environmental impacts associated with constructing further wells in either basin, nor of constructing the necessary infrastructure to deliver the water to the District and its customers. In fact, the water supply analysis in Appendix L suggests that even in normal years, 1000 acre

feet of additional groundwater supply is needed and that “the District is evaluating whether or not there is additional water available to be pumped from the Mammoth Basin without causing environmental impacts.” DEIR Appx. L at 22. This analysis must be completed prior to approval of the Project in order to determine the feasibility of the Project. Without such evidence and analysis, the DEIR does not fulfill CEQA’s requirements.

Response to Comment B21-120

This comment has been previously addressed. Additional groundwater production wells in the Mammoth Basin would require environmental review and hydrogeology analysis to ensure that additional volumes of water can be safely extracted from the basin. Well development in the Dry Creek Basin would also require environmental review and hydrogeology analysis prior to utilizing this water source. The MCWD has budgeted \$1,965,198 through 2025 for the development of additional groundwater resources. See Topical Response 6, Water Services, and Response to Comment B21-117.

Comment B21-121

The DEIR also assumes a substantial new supply based on using recycled water for irrigation and thus freeing potable water for use in development. DEIR at IV.N-21. The DEIR provides insufficient evidence supporting this key assumption. Initially, the DEIR states that using recycled water at the Sierra Star Golf Course “would result in a direct offset of potable water,” but the previous paragraph indicates that the golf course does not presently receive potable water. *Id.* This discrepancy must be explained or corrected. Furthermore, the DEIR provides no evidence that the “Recycled Water Project” is anything more than a pipe dream. If the water supply analysis is going to rest in part on 400 annual acre-feet from this project, then it must provide substantial evidence that the project “will actually be implemented” (*Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1261) and that it will be capable of providing the projected amounts of water. (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal. App. 4th 99, 130).

Response to Comment B21-121

The MCWD is in the process of conducting environmental review related to the proposed additional sources of water, which would be used to meet the Town’s water supply needs at buildout including the including recycled water use for both the Sierra Star and Snowcreek Golf Courses. With regard to this latter project, MCWD certified an EIR for the overall recycled water project in 2007, has budgeted \$10,662,162 through 2010 for the development of this project, and is currently preparing a Supplemental

Mitigated Negative Declaration for an additional component of that project.⁴¹ See Topical Response 6, Water Services and Response to Comment B21-117, -120.

Comment B21-122

The DEIR also fails to analyze the environmental impacts of the proposed methods of augmenting the MCWD's supplies. Adding new wells to the Mammoth Basin or the Dry Creek Basin could have impacts on the productivity of existing wells, on surface waters, and on the wildlife and plants that depend on such waters. Similarly, providing recycled water would require alterations to the water treatment plant, a project whose potential impacts the DEIR ignores. The process of treating wastewater to meet standards for reuse creates byproducts, primarily brine, that must be disposed of. This disposal is likely to have potentially significant environmental effects. Moreover, the application of recycled water could have impacts on the health of users (human and wildlife) of the recreational lands in questions, especially children who visit Shady Rest Park, as well as impacts to waters that receive runoff from these lands.

Response to Comment B21-122

This comment has been previously discussed. See Topical Response 6, Water Services and Response to Comment B21-117, -120, and -121.

Comment B21-123

Finally, the DEIR's analysis assumes a substantial demand reduction thanks to a pipe replacement program, but includes no analysis of the environmental impacts of unearthing and replacing miles of pipe, which would likely involving thousands of cubic yards of disturbed fill, as well as many hours of diesel-equipment operations. This could have substantial noise, air quality, and erosion impacts, none of which are even mentioned in the DEIR. Without careful analysis of these impacts, the DEIR is inadequate and cannot support approval of the Project. *See Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831 (holding inadequate EIR that failed to disclose impacts of supplying project with water).

Response to Comment B21-123

The MCWD pipeline replacement program is an existing and long term MCWD project. The MCWD has been implementing an aggressive main water pipeline replacement program to replace old leaking water pipes since 2001. Over the past several years, an average of 10,000 feet of pipeline per year has been replaced. This project is budgeted for approximately \$950,000 each year for the next two years and then

⁴¹ Mammoth Community Water District Website, Last updated March 13, 2009. http://www.mcwd.dst.ca.us/projects_and_reports.htm, April 7, 2009.

\$1,900,000 per year until 2015. See Topical Response 6, Water Services and Response to Comment B21-117, -120 and -121.

Comment B21-124

The DEIR's analysis will need to be thoroughly revised before it can be considered adequate. Most importantly, it must identify a water supply, or a combination of supplies, sufficient to meet the Project's demands in 2025, and it must analyze the environmental impacts of supplying water to the Project. The revised DEIR must then be recirculated to allow the public to review these changes.

Response to Comment B21-124

See Topical Response 6, Water Services and B21-117, -120, and -121.

Under CEQA, recirculation is only required when the lead agency adds "significant new information" to an EIR, after the public comment period but prior to certification. CEQA Section 21092.1; CEQA Guidelines Section 15088.5; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128.

In *Laurel Heights*, the California Supreme Court interpreted this "significant new information" standard and explicitly rejected the proposition any new information triggers recirculation; recirculation is intended to be an exception, not the general rule. Thus, recirculation is required only if changes to the Draft EIR deprived the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project. Because no "substantial adverse" impact would result from any of the revisions of the Draft EIR, recirculation would not be required.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B21-125

7. The Analysis and Proposed Mitigation for Other Impacts Is Inadequate.

In addition to the inadequacies discussed in detail throughout this letter, the DEIR improperly defers mitigation for a number of other identified potential impacts, including the following:

- Mitigation Measure BIO-4 requires preparation of an arborist report *after* the Project is approved, which would specify the number of trees to be removed by the developer.
- Mitigation Measure GEO-2a requires preparation of a geotechnical report *after* the Project is approved, which would specify recommendations the developer must follow.
- Mitigation Measure HAZ-1a states that "Should the Town require it, prior to demolition of on-site buildings and grading activities, a Phase I Environmental Site Assessment shall be conducted

and all recommendations in the assessment shall be adhered to.” Again, preparation of this report will occur, if ever, *after* the Project is approved.

- Mitigation Measure HYD-1 requires the developer to identify and implement stormwater quality best management practices (“BMPs”) *after* the Project is approved.

Under CEQA, the EIR may not legally defer analysis and mitigation of these important impacts. *See Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1396; *Sundstrom v. County of Mendocino* (1988) Cal.App.3d 296, 307. As the California Supreme Court has explained, environmental review must happen *before* a project is approved if an EIR is to be anything more than a “post hoc rationalization of a decision already made.” *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 81 (internal quotation marks omitted).

Response to Comment B21-125

As identified, discussed, and analyzed in the Draft EIR, the Project, if implemented as proposed, could result in various potentially significant effects on the environment. As required by CEQA and *CEQA Guidelines* Section 15126.4, the Draft EIR also proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact. See Topical Response 2, Project Description. The content and standards of future investigations (e.g., tree survey, geotechnical study, Phase I) and plans (e.g., snow plowing and cindering plan, construction management, etc.) identified in Table I-1, Summary of Significant Environmental Impacts and Mitigation Measures, in Section I, Introduction and Summary, of the Draft EIR, are required by local, state and federal law and do not constitute deferred mitigation under CEQA. Accordingly, the Project Applicant is required to prepare the reports/plans per the corresponding regulation and subsequently comply with the findings of the identified study or plan regardless of the environmental impact significance finding in the Draft EIR. Mitigation can be considered “deferred” when essential environmental studies are deferred to the future rather than conducting them during the preparation of the EIR; when environmental documentation only describes a mitigation measure in a very general, conceptual way, and the details are deferred to the future; and when the agency identifies a menu of possible mitigation measures, but defers the selection of preferred ones to the future. However, preliminary environmental studies were conducted and relied upon to conservatively analyze the environmental impacts of the proposed Project. All preliminary studies were included in the technical appendices of the Draft EIR.

Comment B21-126

Each of the above mitigation measures merely speculates that the impacts will be less than significant after adoption of the recommendations outlined in the yet-to-be-prepared required reports. With regard to Mitigation Measure HAZ-1a, it is unclear whether the report— a Phase I environmental assessment—will even be required. It is impossible for the decisionmaker and the public to evaluate whether the identified impacts will be less than significant without knowing—before the Project is approved—the extent of the impacts and how and to what extent the proposed mitigation will reduce the

Project's environmental impacts. The DEIR's analysis of these impacts violates CEQA because it fails to analyze or ensure that impacts will be avoided prior to the approval of the proposed project. *Sundstrom*, 202 Cal.App.3d at 309 (deferral of mitigation until after project approval is inadequate).

Response to Comment B21-126

See Response to Comment B21-125.

Comment B21-127

The analysis of several impacts related to provision of public services is flawed because the DEIR's findings are unsupported by substantial evidence. As a preliminary matter, the DEIR utterly fails to analyze the impacts of 1,527 additional visitors to surrounding recreational areas, such as Mammoth Ski Area. See DEIR IV.L-18 to 19.

Response to Comment B21-127

See Response to Comments B13-63 and B13-80, and Section III, Corrections and Additions to the Draft EIR, of this Final EIR.

While, the Project relies on existing recreational elements in the surrounding area, such as the Mammoth Mountain Ski Area, the Sherwin Range, and the Inyo National Forest, it will create some additional demand upon these existing recreational elements. The state and federal parks and forests in the area attract visitors from not only the Sierra Nevada region, but greater California, and the rest of the country as well. As the population in the region increases, usage of these state and federal lands is likely to increase as well. Consequently, increased usage could result in potentially adverse impacts.

The state and federal parks and forests have several tools available to address environmental impacts resulting from both existing and future visitor usage such as fee collection, the ability to place limits on numbers of visitors, and periodically restricting or closing access to certain areas.⁴² The decision to use any or all of these measures, as well as others, would be dependent upon observed need and patterns of use and would be made by state and federal land managers responsible for protecting and managing visitor use within each of these areas. Therefore, Project specific and cumulative impacts to state or federal park and forest lands as a result of the Project would be less-than-significant and no mitigation measures would be required.

⁴² Phone correspondence with Mike Schlafmann, Inyo National Forest Winter Recreation Specialist, January 9, 2007, CAJA Staff.

Comment B21-128

In addition, the DEIR repeatedly relies upon the developer's payment of DIFs to conclude that impacts to public services will be less than significant. *See* DEIR at IV.L-5 (police services); IV.L-11 (fire services); IV.L-19 (parks and recreational services). CEQA requires that findings that impacts will be less than significant be supported by substantial evidence. CEQA Guidelines § 15091(a)-(b). Here, there is no analysis demonstrating substantial evidence that payment of the required DIFs will reduce public service impacts to a less than significant level. Moreover, the mere payment of DIFs provides no assurance that sufficient funds will be collected for the planned improvements, or that the improvements will be constructed consistent with the Project's build out timeline so as to avoid significant impacts to the Town's public services.

Similar to the traffic improvements discussed in Section I.B.3, *supra*, essentially, the DEIR relies on DIFs as mitigation to reduce the potentially significant public service impacts to an insignificant level without any evidence that the DIFs will actually result in construction of the relied upon improvements. Such uncertain, vague, and speculative mitigation measures are inadequate when they lack a commitment to enforcement. *See, e.g., Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th at 1188-89 (fee measure inadequate under CEQA due to vagueness in program for implementing required improvements).

Response to Comment B21-128

This comment contains an opinion regarding the payment of Developer Impact Fees ("DIFs"), but does not state a specific concern or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. DIFs are required as part of the Town's development approval process. The Town's Municipal Code 15.16.081 requires establishment of development fees and provision for their adoption by resolution of the Town council.

Developer impact fees ("DIFs"), such as parkland acquisition fees, school facilities fees, or street construction fees, are fees charged to developers or builders as a prerequisite to construction or development approval to fund public improvements necessitated in part or in whole by the development.⁴³ The Town's schedule of development impact fees meets the intention and requirements of California Government Code Section 66000, which provides for the levy of impact fees as an authorized method of financing the public facilities necessary to mitigate the impacts of new development. The fee is "a monetary exaction, other than a tax or special assessment, which is charged by a local agency to the

⁴³ *State of California, Governor's Office of Planning and Research, A Guide to Planning in California, March 1988 (revised August 1990), website: http://ceres.ca.gov/topic/env_law/ceqa/more/tas/Planning_Guide.html, October 23, 2008.*

applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development...”

The Town has identified the need to levy impact fees to pay for law enforcement, fire suppression, circulation system, storm drain collection, government service, community amenities, and park and open space facilities. The fees reflect the current projected costs of the facilities which have been identified as community needs in the Master Facilities Plan.⁴⁴ The current Town Developer Impact Fee Schedule is included in Appendix J, Town of Mammoth Lakes Current Fee Schedule, of the Draft EIR. As with the proposed Project, each of the related projects would be responsible for paying the appropriate fees to offset any impacts on public services associated with development of the Project, ensuring cumulative needs are met. As discussed in Section IV.L, Public Services, each of the related projects, similar to the Project, would be required to implement project specific mitigation measures and to pay required DIFs which support the development of additional facilities and increase staffing to maintain acceptable service ratios, response times and performance objectives.

Comment B21-129

C. THE DEIR DOES NOT ADEQUATELY DISCUSS ALTERNATIVES TO THE PROPOSED PROJECT.

An EIR must describe a range of alternatives to the proposed project, and to its location, that would feasibly attain the project’s basic objectives while avoiding or substantially lessening the project’s significant impacts. Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a). A proper analysis of alternatives is essential for the Town to comply with CEQA’s mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6(a); *Citizens for Quality Growth v. City of Mount Shasta* (1988), 198 Cal.App.3d 433, 443-45. As stated in *Laurel Heights*, “[w]ithout meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA’s fundamental goal that the public be fully informed as to the consequences of action by their public officials.” 47 Cal.3d 376, 404 (1988). Here, the DEIR’s discussion of alternatives fails to live up to these standards.

The primary flaw in the DEIR’s alternatives analysis is its failure to identify and consider a reasonable range of alternatives that reduce project impacts, as CEQA requires. *See* CEQA Guidelines § 15126.6(c); *Citizens of Goleta Valley*, 52 Cal.3d at 566. The discussion of alternatives must focus on

⁴⁴ Town of Mammoth Lakes, Community Plan Information Sheet, Development Fees, website: <http://www.ci.mammoth-lakes.ca.us/Community%20Plan/Community%20Plan%20pdfs/Development%20Fees.pdf>, October 23, 2008.

alternatives that attain most of the basic objectives of the project and avoid or substantially lessen the adverse environmental effects of a project, “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” CEQA Guidelines § 15126.6(b).

Response to Comment B21-129

As noted in Section VI, Alternatives to the Proposed Project, of the Draft EIR the alternatives analysis was prepared in compliance with Section 15126.6(b) of the State *CEQA Guidelines*, which states: “Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.”

As set forth in Section VI, Alternatives to the Proposed Project, of the Draft EIR, four alternatives were identified by the Town to be a reasonable range of potentially feasible alternatives that would foster informed decision-making and public participation. The alternatives analysis was presented as a comparative analysis to the proposed Project. Differences between the alternatives included changes to the site plan, number of the residential units, density, building height and setbacks, and the amount of affordable housing. A thorough description of each of the alternatives is provided in Section VI, Alternatives to the Proposed Project, of the Draft EIR. The alternatives that were analyzed in comparison to the proposed Project include:

Alternative A: No Project No Build

Alternative B: No Public Parking

Alternative C: On-site Affordable Housing

Alternative D: Existing North Village Specific Plan Build-Out Condominium Only

Of the four alternatives presented in Section VI, Alternatives to the Proposed Project, of the Draft EIR, two were determined to be consistent with the existing *North Village Specific Plan*: 1) Alternative A, No Project No Build and 2) Alternative D, Existing North Village Specific Plan Build-Out Condominium Only. The existing Specific Plan does not restrict development to one type, but rather allows for a range of development scenarios.

In response to comments on the Draft EIR which requested a greater range of potentially feasible alternatives be provided in order to foster informed decision making and public participation, two additional alternatives have been prepared. See Topical Response 4, Alternatives.

Comment B21-130

The DEIR acknowledges that the Project will have numerous significant impacts including three unavoidable significant project specific impacts (aesthetic impacts related to views, air quality impacts related to construction, and noise impacts related to construction) and four unavoidable significant cumulative impacts (aesthetics, air quality, noise and water supply). Nonetheless, the alternatives analysis of the DEIR presents only three alternatives in addition to the legally required “no project” alternative, and these alternatives do not seek to lessen the Project’s unmitigated significant impacts while fulfilling the basic goals of the Project.

Response to Comment B21-130

Table VI-2, Alternatives Impact Analysis, in Section VI, Alternatives to the Proposed Project, of the Draft EIR summarizes the comparative impacts of each of the alternatives when compared to the Project. As noted on this table Alternatives A, B, and D would reduce the height of the Project therefore reducing the Project’s significant impacts of public views of scenic vistas, including the public views of the scenic Mammoth Knolls. Alternatives A, B and D would also result in less construction and would reduce Project’s significant construction noise and air quality impacts related to respirable particulate matter (“PM₁₀”). Section IV.C, Air Quality, of the Draft EIR notes that PM₁₀ is classified as non-attainment, any PM₁₀ emissions will contribute substantially to an existing air quality violation; therefore, no alternative would fully reduce this impact. Similar to significant air quality impacts, Alternatives A and D would reduce the Project’s incremental contribution to cumulative impacts to water supply. See Topical Response 4, Alternatives, Topical Response 6, Water Services and Response to Comment B21-117 and -129.

Comment B21-131

The DEIR admits that Alternative C, the On-Site Affordable Housing Alternative, will not reduce project impacts. DEIR V1-36. Thus only two of the development alternatives even profess to reduce project impacts, and they represent neither a reasonable range of project alternatives nor a good faith effort to reduce the project’s significant environmental impacts.

Response to Comment B21-131

In response to comments on the Draft EIR, which requested that a greater range of potentially feasible alternatives be provided in order to foster informed decision making and public participation, two additional alternatives have been prepared. See Topical Response 4, Alternatives, and Response to Comments B21-129 and -130.

Comment B21-132

Alternative B is the same as the Project but eliminates the public parking amenity on Site 3. The DEIR provides no explanation as to why it includes this alternative, and while it slightly reduces the height of development on Site 3, that height did not result in any significant impacts. Alternative B would not reduce the aesthetics impacts associated with the Project (Public Views of Scenic Vistas (AES-1)) as the alternative would not improve View 6 or View 8, the two public viewpoints that the DEIR concluded the Project significantly impacts. Site 3 is not visible from View 6, and a slight reduction to height of Site 3 (without increased setbacks and other design changes) will not improve View 8. Likewise, the small reduction in air quality and other impacts that may occur with the elimination of the relatively small amount of public parking, is minimal and would not affect the significance of any of the impacts, especially currently unmitigated impacts, such as construction noise and air quality.

Response to Comment B21-132

See Topical Response 4, Alternatives, and Response to Comments B21-129 and -130.

Comment B21-133

Alternative D also fails to meet the requirements of CEQA. The alternative not only fails to meet the basic objectives of the Project, but it introduces new significant impacts while doing little to reduce the Project's identified significant impacts. Alternative D is labeled as "Existing North Village Specific Plan Build-Out Condominium Only," apparently in recognition that the Project, without the proposed NVSP amendments, would conflict with the NVSP. [footnote]

Instead, however, of providing an alternative that complies with the existing NVSP. Alternative D proposes only condominiums and omits the critical multi-use elements required by the NVSP, and included in the Project's own objectives. [footnote] In fact, the omission of these elements creates rather than eliminates significant environmental impacts. As the DEIR states, "Development under Alternative D would not include any retail or commercial land uses and as such would be inconsistent with General Plan and Specific Plan policies that encourage restaurants, retail, entertainment, lodging and other visitor support services." DEIR at VI-30.

[footnote to comment] Given that the EIR fails to acknowledge the Project's inconsistency with the NVSP and General Plan, this alternative was not designed to reduce such significant impacts.

[footnote to comment] Site 1 is zoned RG which allows hotels, resort condominiums, inns, restaurants (both within or separate from a hotel), bars and night clubs in a hotel, accessory commercial uses within a hotel, services, etc. Sites 2 and Site 3 are designated SL in the NVSP. The SL designation provides for hotels, resort condominiums and inns, as well as restaurants, bars, night clubs and accessory commercial uses within a hotel.

Response to Comment B21-133

In response to comments on the Draft EIR, which requested that a greater range of potentially feasible alternatives be provided in order to foster informed decision making and public participation, two additional alternatives have been prepared. See Topical Response 4, Alternatives, and Response to Comments B21-129 and -130.

Comment B21-134

Rather than imparting serious information about potentially viable alternatives, the DEIR's alternatives serve as "straw men" to provide justification for the Project by either presenting alternatives that do not achieve the basic objectives of the Project or eliminating key benefits the Project provides to the Town so as to facilitate the future rejection of the alternative as infeasible or undesirable. Such an approach violates the letter and spirit of CEQA. Therefore, the EIR's failure to consider feasible alternatives that sufficiently reduce the Project's environmental impacts and achieve the basic project objectives renders the document inadequate under CEQA. *See, e.g., San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 735-38.

In order to comply with CEQA, the DEIR must consider a reasonable range of alternatives that reduce the significant environmental impacts. These alternatives should include the following:

1. **Existing NVSP with mixed land-uses.** This alternative should be consistent with the General Plan and the NVSP, and have the varied land uses which provide for a vibrant North Village. Building heights, mass, and set-backs should comply with the NVSP. This alternative should be developed to directly address impacts associated with the project's height, density, and minimal set-backs.
2. **Reallocation of density to Sites 2 and 3.** As explained above, the proposal for development of Site 1 is inconsistent with the neighboring Fireside condominiums. Even The DEIR acknowledges the construction impacts to neighboring residents. In addition, as discussed above, although not adequately disclosed in the DEIR, the Project would have additional significant impacts, including but not limited to AES-3 (Visual Character and Design), AES-4 (Light and Glare), AES-5 (Shading/Shadows), AES-6 (Temporary Construction), and AES-7 (Cumulative Impacts); Traffic and Air Quality. An alternative to reduce these types of impacts should be developed that lowers the density and height of the buildings on Site-1, and transfers it to Sites 2 and 3. A smaller development on Site 1 would allow flexibility to design buildings that better complement neighboring land uses (General Plan Policy C.2.V). As proposed, the Project provides for density to increase by 229% above existing Specific Plan maximum allowable density. Density increases on Sites 2 and 3 is much lower. An alternative should be considered which does not introduce such a disparate affect on the different sites.

3. **Increase setbacks and introduce setback building forms into designs.** This alternative should be developed to minimize the visual impacts on Major View Corridors and Vistas identified in AES-1(Public Views of Scenic Vista) as well as AES-5 (Shading/Shadows).

Under CEQA, an agency may not approve a proposed project if a feasible alternative exists that would meet the project's objectives and would diminish or avoid its significant environmental impacts. Pub. Res. Code § 21002; *Kings County Farm Bureau*, 221 Cal. App. 3d at 731. Given the large number of significant environmental impacts the Project will have, the consideration of alternatives is critical and will not be complete until decisionmakers and the public are presented with a rigorous, good-faith assessment of options that provide mixed use development and reduce the environmental consequences of the Project.

Response to Comment B21-134

See Topical Response 4, Alternatives, and Response to Comments B21-129 and -130.

Comment B21-135

D. The DEIR Must be Recirculated.

Given the foregoing deficiencies, the DEIR must be revised and recirculated. The present DEIR cannot properly form the basis of a final EIR. CEQA and the CEQA Guidelines describe the circumstances which require recirculation of a draft EIR or circulation of a supplemental draft EIR. Such circumstances include adding significant new information to the EIR after public notice is given of the availability of the DEIR but before circulation, and where the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. CEQA Guidelines § 15088.5. "Significant new information" includes the identification of new significant impacts, a substantial increase in the severity of identified significant impacts, and introduction of new mitigation measures that could reduce impacts below a level of significance. *Id.*

Here, in order to cure the numerous defects described above, the revised DEIR must necessarily include substantial new information that triggers CEQA's recirculation request. Failure to recirculate the revised DEIR would thus violate CEQA.

Response to Comment B21-135

The comment requests the Draft EIR be recirculated based on the opinions set forth in their comment letter. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B21-6.

Comment B21-136**II. APPROVAL OF THE PROJECT WOULD VIOLATE CALIFORNIA PLANNING AND ZONING LAW AND THE TOWN'S ZONING CODE REQUIREMENTS.**

The State Planning and Zoning Law (Gov't Code § 65000 *et seq.*) requires that development decisions be consistent with the jurisdiction's general plan. As reiterated by the courts, "[u]nder state law, the propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." *Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806. Accordingly, "[t]he consistency doctrine [is] the linchpin of California's land use and development laws; it is the principle which infuses the concept of planned growth with the force of law." *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336.

General plans establish long-term goals and policies to guide future land use decisions, thus acting as a "constitution" for future development. *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540. Specific plans then ensure implementation of the general plan. Gov't Code § 65450.

To promote coordinated land use policies and practices, state law requires local governments not just to formulate theoretical land use plans, but also to conform their development and land use projects and approvals with those duly certified plans. *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 570. It is an abuse of discretion to approve a project that "frustrate[s] the General Plan's goals and policies." *Napa Citizens for Honest Gov't v. Napa County* (2001) 91 Cal.App.4th 342, 379. The project need not present an "outright conflict" with a general plan provision to be considered inconsistent; the determining question is instead whether the project "is compatible with and will not frustrate the General Plan's goals and policies." *Napa Citizens*, 91 Cal.App.4th at 379.

For the reasons described in Part I.B.2 and elsewhere throughout this letter, the Project is inconsistent with the General Plan. Because of the Project's glaring inconsistencies with the General Plan, approval of this Project would violate state planning and zoning law.

Response to Comment B21-136

This comment is in reference to Project consistency with the Town's General Plan and has been previously addressed. See Response to Comment B11-1, B15-5, B16-16, B21-2, -57, and -59, and Topical Response 2, Project Description.

Comment B21-137

Further, the Project is inconsistent with the Town's Zoning Code's requirement that special uses be consistent with the General Plan, the NVSP and the Zoning Code. Although the developer will be

required to obtain a use permit for the Project, see Mammoth Crossing Project Draft Environmental Impact Report Notice of Availability (Project includes future use permit), the DEIR does not discuss the inability of the Project as designed to meet the requirements specified in the Zoning Code for use permits. The Zoning Code requires that the planning commission must make the following findings before granting a use permit:

A. That the proposed use is consistent with all applicable sections of the general plan and Title 17 and is consistent with any applicable specific plan or master plan;

B. That the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity;

C. The planning commission shall make such other findings as the commission deems necessary to support approval or denial of the proposed use.

Zoning Code § 17.60.070. The DEIR fails to discuss whether the Project is consistent with these Zoning Code use permit requirements. As set forth in this letter, the Project is inconsistent with several applicable sections of the General Plan and the NVSP. Therefore, the first finding required for a use permit cannot be made.

Response to Comment B21-137

See Response to Comment B21-2.

Comment B21-138

Moreover, as discussed throughout this letter, development of the Project may be detrimental to public health and safety because the Project fails to prevent or adequately mitigate significant noise, air quality and traffic impacts. In addition, the Project, which will turn the area into a noisy, unsightly construction site for more than ten years, will almost certainly be materially injurious to surrounding uses, including the residential uses at the Fireside. Once the Project is built, its high-rise resort uses and the attendant aesthetic impacts discussed in Section I.B.1, *supra*, will also likely be materially injurious to residential uses at the Fireside. Therefore the second finding required for a use permit also cannot be made. Accordingly, the Project is inconsistent with the use permit requirements of the Zoning Code.

Response to Comment B21-138

The commenter does not address the adequacy of the Draft EIR, nor does the commenter raise a new environmental issue; therefore, no further response is required. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their

consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Response to Comment B21-2.

Comment B21-139

Conclusion

As set forth above, the Mammoth Crossing Project DEIR suffers from numerous deficiencies, many of which would independently render it inadequate under CEQA. Taken as a whole, the deficiencies of the DEIR necessitate extensive revision of the document and recirculation for public comment. Moreover, as currently designed, the Project conflicts with the Town's General Plan, the North Village Specific Plan and the Town's Zoning Code. Fireside respectfully requests that the Town reevaluate the Project, make changes to the design to further reduce the Project's environmental impacts, and take no further action until a legally adequate DEIR is prepared and recirculated.

Response to Comment B21-139

The comment requests the Draft EIR be recirculated based on the opinions set forth in their comment letter.

Under CEQA, recirculation is only required when the lead agency adds "significant new information" to an EIR, after the public comment period but prior to certification. CEQA Section 21092.1; CEQA Guidelines Section 15088.5; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128.

In *Laurel Heights*, the California Supreme Court interpreted this "significant new information" standard and explicitly rejected the proposition any new information triggers recirculation; recirculation is intended to be an exception, not the general rule. Thus, recirculation is required only if changes to the Draft EIR deprived the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project. Because no "substantial adverse" impact would result from any of the revisions of the Draft EIR, recirculation would not be required.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B21a

This comment includes as an attachment (Attachment A) an article⁴⁵ discussing parking densities and requirements within the example cities of Los Angeles, New York and San Francisco. Attachment A is included in Appendix A, Bracketed Comment Letters & Attachments on the Draft EIR, of this Final EIR.

Response to Comment B21a

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The attachment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B21b

This comment includes as an attachment (Attachment B) a resource⁴⁶ prepared by the California Air Pollution Control Officers Association (CAPCOA) a method of evaluating and addressing greenhouse gas emissions under CEQA to provide a common platform of information and tools to support local governments.

Response to Comment B21b

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The attachment can be accessed at www.capcoa.org.

RESPONSE TO COMMENT LETTER B22**Tracy Spencer*****Comment B22-1***

Further to our comments on the MC DEIR, I would like to bring your attention to an apparent inaccuracy in the tree study included as Appendix M.

First, the study states average tree heights at 75ft, not 90 ft as stated in the DEIR Aesthetics section.

⁴⁵ Manville, Michael and Donald Schoup, "People, Parking, and Cities", *Access*, Number 25, Nov. 2004, 7p.

⁴⁶ California Air Pollution Control Officers Association (CAPCOA), "CEQA & Climate Change – Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act, January 2008.

Second, because weighted averages were not used to calculate tree heights, the study overstates average tree heights which are really 67 feet, not the 75 feet referenced in the tree study. I have included the average calculations for your reference.

Pine Trees

diameter	total height	# surveyed	avg height
10	128	2	64.0
12	138	3	46.0
14	109	2	54.5
16	283	5	56.6
18	839	14	59.9
20	363	6	60.5
22	193	3	64.3
24	519	7	74.1
28	71	1	71.0
30	77	1	77.0
32	437	5	87.4
34	84	1	84.0
36	322	4	80.5
60	126	1	126.0
	3689	55	67.1

FIR

diameter	total height	# surveyed	avg height
12	99	2	49.5
14	165	3	55.0
18	329	5	65.8
20	62	1	62.0
24	480	7	68.6
26	67	1	67.0
28	65	1	65.0
30	61	1	61.0
32	78	1	78.0
36	159	2	79.5
40	148	2	74.0
44	81	1	81.0
	1794	27	66.4

Pine and Fir

5483	82	66.9

Response to Comment B22-1

This comment is in reference to the general data used in the Draft EIR from the Sierra Star Tree Survey, which was included as Appendix M, of the Draft EIR. The Sierra Star Tree Survey presents an average range of tree height from approximately 55 to 90 feet in the nearby area. It is important to note that average tree height is not necessarily equivalent to the visual tree canopy and that the Draft EIR applied the 90 foot measurement to illustrate the relationship of the proposed Project to tree height in the general area. As stated in the Sierra Star Tree Survey, the visual tree canopy varies greatly, due to density and

distribution of tree heights and it recommends that site specific visual confirmations be made when it is necessary to assess visual impact in relation to tree canopy. The reference to the estimated tree height being approximately 90 feet in the area is correctly described in Section IV.I, Land Use and Planning, on page IV.I-15.

In response to this comment, Table IV.B-1, Consistency with General Plan Applicable Aesthetics Policies, on page IV.B-45, under subheading “Comfortable Building Height, Mass, and Scale” regarding General Plan Policy C.2.X, of Section IV.B, Aesthetics, has been revised in the Draft EIR as follows:

Table IV.B-1
Consistency with General Plan Applicable Aesthetics Policies

Policy	Consistency Analysis
COMMUNITY DESIGN ELEMENT	
Comfortable Building Height, Mass, and Scale	
C.2.X Limit building height to the trees on development sites where material tree coverage exists and use top of forest canopy in general area as height limit if no trees on site.	Generally Consistent: According to a tree survey done for the adjacent Sierra Star Master Plan project in January 2007, trees in the <u>general area</u> ~~average~~ <u>are estimated at approximately 90 feet in height</u> (see Appendix M of this Draft EIR). Some of the tower features and tallest portions of buildings on the sites may penetrate the existing forest canopy, or appear above the height of the tree canopy when viewed from certain perspectives. However, when considered across the entirety of the Project, and because the project proposes to use of stepped building designs, and provide varied rooflines and articulation of heights, the Project, for the most part, would appear consistent with the height of the existing forest canopy in the general area. Also see response to Policy C.2.N.

These changes have been included in Section III, Corrections and Additions to the Draft EIR, of this Final EIR in response to this comment. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR in light of the fact that Project consistency with this policy is not restricted to average tree height.

Comment B22-2

Since towers on the proposed Mammoth Crossing development will exceed 100ft, more than 33 feet above the average tree canopy, please describe how the MC development could be considered “generally consistent” with section C.2.X of the general plan.

Response to Comment B22-2

The comment requests clarification Project consistency with General Plan Policy C.2.X. Project policy consistency is discussed Table IV.B-1, Consistency with General Plan Applicable Aesthetics Policies, on

page IV.B-45, under subheading “Comfortable Building Height, Mass, and Scale” regarding General Plan Policy C.2.X, of Section IV.B, Aesthetics, of the Draft EIR. See Response to Comment B22-1.

Comment B22-3

Please include these comments in the MC DEIR public responses.

Response to Comment B22-3

This comment requests the preceding comments be included with the public responses received on the Draft EIR. Pursuant to Section 15088 (Evaluation of and Response to Comments) of the *CEQA Guidelines*, all comments received on the Draft EIR are included and will be responded to in this section of the Final EIR.

Comment B22-4

C.2.X Limit building height to the trees on development sites where material tree coverage exists and use top of forest canopy in general area as height limit if no trees on site.

Generally Consistent: According to a tree survey done for the adjacent Sierra Star Master Plan project in January 2007, trees in the area average 90 feet in height (see Appendix M of this Draft EIR). Some of the tower features and tallest portions of buildings on the sites may penetrate the existing forest canopy, or appear above the height of the tree canopy when viewed from certain perspectives. However, when considered across the entirety of the Project, and because the project proposes to use of stepped building designs, and provide varied rooflines and articulation of heights, the Project, for the most part, would appear consistent with the height of the existing forest canopy in the general area. Also see response to Policy C.2.N.

Response to Comment B22-4

This comment includes a correct reference to Policy C.2.X of the *Town of Mammoth Lakes General Plan 2007*. Additionally, this comment includes a discussion on a tree survey done for the adjacent Sierra Star Master Plan project in January 2007, in addition to part of the discussion included within Table I-2, Comparison of Project Characteristics to Applicable Policies in the General Plan, of Section IV.I, Land Use and Planning, of the Draft EIR on page IV.I-18, and a reference to Policy C.2.N. However, this comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

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III. CORRECTIONS AND ADDITIONS TO THE DRAFT EIR

The following corrections have been made to the Mammoth Crossing Project Draft Environmental Impact Report (“Draft EIR”) in response to the comments received during and after the public review period. Changes to the Draft EIR are listed by the corresponding Draft EIR section, subsection, if applicable, and page number. Additions to the Draft EIR are identified by underlined text, and deletions to the Draft EIR are identified by strikethrough text.

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As noted in Response to Comment A6-5, the title of Table IV.N-6, Current Supply and Demand Without Project, and page number where Table IV.N-6 is located in the Draft EIR have been revised on page vii of the Draft EIR as follows:

<u>Table</u>	<u>Page</u>
Table IV.N-6 Current Supply and <u>Projected Demand at Build-Out</u> Without Project	IV.N- ~~203~~

I. INTRODUCTION/SUMMARY

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR per Response to Comment B13-63, the second paragraph on page I-2 (continued on page I-3) of the Draft EIR under subheading “Proposed Project” has been revised as follows:

The Project site, approximately ~~44~~9 acres, consists of ~~four~~three locations, ~~three~~all of which would be developed with new uses as mentioned above. ~~These~~The three development sites, ~~which include parcels at the northwest, southwest and southeast corners of the Main Street-Lake Mary Road/Minaret Road intersection, total approximately nine acres.~~ In total, the Project would include the construction of up to 742 condominium/hotel rooms, up to approximately 69,150 square feet of hotel amenities and operations and general retail uses, 40,500 square feet of retail development, and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,991~~57,500 square feet, would be required to be provided as part of the Project, some of which would be constructed off site. Proposed development at the three sites would involve multiple buildings ranging in height from one to approximately seven stories. ~~The Project’s fourth site, commonly known as the Tanavista project site, is approximately one acre and proposes no new development as part of this Project. The proposed development on the Tanavista project site consists of 45 residential units. The Town previously approved this development and a Mitigated Negative Declaration was adopted pursuant to CEQA. The Site 4 parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as~~

~~part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary and subsequently removed from the Lodestar Master Plan area.~~

As noted in Topical Response 3, View Analysis, Mitigation Measure AES-1 Public Views of Scenic Vistas has been introduced to lessen the significant public view impacts to the scenic Mammoth Knolls from View 6 (Lake Mary Road Near the Project Site Looking East). Accordingly, the following revision has been made to Table I, Summary of Significant Impacts & Mitigation Measures on page I-5 of the Draft EIR.

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
AESTHETICS (AES)		
Impact AES-1 Public Views of Scenic Vistas	Mitigation Measure AES-1 Public Views of Scenic Vistas	
A significant impact would occur if the Project substantially blocks public views of a scenic vista. Section IV.B, Aesthetics, of this Draft EIR, provides a comparison of “before” views and “after” views of the Project site which are publically accessible and of scenic resources which are publically accessible from areas near the Project site. The Project would not obscure public views of scenic vistas from Views 1, 2, 3, 4, 5, 7, 9, and 10. However, views of the scenic Mammoth Knolls from Views 6 and 8 would be partially obscured. The Project would result in substantial changes to views of surrounding scenic Mammoth Knolls.	<u>The uninhabited 89 foot tall “Tower” component of the development in the southeast portion of Site 1 shall be eliminated from the Project by the Project Applicant. ~~No mitigation measures are available to fully mitigate such impacts to public views or scenic vistas.~~</u>	Significant and Unavoidable

As noted in Response to Comment A3-2, A3-13 and B3-3, the first paragraph of Impact AES-5 Shading/Shadows and Mitigation Measure AES-5 Shading/Shadows included in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-5 of the Draft EIR, have been revised as follows:

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
AESTHETICS (AES)		
Impact AES-5 Shading/Shadows A significant shade/shadow impact could occur if shadow-sensitive uses would be shaded by Project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October). A significant impact could also occur if the Project required an exception (variance) to the policies and regulations in the General Plan, Planning Code, or ~~Uniform Building Code~~ 2007 California Building Code ("CBC"), and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and ~~Uniform Building Code~~ CBC addressing the provision of adequate light related to appropriate uses. In addition, the shading of roadways for extended periods of time could lead to hazardous roadway conditions such as black ice. Winter Solstice The Project's winter solstice shadows would cast onto a portion of the adjacent residential land use north of Project Site 1 in the morning and throughout the afternoon. Winter solstice shadows would cast onto portions of Lake Mary Road, Main Street and Minaret Street for more than three hours. Shading of these roadways for extended periods of time could lead to hazardous roadway conditions such as black ice.	Mitigation Measure AES-5 Shading/Shadows The Project Applicant shall implement a snow plowing and cindering plan during the three worst-case shadow months of the year at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week. The ~~Community Development~~ Public Works Director shall review the methodology and effectiveness of the plan during its implementation. <u>The number of accidents/incidents that occur in the vicinity of the shadowing at the Minaret Road/Lake Mary Road – Main Street intersection shall be considered as part of the review.</u> If it is determined by the Town that the plan does not adequately reduce hazards resulting from shadows (i.e. black ice), the Town shall require the Project Applicant to install heat traced pavement at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week.	Less Than Significant

As noted in Response to Comment B13-32, Mitigation Measure AES-6 Temporary Construction included in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-6 of the Draft EIR, has been revised as follows:

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
AESTHETICS (AES)		
Impact AES-6 Temporary Construction	Mitigation Measure AES-6 Temporary Construction	
The Project's three sites are surrounded by existing development and or disturbed areas thus, construction activities would be visible from the surrounding land uses, including adjacent residential uses. During the construction period, there would be temporary construction fencing to screen most activities from surrounding uses. However, it is likely that construction vehicles and activities would still be visible. Additionally, excavation and demolition activities are likely to require approximately 320 daily truck trips (inbound and outbound), resulting in a potentially significant aesthetic impact, especially along Main Street (SR 203) and Minaret Road. Although implementation of Mitigation Measure AES-6 would reduce impacts resulting from construction activities, surrounding residential areas would be exposed to the visually-related construction impacts for an extended period of time.	Construction equipment staging areas shall use appropriate screening (i.e., <u>semi-permanent quality</u> temporary fencing with opaque material) to buffer views of <u>small</u> construction equipment and material staging areas along public street frontage, when feasible. <u>Construction equipment that would not be considered feasible to be completely screened would include large equipment such as excavators, cranes (either stored or being actively used) and scaffolding or large stockpile of materials.</u> Staging locations shall be indicated on Final Development Plans and Grading Plans.	Significant and Unavoidable

As noted in Response to Comment B21-91, Mitigation Measure AQ-1 Construction Emissions included in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-7 and I-8 of the Draft EIR, has been revised as follows:

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
AIR QUALITY (AQ)		
Impact AQ-1 Construction Impacts	Mitigation Measure AQ-1 Construction Impacts	
Development of the Project would result in the generation of pollutant emissions. However, the Great Basin Unified Air Pollution Control District does not currently have thresholds for determining the level of significance for air emissions. In the absence of such thresholds, any emissions that may result in a violation of an air quality standard or contribute substantially to an existing air quality violation will be considered significant. Since respirable particulate matter (PM ₁₀) is classified as non-attainment, any PM ₁₀ emissions will contribute	In compliance with Rule 401 and 402, the Project Applicant shall require that the following practices be implemented by including them in the contractor construction documents to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project site throughout the Project construction phases: Water all construction areas at least twice daily; water trucks will be filled locally after the contractor makes water acquisition agreements and obtains any required permits;-	Significant and Unavoidable

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
substantially to an existing air quality violation. Therefore, unless PM₁₀ emissions are reduced by implementation of feasible control measures, impacts caused by these emissions would be considered significant. As a result, in the absence of mitigation measures, construction activities at the Project site would result in potentially significant air quality impacts. Even with implementation of the recommended mitigation measures, development of the Project would continue to result in the generation of pollutant emissions. In addition, PM₁₀ emissions cannot be reduced to zero with the implementation of the recommended mitigation measures.	b. Cover all trucks hauling soil, sand, and other loose materials; c. Apply clean gravel, water, or non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; d. Remove excess soils from paved access roads, parking areas and staging areas at construction sites; e. <u>Install trackout pads or grizzly devices at all egress points for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site;</u> f. ~~e~~- Sweep streets daily (with mechanical sweepers) if visible soil material is carried onto adjacent public streets; g. ~~f~~ Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); h. ~~g~~- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); i. ~~h~~- Install gravel-bags, cobble entries, or other Best Management Practices (BMPs) and erosion control measures to prevent silt runoff to public roadways; j. ~~i~~- Replant vegetation in disturbed areas <u>as soon as possible within ten days of disturbance;</u> ~~j~~- <u>Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site;</u> k. Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour (mph) and when sustained winds exceed 25 mph increase the frequency of watering from twice daily, as described in Mitigation Measure AQ-1a above, to three to four times a day; l. The construction fleet will meet the terms set forth in the CARB Proposed Regulation for in-use Off Road Diesel Vehicles, paragraph (d)(3) Idling. The proposed regulation implementation date is May 1, 2008;- m. All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications;	

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
	n. <u>Use the minimum practical engine size for construction equipment;</u> o. <u>Gasoline-powered equipment shall be equipped with catalytic converters, where feasible;</u> p. <u>Incorporate BMP's during construction of the Project site;</u> q. <u>For backfilling during earthmoving operations, water backfill material or apply dust palliative to maintain material moisture or to form crust when not actively handling; cover or enclose backfill material when not actively handling; mix backfill soil with water prior to moving; dedicate water truck or large hose to backfilling equipment and apply water as needed; water to form crust on soil immediately following backfilling; and empty loader bucket slowly; minimize drop height from loader bucket;</u> r. <u>While clearing forms, use single stage pours where allowed; use water spray to clear forms; use sweeping and water spray to clear forms; use industrial shop vacuum to clear forms; and avoid use of high pressure air to blow soil and debris from the form;</u> s. <u>During cut and fill activities, prewater with sprinklers or wobblers to allow time for penetration; prewater with water trucks or water pulls to allow time for penetration; dig a test hole to depth of cut to determine if soils are moist at depth and continue to prewater if not moist to depth of cut; use water truck/pull to water soils to depth of cut prior to subsequent cuts; and apply water or dust palliative to form crust on soil following fill and compaction;</u> t. <u>Install a windbreak or other dust control screening between the Project site and adjoining site;</u> u. <u>During construction, trucks and vehicles in loading and unloading queues shall turn their engines off when not in use to reduce vehicle emissions. Operating vehicles solely for comfort (e.g., air conditioning) purposes shall be prohibited;</u> v. <u>Except for concrete trucks, all construction vehicles shall be</u>	

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
	<u>prohibited from idling in excess of five minutes, both on-site and off-site;</u> w. <u>Use bed-covers in bottom-dumping haul vehicles;</u> x. <u>Grade each phase separately, timed to coincide with construction phase or grade entire project, but apply chemical stabilizers or ground cover to graded areas where construction phase begins more than 60 days after grading phase ends;</u> y. <u>Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;</u> z. <u>Post a publicly visible sign with the telephone number and person to contact regarding construction complaints. This person shall respond and take corrective action within 24 hours; and</u> aa. <u>All roadways, driveways, sidewalks, etc. to be paved shall be completed as early as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;</u>	

As noted in Response to Comment A3-2, the second paragraph of Impact GEO-2 Strong Seismic Ground Shaking included in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-13 of the Draft EIR, has been revised as follows:

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
GEOLOGY AND SOILS (GEO)		
Impact GEO-2 Strong Seismic Ground Shaking	Mitigation Measure GEO-2 Strong Seismic Ground Shaking	
The California Division of Mines and Geology (CDMG) has included the Town within Seismic Zone III in the Urban Geology Master Plan with an expected modified Mercalli Rating of "IX" or "X" at maximum earthquake intensities. [The "IX" Mercalli rating indicates that heavy damage to unreinforced structures would result and	Mitigation Measure GEO-2a Prior to issuance of building permits and grading activities, a design level geotechnical report shall be prepared for each of the Project's three development sites and all recommendations in the report shall be adhered to. The design-level geotechnical report shall include foundation design criteria	Less Than Significant

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
some structures would collapse. The "X" rating indicates that masonry structures would be destroyed, some well built wooden structures would be destroyed, and public facilities would be damaged.] The Project site is located in a Seismic Zone 4 based on ~~1997 Uniform Building Code (UBC)~~ and ~~2001~~2007 California Building Code ("CBC"). Chapter 15 of the Town Municipal Code requires that all structures within the boundaries of the Town shall be designed to the requirements of Seismic Zone 4 as defined in ~~UBC/CBC~~. Conformance with current ~~UBC/CBC~~ requirements, as well as the Town's seismic design requirements would most likely reduce the potential for structures on the Project site to sustain damage during an earthquake event. However, Project impacts related to ground shaking would still be considered significant.	as well as earthwork and grading recommendations. Mitigation Measure GEO-2b Implement all recommendations contained within these site-specific geotechnical reports, including those pertaining to site preparation, excavation, fill placement and compaction; foundations; concrete slabs-on-grade; pavement design; lateral earth pressures and resistance; and surface drainage control. Mitigation Measure GEO-2c The final grading, drainage, and foundation plans and specifications shall be prepared and/or reviewed and approved by a Registered Geotechnical Engineer and Registered Engineering Geologist. In addition, upon completion of construction activities, the Project Applicant shall provide a final statement indicating whether the work was performed in accordance with Project plans and specifications and with the recommendations of the Registered Geotechnical Engineer and Registered Engineering Geologist.	

As noted in Response to Comment B13-41 and B21-109, Mitigation Measure NOISE-1 Exposure of Persons to Excessive Noise Levels included in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-18 of the Draft EIR, has been revised as follows:

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
NOISE		
Impact NOISE-1 Exposure of Persons to Excessive Noise Levels	Mitigation Measure NOISE-1 Exposure of Persons to Excessive Noise Levels	
Construction of the Project would require the use of heavy equipment for site grading and excavation, installation of utilities, paving, and building fabrication. Development activities would also involve the use of smaller power tools, generators, and other sources of noise. During each stage of development, there would be a different mix of equipment operating and noise levels would vary based on the amount of equipment in operation and the location of the activity.	Mitigation Measure NOISE-1a Project developers shall require by contract specifications that the following construction best management practices ("BMPs") be implemented by contractors to reduce construction noise levels: a. Provide advance notification of construction to the immediate surrounding land uses around a development site. <u>A construction liaison shall be provided to inform nearby sensitive uses when peak</u>	Significant and Unavoidable (Temporary Construction)

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
While the Project would comply with the construction hours of the Town Municipal Code, construction noise levels experienced by nearby off-site residential uses in the surrounding area could exceed the maximum exterior noise level standards allowed for mobile and stationary construction equipment under the Town Noise Ordinance. As such, potentially significant temporary construction noise impacts could result.	<u>construction noise activities are scheduled to occur.</u> b. Ensure that construction equipment is properly muffled according to industry standards. c. Place noise-generating construction equipment and locate construction staging areas away from residences, where feasible. d. Schedule high noise-producing activities between the hours of 8 a.m. and 5 p.m. to minimize disruption on sensitive uses. e. Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets. f. <u>Noise levels shall be monitored and in the event noise levels exceed the levels permitted under the Town's Noise Ordinance, the specific activity causing the noise exceedance must stop and not resume until the Project has implemented measures to correct the exceedance.</u> Mitigation Measure NOISE-1b Project developers shall require by contract specifications that construction staging areas within the Project site would be located as far away from noise-sensitive sites as ~~feasible~~ <u>reasonably practicable (i.e., not along the border of the sensitive noise receptors adjacent to the Project sites).</u> <u>Mitigation Measure NOISE-1c Exposure of Persons to Excessive Noise Levels</u> <u>Construction shall be prohibited on the days listed in a through g below; however, depending on the construction phase, waiver of some of these restrictions could be made at the discretion of the Public Works director.</u> a. <u>Prohibit construction on Sunday and legal holidays (i.e., Labor Day, Thanksgiving, Veteran's Day, Christmas Eve, Christmas Day, New Year's Day, Martin Luther King, Jr.'s Birthday, President's Day, Memorial Day, and Independence Day).</u> b. <u>The Saturday before President's</u>	

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
	<u>Day and Martin Luther King, Jr.'s Birthday.</u> <u>c. For up to 2 additional days around July 4. (e.g. if 4th is on a Friday, construction might be limited on the Saturday; if on Thursday, limit construction on Friday and Saturday)</u> <u>d. The Saturday before Labor Day</u> <u>e. The Friday and Saturday after Thanksgiving</u> <u>f. The period between Christmas and New Year, from Christmas Eve to New Years Day.</u> <u>g. During other major daytime special events in the Village area or the Town (e.g., Jazz Jubilee, Bluesapalooza) at the discretion of the Public Works director, to be agreed upon one month in advance of the event.</u>	

As noted in Response to Comment A4-8, the second paragraph of Impact GEO-2 Strong Seismic Ground Shaking included in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-13 of the Draft EIR, has been revised as follows:

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measure	Level of Significance after Mitigation
TRAFFIC AND CIRCULATION (TRANS)		
Impact TRANS-2 Cumulative Plus Project Intersection LOS	Mitigation Measure TRANS-2 Cumulative Plus Project Intersection LOS	
All of the study area intersections are forecast with improvements to operate within or below the Town's threshold of significance in the cumulative plus Project condition with the exception of Center Street/Main Street. This location is also deficient in the without Project condition. Therefore, impacts are considered to be significant.	Evaluation of intersection LOS shows that the addition of the Project traffic to the cumulative traffic would contribute to the cumulative deficiency and therefore significantly impact the Center Street/Main Street intersection in the cumulative plus Project scenario, according to the Town's criteria. The following mitigation would be required for the cumulative plus Project condition to mitigate the intersection to LOS D or better: a. ~~Center Street/Main Street. Payment of Development Impact Fees ("DIFs"), a portion of which is applicable to installation of a traffic signal at Center Street/Main Street intersection is consistent with the~~	Less Than Significant

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measure	Level of Significance after Mitigation
	~~Town's General Plan recommended mitigation measures. When the Center Street/Main Street traffic signal is installed, the planned signal at the Post Office would be removed, and left turns onto Main Street from both directions would be prohibited. Traffic requiring this movement has been reassigned to the Center Street/Main Street intersection. All costs for the implementation of this improvement should be eligible for a credit to DIFs. This mitigation would be implemented as part of a traffic mitigation program that would be funded by the DIFs.~~ ~~b. In light of the unique trip generation applied to the hotel units, referenced from observed vehicular count data (inbound and outbound) at the Intrawest North Village Lodges (i.e., Grand Sierra, White Mountain, and Lincoln House) parking garage on February 9, 2008, it is recommended that a monitoring program be implemented on an annual (typical winter Saturday) basis to document effective hotel unit trip generation.~~ ~~If hotel unit trip generation is significantly higher than documented in the traffic impact analysis, the Project may be required to provide additional buses/shuttles and/or a bus stop on the easterly side of Minaret Road at the new road also known as the 7B Road (for a future transit route).~~ ~~If, at the time of approval of a Use Permit for development on any of the three Mammoth Crossing sites, the Town determines that the installation of the signal at Main Street/Center Street is warranted due to additional traffic associated with that development project, the Project Applicant shall install the required signal. If, at the time of approval of a Use Permit for development on any of the three Mammoth Crossing sites, the signal would be warranted by existing conditions and the Project's traffic~~	

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measure	Level of Significance after Mitigation
	would exacerbate those conditions, the Project Applicant shall contribute the necessary increment of additional funds to install the signal, and the Town shall install the signal. When the Center Street/Main Street signal is installed, the Town will require the planned signal at the Post Office/Main Street to be removed, and left turns onto Main Street from both directions at the post office will be prohibited. Costs incurred by the Project Applicant for implementation of the signal installation, the lane restriping and the cross street improvements will be eligible for credit as may be available under Section 15.16.080 et seq. of the Municipal Code. Should the signal have been installed prior to approval of any Use Permit for development on any of the Mammoth Crossing sites, the Project shall be required to contribute its fair share to the costs of installation, through payment of Developer Impact Fees or other equivalent mitigation fee program(s) that may be in place at that time.	

As noted in Response to Comment A5-10, the Mitigation Measure UTIL-4 Cumulative Water Supply included in Table I-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-22 and 23 of the Draft EIR, has been revised as follows:

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measure	Level of Significance after Mitigation
UTILITIES (UTIL)		
Impact UTIL-8 Cumulative Water Supply	Mitigation Measure UTIL-8 Cumulative Water Supply	
Implementation of the Project in combination with the related projects in would further increase demands on water supply. The projects listed in the related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved. The Town would monitor the overall water supply through	No mitigation measures are available to fully mitigate such cumulative impacts to water supply. Although Project-specific impacts (see Impact UTIL-6) were found to be less than significant, a mitigation measure ~~were~~ <u>was</u> recommended to reduce the Project's incremental contribution to water supply impacts. The mitigation measure is as follows:	~~Significant and Unavoidable~~ Less Than Significant

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measure	Level of Significance after Mitigation
the project approval process, and would consider project approvals in the light of existing and projected water supplies of the Town. Therefore the cumulative water generation is likely overstated. It has been determined that there would be insufficient supplies of water during dry years at Town buildout without the Project and that there would also be insufficient water for the Project plus the related projects during dry water years. ~~Deficiencies of over 1,000 af would occur in a single dry year, which is considered the lowest historical runoff for the watershed. Thus, impacts of the Project together with the related projects on overall MCWD water supply during single and multiple dry year scenarios would be significant.~~ <u>However, the General Plan Update Final Program EIR found, with implementation of Mitigation Measure 4.11.1, the allowable densities studied as part of the General Plan would have a less than significant cumulative impact on the Town's water supply.</u> <u>The site-specific density proposed by the Project was only partially accounted for in the 2005 General Plan Update and thus, the 2005 UWMP, the Draft EIR found the Project to be consistent with the General Plan's overall density. Hence, although there is proposed to be higher site-specific density by the proposed amendment to the North Village Specific Plan (and related amendment to the General Plan), the overall build-out would not exceed General Plan Land Use Policy L.1.A, which limits total peak population of permanent and seasonal residents and visitors to 52,000 PAOT.</u> <u>The General Plan Final Program EIR has already found the Project's potential cumulative impact on water supply to be less than significant with implementation of Mitigation Measure 4.11-1, as established in the General Plan Final Program EIR.</u> <u>In reliance on the foregoing analysis and CEQA Guidelines Section 15064(h)(3), this</u>	Mitigation Measure UTIL-6 <u>Cumulative Water Supply</u> To further reduce the Project's <u>incremental contribution to cumulative demand on water services, the Project Applicant should shall:</u> ~~Ensure that the landscape irrigation system be designed, installed and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets~~ <u>Ensure that the Project's landscape design and irrigation meets the Town of Mammoth Lakes' model landscape ordinance code and existing ordinances of the Mammoth Community Water District.;</u> ~~Install either drip irrigation or a "smart sprinkler" system to provide irrigation for the landscaped areas or, at a minimum, set automatic irrigation timers to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be adjusted to avoid water runoff, especially when irrigating sloped property;~~ ~~Select and use drought tolerant, low-water consuming plant varieties and little or no use of turf in the landscape design to reduce irrigation water consumption;~~ ~~Install high efficiency water fixtures such as low flush and dual flush water toilets and urinals, and shall limit the number of showerheads to one very low flow fixture per stall, in new construction. Low-flow faucet aerators should be installed on all sink faucets; and~~ <del>Install ~~Energy Star~~ high efficiency dishwashers and clothes washers meeting the standards by the U.S. EPA (WaterSense label) or the California Urban Water Conservation Council.</del>	

Table I-1
Summary of Significant Environmental Impacts & Mitigation Measures

Environmental Impact	Mitigation Measure	Level of Significance after Mitigation
~~Draft EIR determines the Project falls within a "previously approved plan or mitigation program" which will manage a cumulative problem within the geographic area where the Project is located. Therefore, the Project's cumulative water supply impacts would be less than significant.~~ ~~In compliance with General Plan Policy R.4.A, the Town shall work with MCWD to ensure that land use approvals are phased so that the development of necessary water supply sources is established prior to development approvals. Therefore, because these future water sources do not exist at present the Project's contribution to overall water supply demand within the Town would be cumulatively considerable, and cumulative water supply impacts would be significant.~~		

II. ENVIRONMENTAL SETTING

In response to Town comment, the text on page II-1 (continued on page II-2) of the Draft EIR under subheading "Local Setting" has been revised as follows:

~~The Project, approximately 42 acres, is comprised of four three separate sites located in the northwest portion of Town. Sites 1 through 3 include existing development and are within the North Village Specific Plan ("Specific Plan") area. Sites 1 through 3 are located at the northwest, southwest and southeast corners of the Main Street-Lake Mary Road/Minaret Road intersection, respectively. Site 4 is undeveloped and is located within the Lodestar Master Plan area. Site 4 is located to the south of the Main Street Lake Mary Road/Minaret Road intersection to the east of Minaret Road (refer to Figure II-2). Site 4 is proposed to be incorporated into the Specific Plan boundary and subsequently removed from the Lodestar Master Plan area. No new development is proposed on Site 4 as part of this Project. The proposed development on Site 4 consists of 45 residential units. The Town previously approved this development and a Mitigated Negative Declaration was adopted pursuant to CEQA. This is discussed in more detail in Section III, Project Description, of this Draft EIR. Assessor Parcel Numbers ("APNs") that make up the four three Project sites are as follows:~~

- ~~Site 1 - APNs 33-044-07 and 33-044-10,~~

- Site 2 - APN's ~~33-010100~~100-02 through -07, and ~~33-010100~~100-31 and -32, and
- Site 3 - APN's ~~33-100-14 through -18 and~~33-100-16, -42 and -44
- ~~Site 4 - APN 33-330-47.~~

As previously stated Project Sites 1 through 3 include existing development. Site 1 comprises approximately two acres, of which approximately .05 acres is a vacated right-of-way. In addition to the existing operating Whiskey Creek Restaurant, Site 1 contains several existing occupied office/retail buildings and paved surface parking areas. Site 2 comprises a total of approximately five acres, of which approximately one acre is a vacated right-of-way. Site 2 has a vacant church and seven existing occupied buildings, including the North Village Inn, some office/retail and storage structures, and surface parking. Site 3 comprises a total of approximately three acres. The existing vacant Ullr Lodge and White Stag Inn are located on Site 3. Both the Ullr Lodge and the White Stag Inn have surface parking areas and a series of small accessory structures on site. ~~There is no existing development on Site 4.~~

The Town of Mammoth Lakes General Plan ("General Plan") designates the Project Sites 1, 2 and 3 as North Village Specific Plan ("Specific Plan") ~~and Project Site 4 as Resort (R)~~ (refer to Figure II-3 and II-4). The Specific Plan designation is intended to create visitor-oriented entertainment retail and lodging district anchored by a pedestrian plaza and a gondola connection to Mammoth Mountain Ski Area. Uses include hotels and similar visitor accommodations along with supporting restaurants, retail, and services. Development projects will provide a wide range of amenities and services that enhance the visitor experience. Maximum overall density is 3,020 rooms and 135,000 square feet of commercial. The specific allocation of density, location of uses, and development standards are contained in the Specific Plan as adopted in 2000 and amended in 2005 are discussed in detail in Section IV.I, Land Use and Planning, of this Draft EIR. In the General Plan, Resort use is characterized with primary emphasis to visitor lodging, amenities and services. Development in the Resort designation is generally applied to large parcels and is physically connected internally and to all primary visitor oriented destinations with an integrated system of streets, sidewalks, and recreational paths. This designation includes mixed visitor oriented uses including lodging, visitor oriented commercial, and recreation uses.

In response to Town comment, Figure II-1, Regional & Vicinity Map, on page II-3 of the Draft EIR has been revised to reflect Project Sites 1, 2 and 3. Project Site 4 was removed from the figure. The corrected figure is included in this Final EIR.

In response to Town comment, Figure II-2, Aerial Photograph, on page II-4 of the Draft EIR has been revised to reflect Project Sites 1, 2 and 3. Project Site 4 was removed from the figure. The corrected figure is included in this Final EIR.

In response to Town comment, Figure II-4, Zoning Map, on page II-6 of the Draft EIR has been revised to reflect Project Sites 1, 2 and 3. Project Site 4 was removed from the figure. The corrected figure is included in this Final EIR.

In response to Town comment, the first paragraph on page II-7 of the Draft EIR, under subheading “Surrounding Land Uses,” has been revised as follows:

The Project Site is located in an urbanized area surrounded by existing development. Figure II-5 illustrates an overall view of the surrounding land uses. Figure II-6 through Figure II-10 represent views of the Project’s sites and surrounding adjacent land uses. The surrounding land uses for the Project’s ~~four~~three locations are as follows:

In response to Town comment, the third and fourth bullet point on page II-7 of the Draft EIR under subheading “Surrounding Land Uses” has been revised as follows:

- *Site 3 is bounded by Main Street to the north, the Holiday Haus Inn and the Sierra Star Golf Course to the east, ~~Site 4 and the Sierra Star Golf Course to the south and Minaret Road to the west.~~ Site 3 is bounded by Specific Plan land use zoning to the north and west, and Commercial (Lodging) and Resort (R) zoning to the east, and Resort (R) zoning to the south.*
- ~~*Site 4 is bounded by Site 3 to the north, the Sierra Star Golf Course to the east, residential development to the south and Minaret Road to the west. Site 4 is bounded by Specific Plan land use zoning to the north, west and south, and by Resort (R) zoning to the east.*~~

In response to Town comment, Figure II-5, Surrounding Land Uses, on page II-8 of the Draft EIR has been revised to reflect Project Sites 1, 2 and 3. Project Site 4 was removed from the figure. The corrected figure is included in this Final EIR.

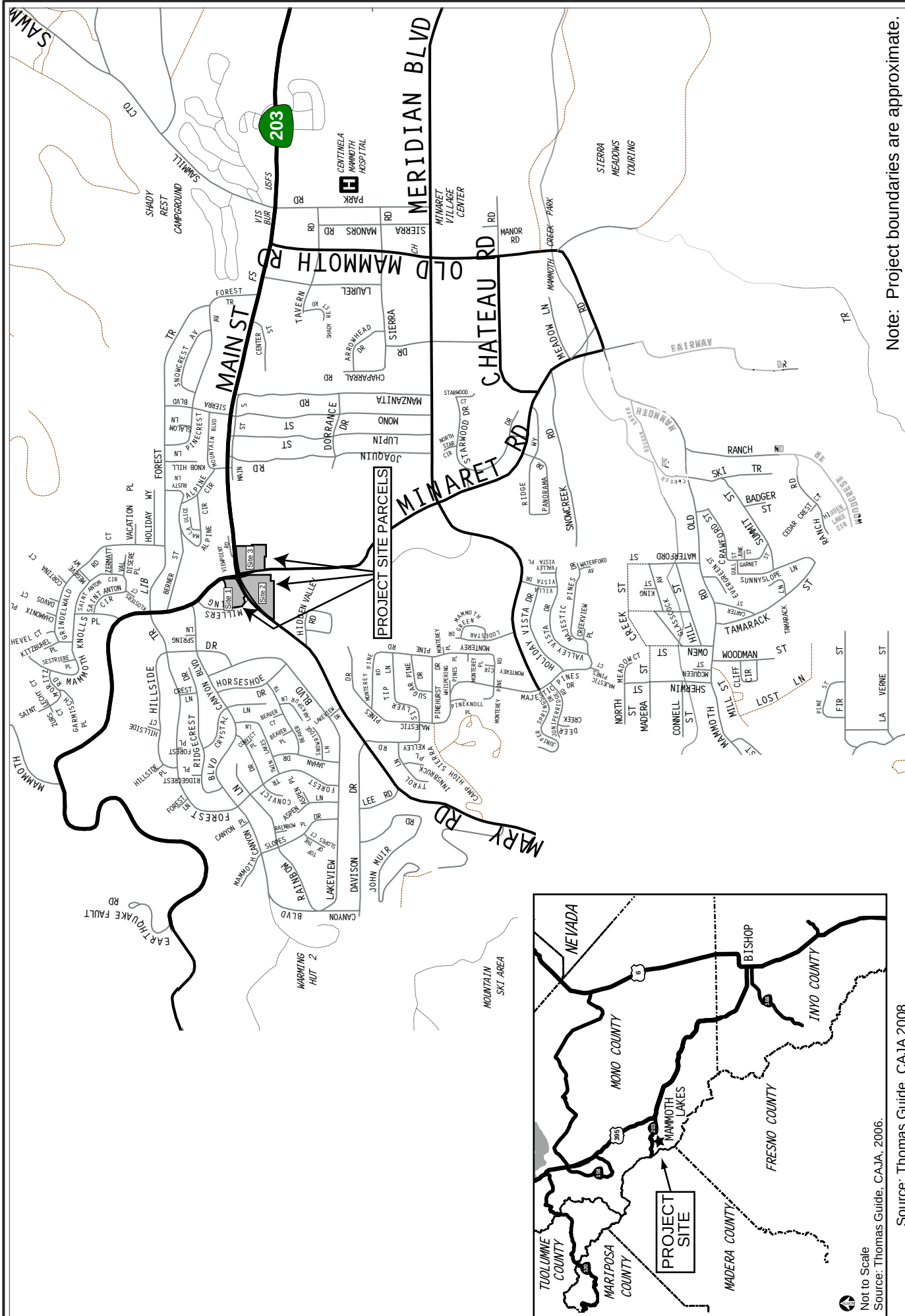
In response to Town comment, Figure II-6, Views of Project Site 1, Views 1-3, on page II-9 of the Draft EIR has been revised to reflect Project Sites 1, 2 and 3. Project Site 4 was removed from the map included in the figure. The corrected figure is included in this Final EIR.

In response to Town comment, Figure II-7, Views of Project Site 2, Views 4-6, on page II-10 of the Draft EIR has been revised to reflect Project Sites 1, 2 and 3. Project Site 4 was removed from the map included in the figure. The corrected figure is included in this Final EIR.

In response to Town comment, Figure II-8, Views of Project Site 3, Views 7-9, on page II-11 of the Draft EIR has been revised to reflect Project Sites 1, 2 and 3. Project Site 4 was removed from the map included in the figure. The corrected figure is included in this Final EIR.

In response to Town comment, Figure II-9, Views of Surrounding Land Uses, Views 1-3, on page II-12 of the Draft EIR has been revised to reflect Project Sites 1, 2 and 3. Project Site 4 was removed from the map included in the figure. The corrected figure is included in this Final EIR.

In response to Town comment, Figure II-10, Views of Surrounding Land Uses, Views 4-6, on page II-13 of the Draft EIR has been revised to reflect Project Sites 1, 2 and 3. Project Site 4 was removed from the map included in the figure. The corrected figure is included in this Final EIR.

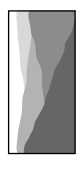


Note: Project boundaries are approximate.

Figure II-1
Regional & Vicinity Map

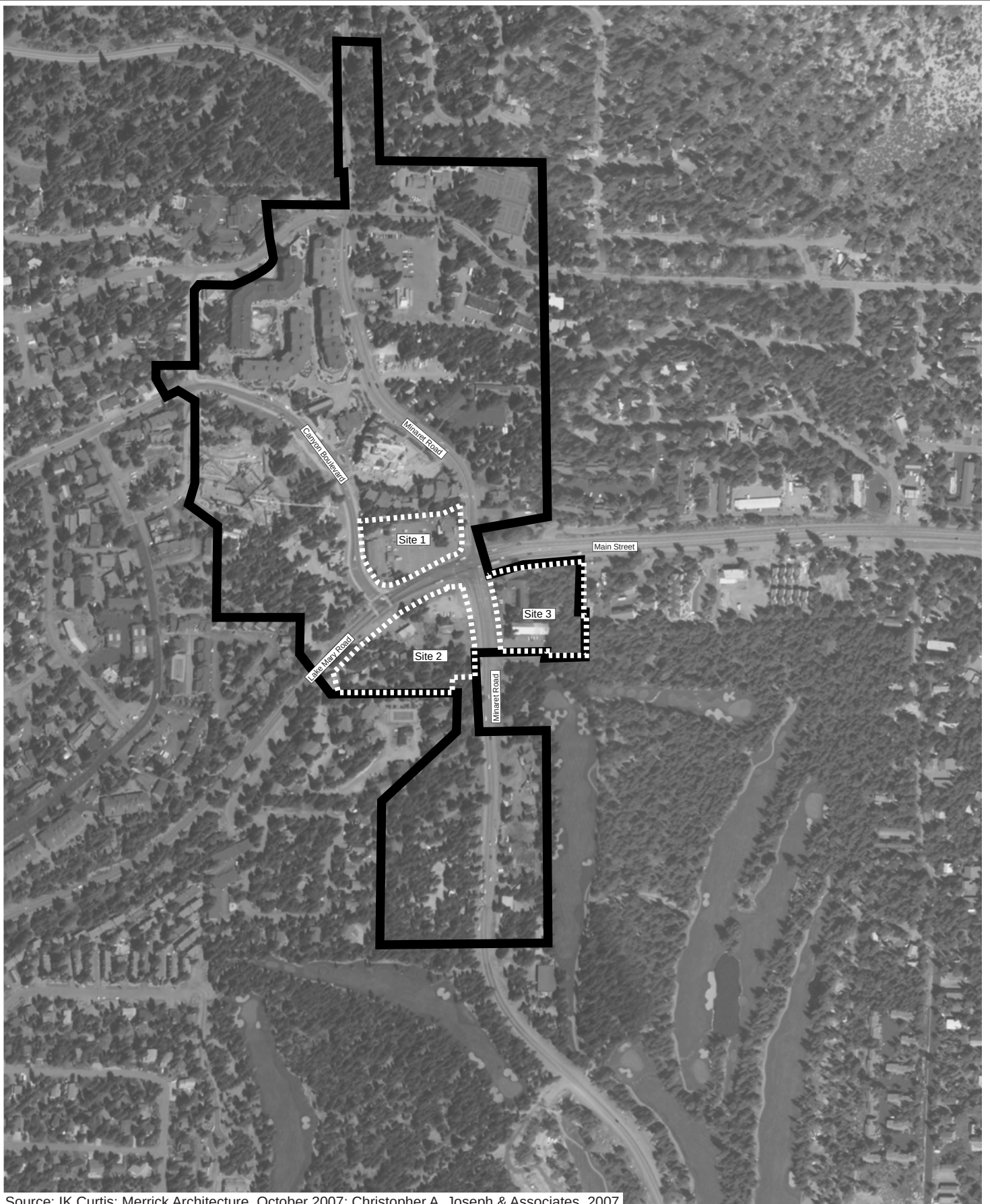


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Source: Thomas Guide, CAJA 2008.

Not to Scale
Source: Thomas Guide, CAJA, 2006.



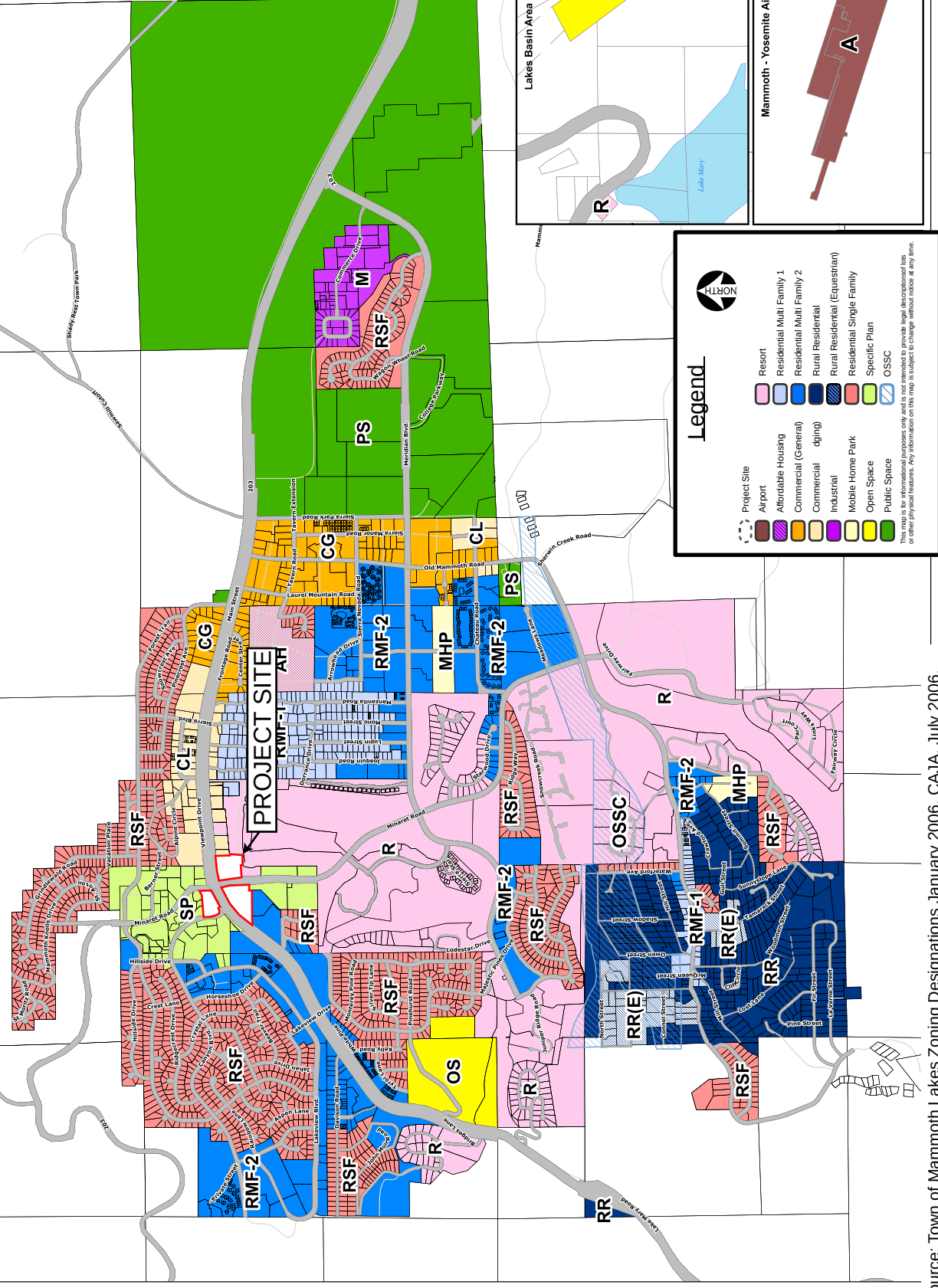
Source: IK Curtis; Merrick Architecture, October 2007; Christopher A. Joseph & Associates, 2007.



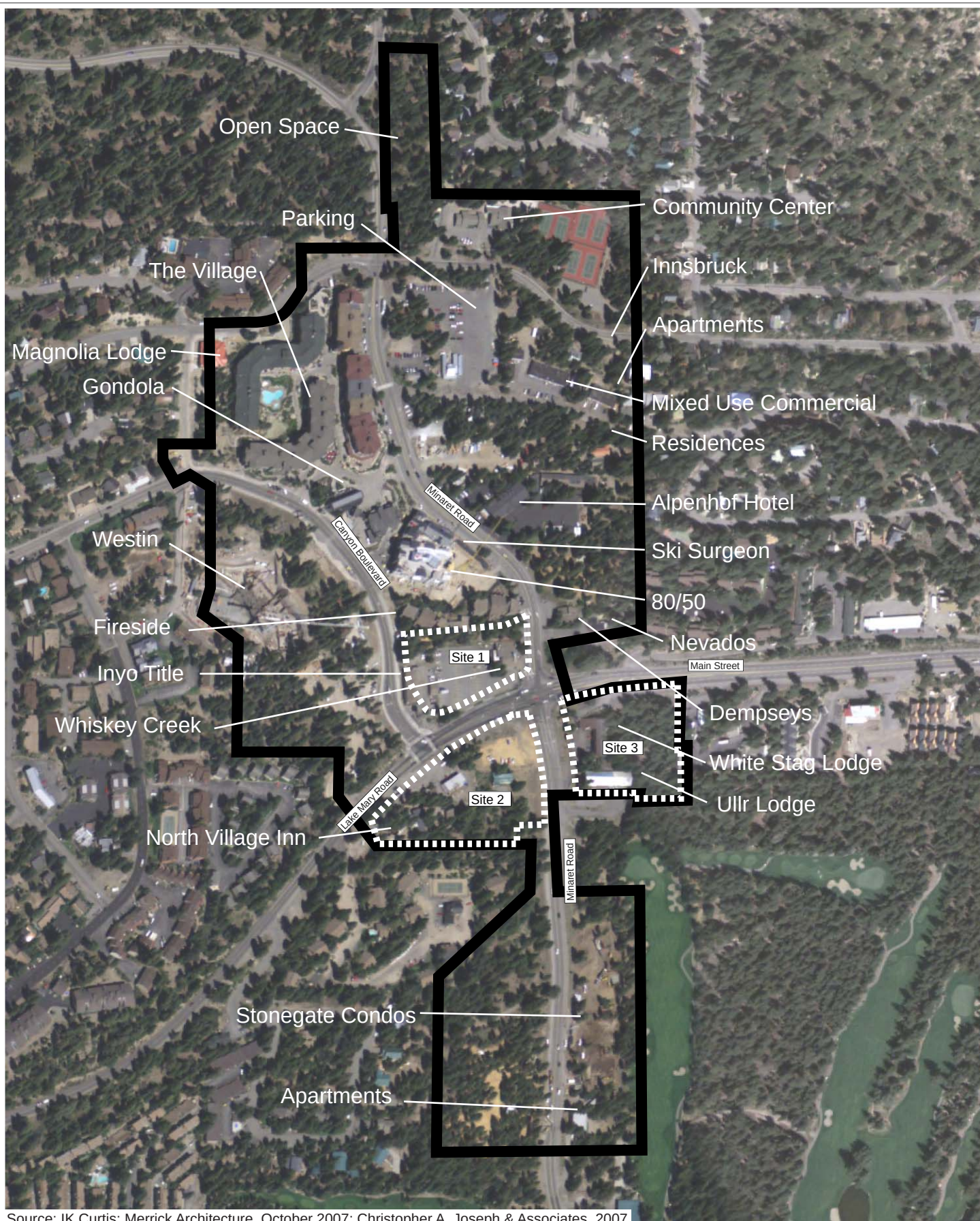
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Figure II-2
Aerial Photograph

Mammoth Lakes Zoning



Source: Town of Mammoth Lakes Zoning Designations January 2006, CAJA, July 2006.



Source: IK Curtis; Merrick Architecture, October 2007; Christopher A. Joseph & Associates, 2007.



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Figure II-5
Surrounding Land Uses



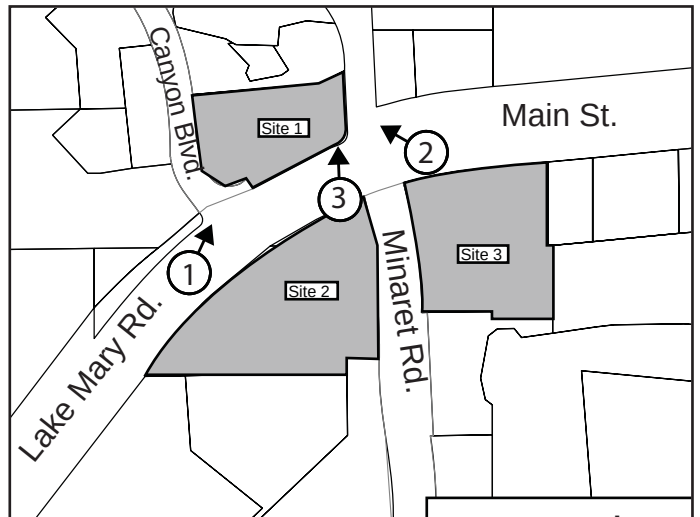
View 1: Looking northeast towards Site 1 across Lake Mary Road.



View 2: Looking northwest towards Site 1 across the intersection of Main Street and Minaret Road.



View 3: Looking north towards Site 1 across Lake Mary Road from Site 2.



Source: Christopher A. Joseph & Associates, 2008.



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Figure II-6
Views of Project Site 1
Views 1-3



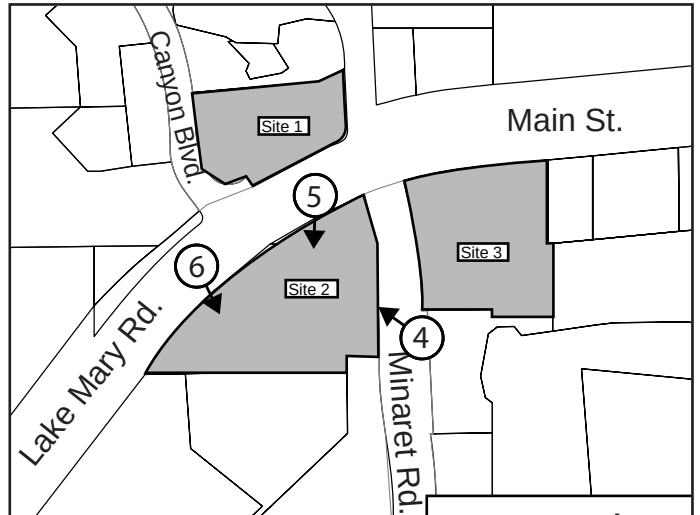
View 4: Looking northwest towards Site 2 across Minaret Road.



View 5: Looking southwest towards Site 2 from Lake Mary Road.



View 6: Looking southeast towards Site 2 from Lake Mary Road.



Source: Christopher A. Joseph & Associates, 2008.



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Figure II-7
Views of Project Site 2
Views 4-6



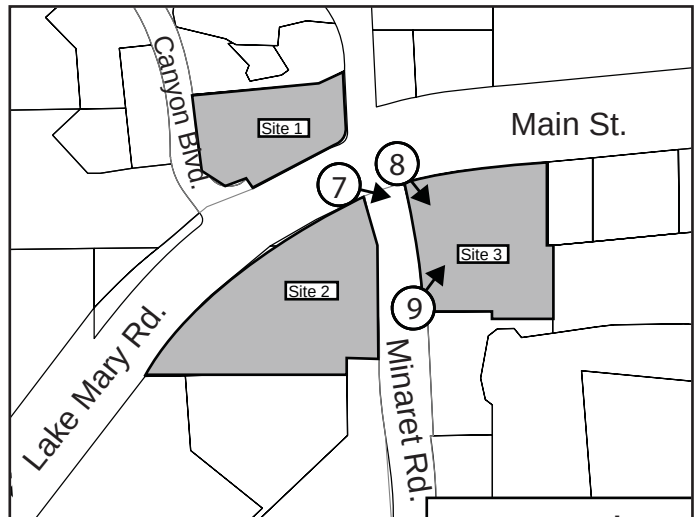
View 7: Looking southeast towards Site 3 across Minaret Road.



View 8: Looking southeast towards Site 3 from the southeast corner of Main Street -Lake Mary Road and Minaret Road intersection.



View 9: Looking northeast towards Site 3 from Minaret Road.



Source: Christopher A. Joseph & Associates, 2008.



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Figure II-8
Views of Project Site 3
Views 7-9



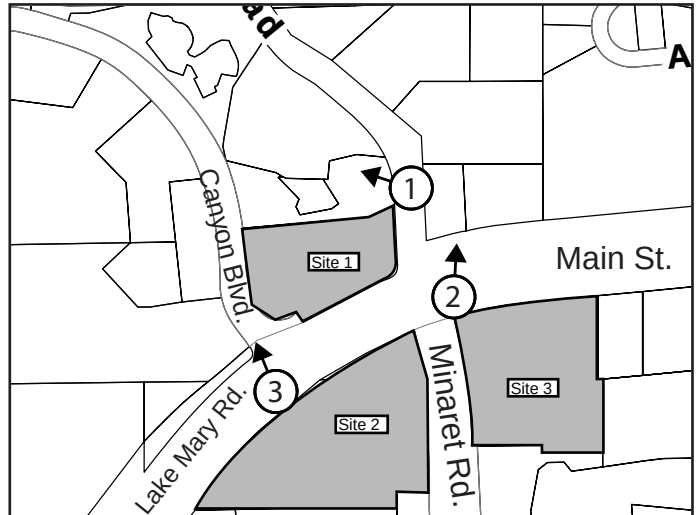
View 1: Looking north towards residential uses north of site 1.



View 2: Looking north towards commercial uses east of Site 1 and north of Site 2.



View 3: Looking northwest of Site 1, and Site 2.



Source: Christopher A. Joseph & Associates, 2008.



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Figure II-9
Views of Surrounding Land Uses
Views 1-3



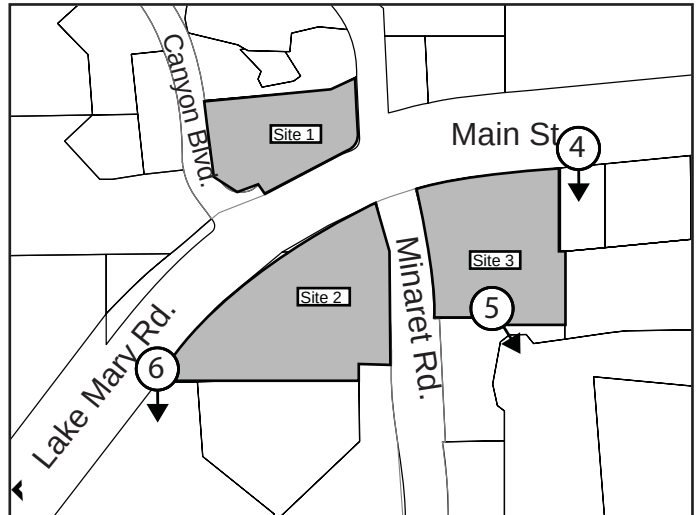
View 4: Looking south towards undeveloped land east of Site 3.



View 5: Looking southeast towards recreational uses southeast of Site 3.



View 6: Looking south at adjacent residential uses west of Site 2.



Source: Christopher A. Joseph & Associates, 2008.



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Figure II-10
Views of Surrounding Land Uses
Views 4-6

III. PROJECT DESCRIPTION

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR per Response to Comment B13-63, the second paragraph on page III-1 (continued on page III-2) of the Draft EIR under subheading “Project Characteristics” has been revised as follows:

The Project site, approximately ~~44~~9 acres, consists of ~~four~~three locations, ~~three~~all of which would be developed with new uses as mentioned above. ~~These~~The three development sites, which include parcels at the northwest, southwest and southeast corners of the Main Street-Lake Mary Road/Minaret Road intersection, ~~total approximately nine acres.~~ In total, the Project would include the construction of up to 742 condominium/hotel rooms, up to approximately 69,150 square feet of hotel amenities and operations and general retail uses, 40,500 square feet of retail development, and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,994~~57,500 square feet would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the Town's General Plan. Nonetheless, these off-site units would be subject to independent environmental review and analyses. Proposed development at the three sites would involve multiple buildings ranging in height from one to approximately seven stories. ~~The Project's fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, Site 4 is proposed to be incorporated as approved into the Specific Plan boundary and subsequently removed from the Lodestar Master Plan area. The proposed development on Site 4 consists of 45 residential units. The Town previously approved this development and a Mitigated Negative Declaration was adopted pursuant to CEQA. Therefore environmental impact analysis for development on Site 4 is not included in the Draft EIR.~~

In response to Town comment and due to Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft per Response to Comment B13-63, the first and second paragraphs as well as Table III-1, Project Site Land Uses, on page III-2 of the Draft EIR under subheading “Project Characteristics” have been revised as follows:

Figure III-1, Project Site Map, illustrates the ~~four~~three sites that make up the Project area and their relationship to the Specific Plan. Figure III-2, Project Development Areas, illustrates the three of the four sites where development is proposed to occur as a result of this Project. ~~Site 4 is not shown on Figure III-2, as no development is proposed to occur at this location as part of this Project.~~

Table III-1 summarizes the principal land uses for each of the ~~four~~three sites comprising the Project. Project features for each site are described in detail below.

Table III-1
Project Site Land Uses

Project Locations	Acres	Hotel Rooms	Density⁽¹⁾ (room/acres)	Hotel/Visitor Amenities⁽²⁾ Square Feet	Retail Square Feet	Affordable Housing⁽³⁾ Square Feet	Parking Spaces⁽⁴⁾
Site 1	1.7939	198	110	14,390	22,000	~~13,448~~ 14,000	241
Site 2	4.5205	364	81	24,640	18,500	~~22,418~~ 27,750	330
Site 3	2.9629	180	61	30,120	0	~~10,125~~ 15,750	149
~~Site 4⁽⁵⁾~~	~~1.3631~~	~~0~~	~~0~~	~~0~~	~~0~~	~~0~~	~~0~~
Total	~~10.6404~~ 9.2773	742	80	69,150	40,500	~~45,991~~ 57,500	720

Notes:

- (1) Density at Sites 1-3 exceeds the maximum allowed density of 48 rooms per acre (RPA) as designated in the Town's North Village Specific Plan. Density is calculated at 742 rooms/9.2773 acres; ~~excludes Site 4 acreage.~~
- (2) Hotel/Visitor amenities consist of offices, meeting space and common areas associated with proposed lodging uses.
- (3) Off-site affordable housing units would be subject to separate environmental review.
- (4) All parking would be understructure with the exception of limited hotel guest check-in spaces and off-site on-street retail parking for Site 1 and Site 2.
- ~~(5) Site 4 was approved for the construction of 45 units. No additional construction on Site 4 is proposed with this Project.~~

Source: Mammoth Crossing Ventures, LLC (May 2008).

In response to Town comment, Figure III-1, Project Site Map, on page III-3 of the Draft EIR has been revised to reflect Project Sites 1, 2 and 3. Project Site 4 was removed from the figure. The corrected figure is included in this Final EIR.



Source: Merrick Architecture, CAJA 2008.

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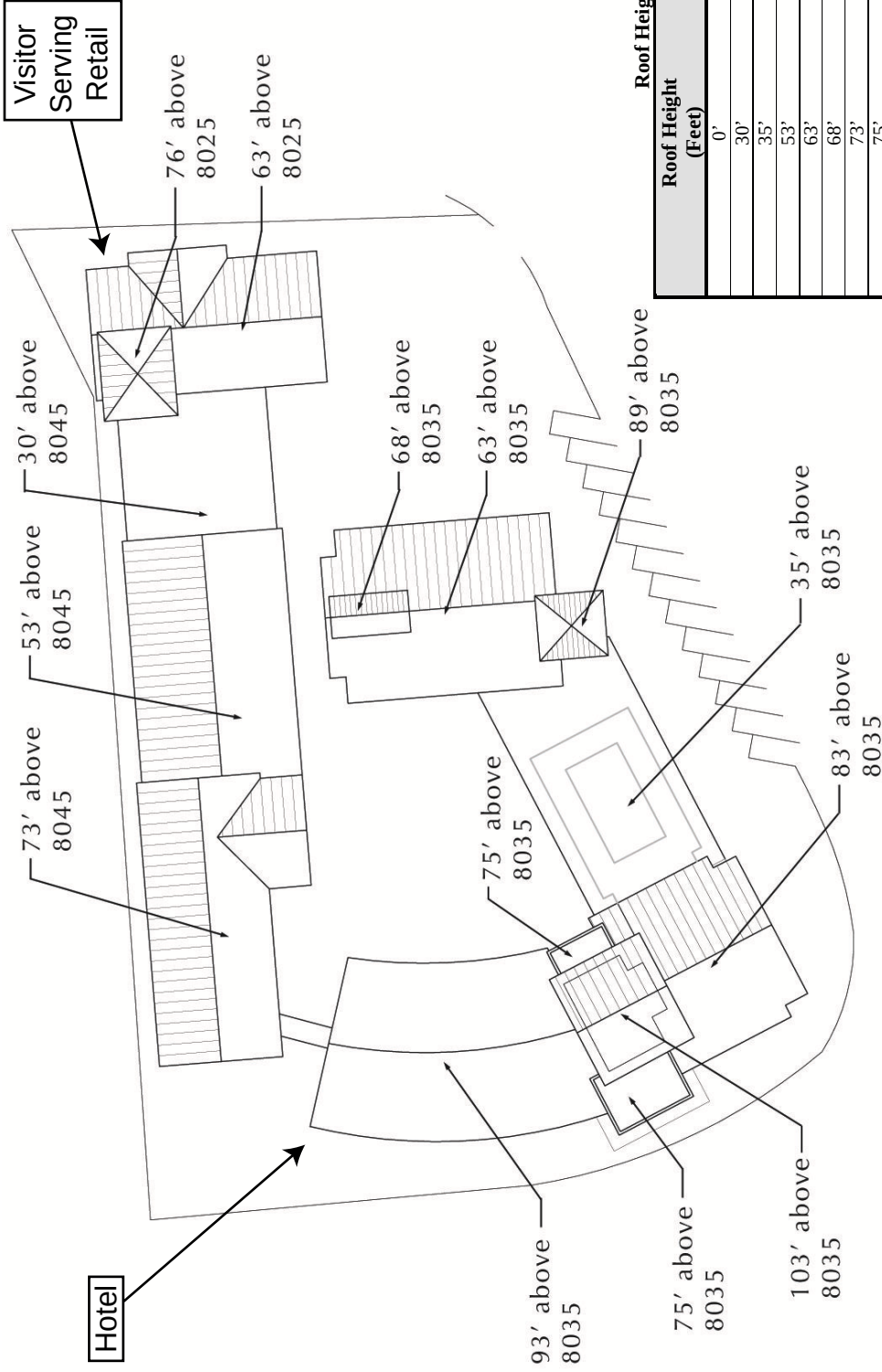
Figure III-1
Project Site Map

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR Response to Comment B13-63, Footnote (1), regarding affordable housing, in Table III-2, Site 1 Proposed Development Land Uses, on page III-6 of the Draft EIR has been revised as follows:

Table III-2
Site 1 Proposed Development Land Uses

Development Areas	Square Feet
Residential Area	
198 Hotel Rooms ⁽¹⁾	117,180
Total Residential Building Area	117,180
Non-Residential Areas	
Hotel Amenities and Operations	
Pool/Spa	1,500
Conference	3,000
Restaurant/Bar Area Within Hotel	3,000
General Use Areas ⁽²⁾	6,890
Total Hotel Amenities and Operations Area	14,390
Retail	
Restaurant/Bar Area Outside Hotel	5,500
General Use Areas ⁽²⁾	16,500
Total Retail Area	22,000
Total Non-Residential Building Areas	36,390⁽³⁾
Parking⁽⁴⁾	
3 Surface Parking Spaces	
238 Understructure Parking Spaces	
Notes: (1) Up to ~~2728~~ affordable housing ~~one-bedroom units~~ rooms would be provided off site (~~43,448~~ 14,000 sf). (2) General use areas can include office space, maintenance facilities, service areas, check-in lobby area, meeting rooms, fitness center, gift shop, clothing, etc. (3) Specific square footage numbers listed are estimated and serve to study a maximum non-residential square footage of 36,390 square feet. (4) Parking would include 241 on-site spaces and an additional 13 off-site on-street spaces along Lake Mary Road. Site 1 parking would be compliant with Town Municipal Code.	
Source: Mammoth Crossing Ventures, LLC (May 2008).	

As noted in Response to Comment B13-9, Figure III-5, Site 1 Height Analysis, on page III-9 of the Draft EIR has been revised and is included in this Final EIR.



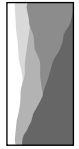
Roof Height Distribution on Site 1

Roof Height (Feet)	Roof Area	Percentage ⁽¹⁾	Percentage of Site ⁽²⁾
0'	39,697	0.00%	58.03%
30'	3,075	8%	3.94%
35'	5,340	14%	6.83%
53'	5,640	15%	7.22%
63'	5,000	13%	6.40%
68'	480	1%	0.61%
73'	5,750	15%	7.36%
75'	100	0%	0.13%
76'	950	2%	1.22%
83'	3,340	9%	4.27%
89'	650	2%	0.83%
93'	6,380	17%	8.16%
103'	1,740	5%	2.23%
Total Building Area Square Footage	32,795	100%	49%
Total Square Footage of Site	78,142⁽³⁾	--	100%

Notes:

- (1) Percentage of building is calculated by the square footage of the building area at given height/total building area square footage (38,445).
- (2) Percentage of site is calculated by the square footage of building area at given height/total square footage of site (78,142)
- (3) Site 1 square footage is calculated by Site 1 acreage (1.7939) multiplied by square feet per acre (43,560)
- (4) A total of 30,030 square footage of roof height is over 50 feet.
- (5) 78 percent of Site 1 is over 50 feet.

Source: Merrick Architecture, October 2007.



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Figure III-5
Site 1 Height Analysis

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR per Response to Comment B13-63, the first sentence and corresponding footnotes on page III-10 of the Draft EIR, under subheading “Affordable Housing” (Site 1) have been revised as follows:

Site 1 proposed development would require approximately ~~13,448~~14,000 square feet of affordable housing (approximately ~~2728~~ rooms)¹ for up to ~~5456~~ full-time employee equivalents (“FTEE”).² The required affordable housing would be provided off site. ~~and as such is not included in the density calculation described above.~~

Footnote 1: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 500 square feet of living space per affordable housing unit is required per 2 FTEE; therefore ~~13,448~~14,000 square feet/500 square feet equals ~~26.928~~ rooms.

Footnote 2: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 250 square feet of living space is required per one FTEE; therefore ~~13,448~~14,000 square feet/250 square feet equals ~~53.856~~ FTEE.

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR per Response to Comment B-13-65, the sole sentence and corresponding footnotes on page III-17 of the Draft EIR under subheading “Affordable Housing” (Site 2) have been revised as follows:

Site 2 would provide approximately ~~22,418~~27,750 square feet of required affordable housing (up to ~~4555.5~~ rooms)⁴ ~~on-site~~ for up to ~~90111~~ full-time employee equivalents (FTEEs).⁵ Out of the 55.5 required affordable housing units, 45 would be provided on-site.

Footnote 4: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 500 square feet of living space per affordable housing unit is required per 2 FTEE; therefore ~~22,418~~27,750 square feet/500 square feet equals ~~44.855.5~~ rooms.

Footnote 5: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 250 square feet of living space is required per one FTEE; therefore ~~22,418~~27,750 square feet/250 square feet equals ~~89.7111~~ FTEE.

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the first sentence and corresponding footnotes on page III-24 of the Draft EIR under subheading “Affordable Housing” (Site 3) have been revised as follows:

Site 3 would provide approximately ~~40,125~~15,750 square feet of required affordable housing (approximately ~~2431.5~~ rooms)⁷ ~~on-site~~ for up to ~~40.563~~ full-time employee equivalents (“FTEEs”).⁸ These condominium units would accommodate employee housing and would be

located on the bottom floors of the northeastern wing of the hotel. Out of the 31.5 required affordable housing units, 21 would be provided on-site.

Footnote 7: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 500 square feet of living space per affordable housing unit is required per 2 FTEE; therefore ~~40,125~~15,750 square feet/500 square feet equals ~~20.331~~5 rooms.

Footnote 8: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 250 square feet of living space is required per one FTEE; therefore ~~40,125~~15,750 square feet/250 square feet equals ~~40.563~~FTEE.

In response to Town comment, the discussion and corresponding footnotes under subheading “Site 4 (Lodestar Parcel)” on page III-25 of the Draft EIR have been omitted as follows:

~~Site 4 (Lodestar Parcel)~~

~~Location~~

~~Site 4 is located on Minaret Road south of Site 3 and southeast of the Main Street Lake Mary Road/Minaret Road intersection. The site is on APN 33-330-47 and consists of 1.3 acres.~~

~~Site 4 is currently in the Lodestar Master Plan area. The applicant is requesting a boundary change to the Specific Plan to incorporate the Site 4 parcel into the Specific Plan area. The original Lodestar Master Plan (“LMP”), adopted in 1991, encompasses an area of approximately 226 acres around the Sierra Star Golf Course¹⁰. A project to construct 45 Residential Condominiums (consistent with the LMP’s allowed maximum density of 33 units¹¹ per acre) was approved by the Town of Mammoth Lakes in February 2007 (Tentative Tract Map [“TTM”] 36-240, Use Permit Application [“UPA”] 2006-08). A Mitigated Negative Declaration was prepared and adopted by the Town for the project at the same time. Due to construction estimates, the building permit application was withdrawn and as of October 2007, there are currently no plans to develop Site 4 as approved although the TTM and UPA remain current. The applicant proposes to leave the zoning parameters on Site 4 as they are approved in the February 2007 Lodestar Master Plan amendment and District Zoning Amendment (“DZA” 2006-02). Any development that would occur on this site has been previously analyzed in the Mitigated Negative Declaration prepared in February 2007 by the Town, and in the Environmental Impact Report for the Lodestar Master Plan, prepared by EIP Associates, and certified by the Town in February 1991 (SCH#90020042).~~

¹⁰ *~~A series of amendments were recently proposed to the Lodestar Master Plan which include redesignating a series of Lodestar Master Plan sub-areas to be part of a new Master Plan, the Sierra Star Master Plan. Other areas, including Site 4, remain part of the LMP and subject to its regulations.~~*

¹¹ ~~Note that under the Specific Plan density is calculated by rooms per acre and not units per acre.~~

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR per Response to Comment B13-63, the text under heading “Affordable Housing” on page III-28 of the Draft EIR has been revised as follows (there are no revisions to the footnotes):

Site 1 would provide approximately ~~13,448~~14,000 square feet of required affordable housing (up to ~~27~~28 rooms) for up to ~~54~~56 full-time employee equivalents (“FTEEs”).¹² The required affordable housing would be provided off-site and as such, is not included in the calculation of development quantities for the Project described above. Site 2 would provide approximately ~~22,418~~27,750 square feet of required affordable housing (up to ~~45~~55.5 rooms) on site for up to ~~90~~111 FTEEs.¹³ Site 3 would provide approximately ~~10,125~~15,750 square feet of required affordable housing (approximately ~~24~~31.5 rooms) on site for up to ~~40~~563 FTEEs.¹⁴ This issue is discussed in further detail in Section IV.K, Population and Housing, of this Draft EIR.

Footnote 12: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 500 square feet of living space per affordable housing unit is required per 2 FTEE and a minimum of 250 square feet of living space is required per one FTEE.

Footnote 13: Ibid

Footnote 14: Pursuant to Town Municipal Code 17.36.030(C) Housing Requirements a minimum of 500 square feet of living space per affordable housing unit is required per 2 FTEE and a minimum of 250 square feet of living space is required per one FTEE.

In response to Town comment, the discussion under subheading “Overall Vehicular Circulation and Parking Systems” on page III-29 of the Draft EIR has been revised as follows:

Figure III-12 illustrates the vehicular movements and access points for the Project’s ~~four~~three locations. Details of the proposed access locations are as follows:

- Site 1 – Access would be off of Canyon Boulevard. This access point would provide for all turn movements into and out of the site.*
- Site 2 – Access would be provided off of Lake Mary Road. This access would provide for all turn movements on Lake Mary Road. Two access points would be off of Minaret Road. The most southerly access point would provide for all turn movements while the northerly access would be restricted to right turns in and out only.*

- *Site 3 – Access would be provided off of Minaret Road to the new road. As stated previously, the new road is part of a previous project approval and not proposed as part of this Project. This access point would provide for all turn movements into and out of the site.*
- ~~*Site 4 – No new access points are currently proposed for Site 4. There is an existing access point on the southern portion of Site 4 off of Minaret Road.*~~

As noted in Response to Comment B3-2, the second paragraph under subheading “Pedestrian and Bicycle Circulation System” on page III-30 of the Draft EIR has been revised as follows:

Figure III-14 and Figure III-15 illustrate the pedestrian and bike ~~path~~ network, respectively. As shown on these figures, the pedestrian ~~pathways~~ system would include interior sidewalks fronting the hotels, public plazas, and retail, while the proposed bicycle system is restricted to the borders of the Project sites. Prohibiting bicycle riding throughout the interior of the Project sites is a safety design feature. However, bicycles can be walked throughout the Project sites and bicycle facilities would be provided on each Project site for hotel guests, visitors and residents. Bicycle facilities would include, but are not limited to, secure, covered bike parking/racks for a variety of bicycle sizes, lockers, and storage. Pedestrian connections to and from hotel areas would link the Project with the North Village and Gondola building, thus tying into the larger Town wide recreational trail network which includes pedestrian trails, bike lanes and sidewalks that are adjacent to major roadways such as Minaret Road, Main Street and Meridian Boulevard. Sidewalks and ~~path~~ walkways on the Project’s development sites would be lit according to the Town’s Outdoor Lighting ordinance. All proposed pedestrian crossings, sidewalks, ~~path~~ walkways, trails and bike lanes would be compliant with the standards provided in the Americans with Disabilities Act (“ADA”).

In response to Town comment, the first paragraph under subheading “Emergency Vehicle Access & Staging Areas” on page III-30 of the Draft EIR has been revised as follows:

As previously mentioned and illustrated in Figure III-12, primary points of vehicular access into the Project’s three proposed development sites would be from Canyon Boulevard for Site 1, Lake Mary Road and Minaret Road for Site 2, and Minaret Road and the new road for Site 3. ~~No new access points are currently proposed for Site 4.~~ Emergency vehicle access would be provided from these access points.

As noted in Response to Comment A3-9, the second paragraph on page III-30 (continued on page III-31) of the Draft EIR under subheading “Emergency Vehicle Access & Staging Areas” has been revised as follows:

Emergency vehicle parking would be provided internally at an accessible location within each site. Figure III-16 illustrates the Project’s emergency vehicle staging areas and standpipe systems¹⁶ located within each site. Site 1 would have four emergency vehicle staging areas and ~~two~~three standpipe system locations. Site 2 would have six emergency vehicle staging areas and ~~four~~five standpipe system locations. Site 3 would have five emergency vehicle staging areas and four standpipe system locations.

As noted in Response to Comment A4-8, the discussion under subheading “Bus/Shuttle Shelters” on page III-31 of the Draft EIR has been revised as follows:

Bus/Shuttle Shelters

Currently, shuttle services operated by the Town of Mammoth Lakes and by Mammoth Mountain Ski Area provide year-round day and nighttime service to the North Village.¹ All lines provide transfers to other lines at the North Village. The Project would not only use the existing bus/shuttle shelters located at the North Village, but also proposes additional transit stops pursuant to the Town’s transit needs at the time of Project development. Additional transit stops could include a stop on Lake Mary Road just west of Minaret Road. In addition, all three Project hotels would provide their guests with exclusive shuttle service for destinations in Town as well as service to the Mammoth Yosemite Airport.

The Project would be required to prepare annual Project-specific trip generation monitoring reports to document actual Project traffic generation during a typical winter Saturday peak-hour. If an annual report demonstrates that the Project produces more trips than what was identified in the Draft EIR, the Project will be required to reduce those trips through the implementation of Travel Demand Management ("TDM") measures. The Project would be required to implement additional TDM measures to reduce vehicle trips. TDM measures may include providing additional transit, in-lieu fees, pedestrian, bicycle or any other combination of appropriate TDM measures or programs.

¹ Town of Mammoth Lakes website, Transportation Options, <http://www.ci.mammoth-lakes.ca.us/transit/home.htm>, accessed by CAJA staff, December 12, 2007.

As noted in Response to Comments A4-2, the discussion under subheading “Snow Management” on page III-31 of the Draft EIR has been revised as follows:

Snow Management

Snow management would be addressed with each building to ensure that residents and visitors are provided safe and convenient access to and from lodging and within the public use areas throughout the winter season. Ground and roof level snow storage areas would be provided on each of the three Project sites. Snow management would be designed in accordance with Town Municipal Code Chapter 12.16 “Snow Removal” regulations. The Project Applicant would be required to submit a Snow Management Plan (“SMP”) for approval by the Town, ~~and the Mammoth Lakes Fire Protection District and Caltrans.~~ Methods to prevent snow and ice build-up such as snowplowing, cinder application and installation of heat traced pavement on adjacent roadways (i.e., Lake Mary Road, Minaret Road and Main Street) which could result in hazardous driving conditions would be included in the SMP. The SMP is required to be submitted and approved prior to the issuance of building permits by the Town.

As noted in Response to Comment B3-2, Figure III-15, Bicycle Circulation Map, on page III-35 of the Draft EIR has been revised and is included in this Final EIR.

IV.B AESTHETICS

In response to Town comment, the first paragraph on page IV.B-9 of the Draft EIR, under subheading “Existing Visual Character” (Project Site), has been revised as follows:

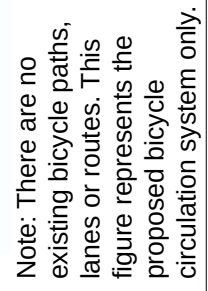
As previously discussed in Section II, Environmental Setting, of this Draft EIR, the Project, is comprised of ~~four~~three separate sites totaling approximately ~~14.9~~ acres. The Project is located in the northwest portion of Town. Sites 1 through 3 include existing development and are within the section of Town commonly known as the “North Village,” while the core area of development surrounding the gondola is known as the “The Village at Mammoth” or “The Village.” Sites 1 through 3 are located at the northwest, southwest and southeast corners of the Main Street-Lake Mary Road/Minaret Road intersection, respectively. ~~Site 4 is undeveloped and is not within the Specific Plan area. Site 4 is located to the south of the Main Street Lake Mary Road/Minaret Road intersection to the east of Minaret Road (refer to Figure II-2 [Aerial Photograph] in Section II, Environmental Setting, of this Draft EIR). Site 4 is proposed to be incorporated into the Specific Plan boundary and no new development is proposed on Site 4 as part of this Project. Therefore, the Project’s three development sites total approximately 9.3 acres.~~ The three development sites are primarily developed and are generally characterized by existing and abandoned development surrounded by residential and recreational land uses. Detailed existing conditions of each Project site is as follows:

As noted in Response to Comment A3-2, the second bullet point on page IV.B-15 of the Draft EIR has been revised as follows:

- *Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or ~~Uniform Building Code~~ 2007 California Building Code (“CBC”), and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and ~~Uniform Building Code~~ CBC addressing the provision of adequate light related to appropriate uses.*

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph on page IV.B-15 of the Draft EIR under heading “Project Details” has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of the following: up to 742 condominium/hotel rooms; up to approximately 69,150 square feet of hotel amenities and operations, and general retail uses; 40,500 square feet of retail development; and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,994~~ 57,500 square feet would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town’s General Plan. Nonetheless, these off-site units would be subject to as separate projects that will require independent environmental reviews and analyses. Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. ~~The Project’s fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary.~~ For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure III-15 Bicycle Circulation Map

As discussed in Topical Response 3, View Analysis, Mitigation Measure AES-1, Public Views of Scenic Vistas, has been added to the EIR to reduce public view impacts.

Mitigation Measure AES-1 Public Views of Scenic Vistas

The uninhabited 89 foot tall “Tower” component of the development shall be limited to 73 feet above the 8,035 feet elevation location in the southeast portion of Site 1.

As noted in Response to Comment B22-1, Table IV.B-1, Consistency with General Plan Applicable Aesthetics Policies, on page IV.B-45 of the Draft EIR, under subheading “Comfortable Building Height, Mass, and Scale” in the Community Development Element and General Plan Policy C.2.X has been revised in the Draft EIR as follows:

Table IV.B-1
Consistency with General Plan Applicable Aesthetics Policies

Policy	Consistency Analysis
COMMUNITY DESIGN ELEMENT	
Comfortable Building Height, Mass, and Scale	
C.2.X Limit building height to the trees on development sites where material tree coverage exists and use top of forest canopy in general area as height limit if no trees on site.	Generally Consistent: According to a tree survey done for the adjacent Sierra Star Master Plan project in January 2007, trees in the <u>general area</u> ~~average~~ <u>are estimated at approximately</u> 90 feet in height (see Appendix M of this Draft EIR). Some of the tower features and tallest portions of buildings on the sites may penetrate the existing forest canopy, or appear above the height of the tree canopy when viewed from certain perspectives. However, when considered across the entirety of the Project, and because the project proposes to use of stepped building designs, and provide varied rooflines and articulation of heights, the Project, for the most part, would appear consistent with the height of the existing forest canopy in the general area. Also see response to Policy C.2.N.

As noted in Response to Comment B21-39, the first paragraph under the heading “Form, Mass and Scale” on page IV.B-50 (continued on page IV.B-51) of the Draft EIR has been revised as follows:

The Project would aim to organize the form and mass of each of its proposed buildings relative to the scale of neighboring buildings and the surrounding tree-canopy. The bulk of each of the hotels are below the forest canopy and only some of the towers of the hotels on the sites may penetrate the existing forest canopy. As described previously under Impact AES-1, the Project would partially block views of the Mammoth Knolls from the View 6 and View 8 locations. The three hotels, as previously described, would exceed the maximum 50-foot height limit and would constitute a substantial intensification of building mass and increase in heights relative to existing development (i.e., current on-site buildings) on each of the sites. Building massing and

heights would be varied and building ends would be stepped. Each hotel would be built over understructure parking. The Town would review all final proposed building designs to ensure that the Project would be responsive and expressive of its unique alpine setting. The Project will take into consideration neighboring building colors when using strong, deep trim colors on doors and structural details.

As noted in Response to Comment A3-2, the first paragraph under Impact AES-5 Shading/Shadows on page IV.B-53 (continued on page IV.B-54) of the Draft EIR has been revised as follows:

A significant shade/shadow impact could occur if shadow-sensitive uses would be shaded by Project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October). In addition, a significant impact could occur if the Project required an exception (variance) to the policies and regulations in the General Plan, Planning Code, or ~~Uniform Building Code~~ 2007 California Building Code ("CBC"), and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and ~~Uniform Building Code~~ CBC addressing the provision of adequate light related to appropriate uses. In addition, the shading of roadways for extended periods of time could lead to hazardous roadway conditions such as black ice.

As noted in Response to Comments A3-13 and B3-3, Mitigation Measure AES-5 Shading/Shadows identified on page IV.B-54 (continued on page IV.B-55) of the Draft EIR has been revised as follows:

Mitigation Measure AES-5 Shading/Shadows

The Project Applicant shall implement a snow plowing and cindering plan during the three worst-case shadow months of the year at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week. The ~~Community Development~~ Public Works Director shall review the methodology and effectiveness of the plan during its implementation. The number of accidents/incidents that occur in the vicinity of the shadowing at the Minaret Road/Lake Mary Road – Main Street intersection shall be considered as part of the review. If it is determined by the Town that the plan does not adequately reduce hazards resulting from shadows (i.e.e.g., black ice), the Town shall require the Project Applicant to install heat traced pavement at any portion of a pedestrian or vehicular travel-way that receives less than two hours of mid-day sun for more than a week.

As noted in Response to Comment A3-15, the seventh paragraph under Impact AES-6 Temporary Construction on page IV.B-63 (continued on page IV.B-64) of the Draft EIR has been revised as follows:

Short-term light and glare impacts associated with construction activities would likely be limited to nighttime lighting (for security purposes) in the evening hours. In accordance with Chapter 15.08.020 (hours of working) in the Town's Municipal Code, operations permitted under a building permit would be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Saturday. Work hours on Sundays and Town recognized holidays would be limited to the hours between 9:00 a.m. and 5:00 p.m. and permitted only with the approval of the building official or designee. All construction-related lighting would be located and aimed away from adjacent residential areas and would consist of the minimal wattage necessary to provide safety at the construction site. A Construction Safety Lighting Plan would also be submitted to the Town and the Mammoth Lakes Fire Protection District (MLFPD) for review concurrent with Grading Permit application. Residential uses adjacent to the site may be impacted as a result of nighttime security lighting used during construction activities; however, construction activities would cease after 8:00 p.m.

As noted in Response to Comment B13-32, Mitigation Measure AES-6 Temporary Construction on page IV.B-64 of the Draft EIR has been revised as follows:

Mitigation Measure AES-6 Temporary Construction

Construction equipment staging areas shall use appropriate screening (i.e., semi-permanent quality temporary fencing with opaque material) to buffer views of small construction equipment and material staging areas along public street frontage, when feasible. Construction equipment that would not be considered feasible to be completely screened would include large equipment such as excavators, cranes (either stored or being actively used) and scaffolding or large stockpile of materials. Staging locations shall be indicated on Final Development Plans and Grading Plans.

IV.C AIR QUALITY

As noted in Response to Comment A1-2, the text on page IV.C-4 (continued on page IV.C-5) under the subheading "Regional" (Regulatory Setting Section) of the Draft EIR has been revised as follows:

Regional

Great Basin Unified Air Pollution Control District

The Great Basin Unified Air Pollution Control District ("Air District") is the agency principally responsible for comprehensive air pollution control in the Great Basin Valley Air Basin ("Air

Basin"). To that end, the Air District, a regional agency, works directly with county transportation commissions, and local governments, and cooperates actively with all State and federal government agencies. The Air District develops rules and regulations, establishes permitting requirements, inspects emissions sources, and provides regulatory enforcement through such measures as educational programs or fines, when necessary. ~~Although the Air District is responsible for regional air quality planning efforts, it does not have the authority to directly regulate the air quality issues associated with plans and new development projects within the Air Basin.~~

As noted in Response to Comment B21-96, the first paragraph under subheading "Global Climate Change" on page IV.C-14 and third paragraph on page IV.C-15 of the Draft EIR have been revised as follows:

The issue of global climate change ~~alleged to be~~ caused by GHG emissions is currently one of the most important and widely debated scientific, economic, and political issues in the United States. Climate change is a shift in the "average weather" that a given region experiences.

Based on the potential increase in longwave radiation contained within the atmosphere (the so-called "greenhouse effect"), ~~some believe that the~~ accumulation of these gases in the Earth's atmosphere is the cause of the observed increase in the Earth's temperature (global warming) over recent decades.

As noted in Response to Comment A1-3, Table IV.C-2, Ambient Air Quality Standards, on page IV.C-18 of the Draft EIR has been revised as follows:

Table IV.C-2
Ambient Air Quality Standards

Air Pollutant	Averaging Time	State Standard	Federal Standard
Ozone	1 Hour	0.09 ppm	—
	8 Hour	0.07 ppm	0.0875 ppm
Carbon Monoxide	1 Hour	20.0 ppm	35.0 ppm
	8 Hour	9.0 ppm	9.0 ppm
Nitrogen Dioxide	1 Hour	0.18 ppm	—
Sulfur Dioxide	1 Hour	0.25 ppm	—
	24 Hour	0.04 ppm	0.14 ppm
PM ₁₀	24 Hour	50 µg/m ³	150 µg/m ³
PM _{2.5}	24 Hour	—	35 µg/m ³
Notes: ppm = parts per million by volume µg/m ³ = micrograms per cubic meter — = no standard exists for this category (1) The lead standard is not listed because of the phase-out of leaded gasoline. Atmospheric lead remains a toxic air contaminant, but unless there is reason to suspect lead in the source emissions there is no reason to analyze for it. Source: California Air Resources Board, Ambient Air Quality Standards, website: http://www.arb.ca.gov/research/aaqs/aaqs2.pdf , November 2, 2007.			

As noted in Response to Comment A1-4, Table IV.C-3, PM₁₀ and PM_{2.5} Concentrations in the Mammoth Lakes Region, on page IV.C-19 of the Draft EIR has been revised as follows:

Table IV.C-3
PM₁₀ and PM_{2.5} Concentrations in the Mammoth Lakes Region

	24-Hour Maximum Concentration		Annual Average Concentration		Days Above National/State Standard	
	PM _{2.5}	PM ₁₀	PM _{2.5}	PM ₁₀	PM _{2.5}	PM ₁₀
Regulatory Standards						
California	N/A	50	12	20	N/A	N/A
National	~~65~~ 35	150	15	50	N/A	N/A
Monitoring Data						
2003: Gateway Home Center	34	74	N/A	N/A	0	0/1
2004: Gateway Home Center	27	86	N/A	24.1	0	0/3
2005: Gateway Home Center	27	85	N/A	24.7	0	0/6
2006: Gateway Home Center	N/A	78	N/A	20.2	N/A	0/3
2007: Gateway Home Center	N/A	67	N/A	17.8	N/A	0/3
Notes: (1) All concentrations in $\mu\text{g}/\text{m}^3$ = micrograms per cubic meter (2) N/A = there was insufficient (or no) data available to determine the value (3) <u>In 2006, the National PM_{2.5} standard was lowered from 65 $\mu\text{g}/\text{m}^3$ to 35 $\mu\text{g}/\text{m}^3$. Exceedances prior to this change were compared to the older standard, 65 $\mu\text{g}/\text{m}^3$.</u>						
Source: CARB, 2006.						

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph under “Project Details” on page IV.C-22 of the Draft EIR has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of the following: up to 742 condominium/hotel rooms; up to approximately 69,150 square feet of hotel amenities and operations, and general retail uses; 40,500 square feet of retail development; and 711 parking spaces and nine spaces for hotel guest check-in. ~~In Town Affordable housing, totaling 45,991~~57,500 square feet, would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town’s General Plan. Nonetheless, these off-site units would be subject to as separate projects that will require independent environmental reviews and analyses. Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. ~~The Project’s fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as~~

~~approved into the Specific Plan boundary.~~ For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.

As noted in Response to Comment B21-92, Table IV.C-5, Estimated Daily Construction Emissions, on page IV.C-24 (continued on page IV.C-25) and Table IV.C-6, Estimated Mitigated Daily Construction Emissions, on page IV.C-27 (continued on page IV.C-28) of the Draft EIR have been revised as follows:

Table IV.C-5
Estimated Daily Construction Emissions

Emissions Source	Emissions in Pounds per Day					
	ROC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Site 1 - Demolition						
<u>Fugitive Dust</u>	-	-	-	-	<u>10.79</u>	<u>2.24</u>
<u>Off-Road Diesel Equipment</u>	<u>1.05</u>	<u>7.22</u>	<u>4.58</u>	<u>0.00</u>	<u>0.55</u>	<u>0.50</u>
<u>On-Road Diesel Equipment</u>	<u>0.90</u>	<u>13.37</u>	<u>4.56</u>	<u>0.02</u>	<u>0.58</u>	<u>0.49</u>
<u>Worker Trips</u>	<u>0.03</u>	<u>0.06</u>	<u>1.02</u>	-	<u>0.01</u>	<u>0.00</u>
Total Emissions	1.98	20.64	10.16	0.02	11.92	3.24
Site 1 - Site Grading and Excavation						
<u>Fugitive Dust</u>	-	-	-	-	9	1.88
<u>Off-Road Diesel Equipment</u>	2.83	23.44	11.96	0.00	1.17	1.08
<u>On-Road Diesel Equipment</u>	5.00	74.62	25.46	0.11	3.22	2.73
<u>Worker Trips</u>	0.03	0.06	1.02	-	0.01	0.00
Total Emissions	7.86	98.12	38.43	0.11	13.40	5.69
Site 1 - Building Construction Phase						
<u>Building Construction Off-Road Diesel Equipment</u>	1.11	8.51	4.68	0.00	0.54	0.50
<u>Building Vendor Trips</u>	0.08	1.02	0.88	0.00	0.05	0.04
<u>Building Construction Worker Trips</u>	0.28	0.48	8.83	0.01	0.07	0.03
<u>Architectural Coatings Off-Gas</u>	65.91	-	-	-	-	-
<u>Architectural Coatings Worker Trips</u>	0.02	0.04	0.67	0.00	0.01	0.00
<u>Asphalt Off-Gas</u>	0.05	-	-	-	-	-
<u>Asphalt Off-Road Diesel Equipment</u>	1.61	10.07	6.79	0.00	0.83	0.77
<u>Asphalt On-Road Diesel Equipment</u>	0.01	0.12	0.04	0.00	0.01	0.00
<u>Asphalt Worker Trips</u>	0.05	0.08	1.53	0.00	0.01	0.01
Total Emissions	69.12	20.32	23.42	0.01	1.52	1.35
Site 2 - Demolition						
<u>Fugitive Dust</u>	-	-	-	-	<u>7.24</u>	<u>1.51</u>
<u>Off-Road Diesel Equipment</u>	<u>0.68</u>	<u>4.70</u>	<u>4.13</u>	<u>0.00</u>	<u>0.27</u>	<u>0.25</u>
<u>On-Road Diesel Equipment</u>	<u>0.35</u>	<u>4.23</u>	<u>1.62</u>	<u>0.01</u>	<u>0.20</u>	<u>0.16</u>
<u>Worker Trips</u>	<u>0.02</u>	<u>0.03</u>	<u>0.64</u>	-	<u>0.01</u>	<u>0.00</u>
Total Emissions	1.05	8.96	6.39	0.01	7.72	1.92

Table IV.C-5
Estimated Daily Construction Emissions

Emissions Source	Emissions in Pounds per Day					
	ROC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Site 2 - Site Grading and Excavation						
Fugitive Dust	-	-	-	-	31.20	6.52
Off-Road Diesel Equipment	2.03	14.69	9.80	0.00	0.68	0.62
On-Road Diesel Equipment	1.76	21.30	8.15	0.06	1.02	0.80
Worker Trips	0.02	0.03	0.64	0.00	0.01	0.00
Total Emissions	3.81	36.02	18.60	0.07	32.91	7.94
Site 2 - Building Construction Phase						
Building Construction Off-Road Diesel Equipment	2.63	12.97	9.89	0.00	0.82	0.76
Building Vendor Trips	0.11	1.18	1.18	0.00	0.06	0.05
Building Construction Worker Trips	0.35	0.61	11.64	0.01	0.11	0.06
Architectural Coatings Off-Gas	112.16	-	-	-	-	-
Architectural Coatings Worker Trips	0.03	0.05	0.91	0.00	0.01	0.01
Asphalt Off-Gas	0.10	-	-	-	-	-
Asphalt Off-Road Diesel Equipment	1.8	11.29	8.72	0.00	0.88	0.81
Asphalt On-Road Diesel Equipment	0.01	0.15	0.06	0.00	0.01	0.01
Asphalt Worker Trips	0.03	0.07	1.38	0.00	0.02	0.01
Total Emissions	117.22	26.32	33.78	0.01	1.91	1.71
Site 3 - Demolition						
Fugitive Dust	-	-	-	-	7.33	1.53
Off-Road Diesel Equipment	0.68	4.70	4.13	0.00	0.27	0.25
On-Road Diesel Equipment	0.35	4.28	1.64	0.01	0.21	0.16
Worker Trips	0.02	0.03	0.64	-	0.01	0.00
Total Emissions	1.05	9.01	6.41	0.01	7.82	1.94
Site 3 - Site Grading and Excavation						
Fugitive Dust	-	-	-	-	27.6	5.76
Off-Road Diesel Equipment	2.03	14.69	9.80	0.00	0.68	0.62
On-Road Diesel Equipment	1.36	16.36	6.26	0.05	0.78	0.61
Worker Trips	0.02	0.03	0.64	0.00	0.01	0.00
Total Emissions	3.40	31.08	16.70	0.05	29.07	7.00
Site 3 - Building Construction Phase						
Building Construction Off-Road Diesel Equipment	1.98	10.41	9.21	0.00	0.6	0.55
Building Vendor Trips	0.04	0.43	0.51	0.00	0.03	0.02
Building Construction Worker Trips	0.14	0.25	4.93	0.01	0.06	0.03
Architectural Coatings Off-Gas	58.49	-	-	-	-	-
Architectural Coatings Worker Trips	0.01	0.02	0.72	0.00	0.01	0.00
Asphalt Off-Gas	0.08	-	-	-	-	-
Asphalt Off-Road Diesel Equipment	1.48	9.28	8.57	0.00	0.66	0.61
Asphalt On-Road Diesel Equipment	0.01	0.09	0.04	0.00	0.00	0.00
Asphalt Worker Trips	0.03	0.05	1.10	0.00	0.02	0.01
Total Emissions	62.26	20.53	24.72	0.01	1.37	1.23
Note: Subtotals may not appear to add correctly due to rounding in the URBEMIS 2007 model.						
Source: Christopher A. Joseph & Associates, 2008. Calculation sheets are provided in Appendix K of this Draft EIR.						

Table IV.C-6
Estimated Mitigated Daily Construction Emissions

Emissions Source	Emissions in Pounds per Day					
	ROC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Site 1 - Demolition						
<i>Fugitive Dust</i>	-	-	-	-	10.79	2.24
<i>Off-Road Diesel Equipment</i>	1.05	7.22	4.58	0.00	0.55	0.50
<i>On-Road Diesel Equipment</i>	0.90	13.37	4.56	0.02	0.58	0.49
<i>Worker Trips</i>	0.03	0.06	1.02	-	0.01	0.00
Total Emissions	1.98	20.64	10.16	0.02	11.92	3.24
Site 1 - Site Grading and Excavation						
<i>Fugitive Dust</i>	-	-	-	-	3.32	0.69
<i>Off-Road Diesel Equipment</i>	2.83	23.44	11.96	0.00	1.17	1.08
<i>On-Road Diesel Equipment</i>	5.00	74.62	25.46	0.11	3.22	2.73
<i>Worker Trips</i>	0.03	0.06	1.02	-	0.01	0.00
Total Emissions	7.86	98.12	38.43	0.11	7.72	4.50
Site 1 - Building Construction Phase						
<i>Building Construction Off-Road Diesel Equipment</i>	1.11	8.51	4.68	0.00	0.54	0.5
<i>Building Vendor Trips</i>	0.08	1.02	0.88	0.00	0.05	0.04
<i>Building Construction Worker Trips</i>	0.28	0.48	8.83	0.01	0.07	0.03
<i>Architectural Coatings Off-Gas</i>	64.42	-	-	-	-	-
<i>Architectural Coatings Worker Trips</i>	0.02	0.04	0.67	0.00	0.01	0.00
<i>Asphalt Off-Gas</i>	0.05	-	-	-	-	-
<i>Asphalt Off-Road Diesel Equipment</i>	1.61	10.07	6.79	0.00	0.83	0.77
<i>Asphalt On-Road Diesel Equipment</i>	0.01	0.12	0.04	0.00	0.01	0.00
<i>Asphalt Worker Trips</i>	0.05	0.08	1.53	0.00	0.01	0.01
Total Emissions	67.63	20.32	23.42	0.01	1.52	1.35
Site 2 - Demolition						
<i>Fugitive Dust</i>	-	-	-	-	7.24	1.51
<i>Off-Road Diesel Equipment</i>	0.68	4.70	4.13	0.00	0.27	0.25
<i>On-Road Diesel Equipment</i>	0.35	4.23	1.62	0.01	0.20	0.16
<i>Worker Trips</i>	0.02	0.03	0.64	-	0.01	0.00
Total Emissions	1.05	8.96	6.39	0.01	7.72	1.92
Site 2 - Site Grading and Excavation						
<i>Fugitive Dust</i>	-	-	-	-	11.51	2.40
<i>Off-Road Diesel Equipment</i>	2.03	14.69	9.80	0.00	0.68	0.62
<i>On-Road Diesel Equipment</i>	1.76	21.30	8.15	0.06	1.02	0.80
<i>Worker Trips</i>	0.02	0.03	0.64	0.00	0.01	0.00
Total Emissions	3.81	36.02	18.60	0.07	13.22	3.83
Site 2 - Building Construction Phase						
<i>Building Construction Off-Road Diesel Equipment</i>	1.98	10.41	9.21	0.00	0.6	0.55
<i>Building Vendor Trips</i>	0.08	0.81	0.95	0.00	0.05	0.03
<i>Building Construction Worker Trips</i>	0.27	0.47	9.23	0.01	0.11	0.06
<i>Architectural Coatings Off-Gas</i>	96.43	-	-	-	-	-
<i>Architectural Coatings Worker Trips</i>	0.02	0.03	0.7	0.00	0.01	0.01

Table IV.C-6
Estimated Mitigated Daily Construction Emissions

Emissions Source	Emissions in Pounds per Day					
	ROC	NO_x	CO	SO_x	PM₁₀	PM_{2.5}
<i>Asphalt Off-Gas</i>	0.15	-	-	-	-	-
<i>Asphalt Off-Road Diesel Equipment</i>	1.48	9.28	8.57	0.00	0.66	0.61
<i>Asphalt On-Road Diesel Equipment</i>	0.01	0.17	0.07	0.00	0.01	0.01
<i>Asphalt Worker Trips</i>	0.03	0.05	1.10	0.00	0.02	0.01
Total Emissions	100.45	21.22	29.83	.01	1.46	1.28
Site 3 - Demolition						
<i>Fugitive Dust</i>	-	-	-	-	7.33	1.53
<i>Off-Road Diesel Equipment</i>	0.68	4.70	4.13	0.00	0.27	0.25
<i>On-Road Diesel Equipment</i>	0.35	4.28	1.64	0.01	0.21	0.16
<i>Worker Trips</i>	0.02	0.03	0.64	-	0.01	0.00
Total Emissions	1.05	9.01	6.41	0.01	7.82	1.94
Site 3 - Site Grading and Excavation						
<i>Fugitive Dust</i>	-	-	-	-	11.81	2.47
<i>Off-Road Diesel Equipment</i>	2.03	14.69	9.80	0.00	0.68	0.62
<i>On-Road Diesel Equipment</i>	1.36	16.36	6.26	0.05	0.78	0.61
<i>Worker Trips</i>	0.02	0.03	0.64	0.00	0.01	0.00
Total Emissions	3.40	31.08	16.70	0.05	13.28	3.70
Site 3 - Building Construction Phase						
<i>Building Construction Off-Road Diesel Equipment</i>	1.98	10.41	9.21	0.00	0.60	0.55
<i>Building Vendor Trips</i>	0.04	0.43	0.51	0.00	0.03	0.02
<i>Building Construction Worker Trips</i>	0.14	0.25	4.93	0.01	0.06	0.03
<i>Architectural Coatings Off-Gas</i>	51.44	-	-	-	-	-
<i>Architectural Coatings Worker Trips</i>	0.01	0.02	0.38	0.00	0.01	0.00
<i>Asphalt Off-Gas</i>	0.08	-	-	-	-	-
<i>Asphalt Off-Road Diesel Equipment</i>	1.48	9.28	8.57	0.00	0.66	0.61
<i>Asphalt On-Road Diesel Equipment</i>	0.01	0.09	0.04	0.00	0.00	0.00
<i>Asphalt Worker Trips</i>	0.03	0.05	1.10	0.00	0.02	0.01
Total Emissions	55.22	20.53	24.72	0.01	1.37	1.23
Note: Subtotals may not appear to add correctly due to rounding in the URBEMIS 2007 model.						
Source: Christopher A. Joseph & Associates, 2008. Calculation sheets are provided in Appendix K of this Draft EIR.						

As noted in Response to Comment B21-91, Mitigation Measure AQ-1 Construction Emissions on page IV.C-26 (continued on page IV.C-27) has been revised as follows:

In compliance with Rule 401 and 402, the Project applicant shall require that the following practices be implemented by including them in the contractor construction documents to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project site throughout the Project construction phases:

As noted in Response to Comment B21-97, the following text and tables (Table IV.C-11, Carbon Dioxide Emissions, Table IV.C-12, Methane Emissions, and Table IV.C-13, Nitrous Oxide Emissions) on pages IV.C-36 and -37 of the Draft EIR has been revised as follows:

- a. *Water all construction areas at least twice daily; water trucks will be filled locally after the contractor makes water acquisition agreements and obtains any required permits.*
- b. *Cover all trucks hauling soil, sand, and other loose materials;*
- c. *Apply clean gravel, water, or non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;*
- d. *Remove excess soils from paved access roads, parking areas and staging areas at construction sites;*
- e. *Install trackout pads or grizzly devices at all egress points for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site;*
- f. ~~e.~~ *Sweep streets daily (with mechanical sweepers) if visible soil material is carried onto adjacent public streets;*
- g. ~~f.~~ *Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);*
- ~~h.~~ ~~g.~~ *Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);*
- i. ~~h.~~ *Install gravel-bags, cobble entries, or other Best Management Practices (BMPs) and erosion control measures to prevent silt runoff to public roadways;*
- j. ~~i.~~ *Replant vegetation in disturbed areas ~~as soon as possible~~ within ten days of disturbance;*
~~*j. Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site;*~~
- k. *Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour (mph) and when sustained winds exceed 25 mph increase the frequency of watering from twice daily, as described in Mitigation Measure AQ-1a above, to three to four times a day;*
- l. *The construction fleet will meet the terms set forth in the CARB Proposed Regulation for in-use Off Road Diesel Vehicles, paragraph (d)(3) Idling. The proposed regulation implementation date is May 1, 2008.*
- m. *All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications;*

- n. Use the minimum practical engine size for construction equipment;
- o. Gasoline-powered equipment shall be equipped with catalytic converters, where feasible;
~~and~~
- p. Incorporate BMP's during construction of the Project site;-
- q. For backfilling during earthmoving operations, water backfill material or apply dust palliative to maintain material moisture or to form crust when not actively handling; cover or enclose backfill material when not actively handling; mix backfill soil with water prior to moving; dedicate water truck or large hose to backfilling equipment and apply water as needed; water to form crust on soil immediately following backfilling; and empty loader bucket slowly; minimize drop height from loader bucket;
- r. While clearing forms, use single stage pours where allowed; use water spray to clear forms; use sweeping and water spray to clear forms; use industrial shop vacuum to clear forms; and avoid use of high pressure air to blow soil and debris from the form;
- s. During cut and fill activities, prewater with sprinklers or wobblers to allow time for penetration; prewater with water trucks or water pulls to allow time for penetration; dig a test hole to depth of cut to determine if soils are moist at depth and continue to prewater if not moist to depth of cut; use water truck/pull to water soils to depth of cut prior to subsequent cuts; and apply water or dust palliative to form crust on soil following fill and compaction;
- t. Install a windbreak or other dust control screening between the Project site and adjoining sites;
- u. During construction, trucks and vehicles in loading and unloading queues shall turn their engines off when not in use to reduce vehicle emissions. Operating vehicles solely for comfort (e.g., air conditioning) purposes shall be prohibited;
- v. Except for concrete trucks, all construction vehicles shall be prohibited from idling in excess of five minutes, both on-site and off-site;
- w. Use bed-covers in bottom-dumping haul vehicles;
- x. Grade each phase separately, timed to coincide with construction phase or grade entire project, but apply chemical stabilizers or ground cover to graded areas where construction phase begins more than 60 days after grading phase ends;

- y. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;
- z. Post a publicly visible sign with the telephone number and person to contact regarding construction complaints. This person shall respond and take corrective action within 24 hours; and
- aa. All roadways, driveways, sidewalks, etc. to be paved shall be completed as early as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

Carbon Dioxide (CO₂): The Project will generate emissions of carbon dioxide primarily in the form of vehicle exhaust and in the consumption of natural gas for heating from on-site combustion. Carbon dioxide emissions from vehicles were calculated with EMFAC 2007 emission factors using burden values for the South Coast Air Quality Management District. Carbon dioxide emissions from natural gas combustion were generated from guidance as presented in the Climate Leaders Greenhouse Inventory Protocol. The natural gas usage came from discussions with the California Energy Commission; it is lower than default URBEMIS 2007 natural gas usage because the Project will only use natural gas for heating the buildings and for minimal hot water heating. The carbon dioxide emissions are shown in Table IV.C-11. As shown in Table IV.C-11, at build-out, the Project is estimated to emit ~~0.0075~~0.0095 Tg CO₂ Eq.

Table IV.C-11
Carbon Dioxide Emissions

Emission Source	2017
<i>Vehicles (tons/year)</i>	856.87
<i>Natural Gas Combustion (tons/year)</i>	6,639.68
<i>Electricity Consumption (tons/year)</i>	<u>1,974.90</u>
Total (tons per year)	~~7,496.55~~
	<u>11,446.35</u>
Total (Tg CO₂ Eq.)	~~0.0075~~ <u>0.0095</u>

Methane: The Project will generate some methane gas from vehicle emissions and natural gas combustion. Methane emissions from natural gas combustion were generated using guidance as presented in the Climate Leaders Greenhouse Inventory Protocol. Methane emissions from vehicles were estimated using U.S. EPA emission factors for on-highway vehicles and the same assumptions were used to estimate criteria pollutants in URBEMIS 2007. The emissions are shown in Table IV.C-12. As shown in Table IV.C-12, in 2017, emissions would be ~~1.72E-5~~1.75E-5 Tg CO₂ Eq.

Table IV.C-12
Methane Emissions

Emission Source	2017
<i>Vehicles (tons/year)</i>	0.005
<i>Natural Gas Combustion (tons/year)</i>	0.742
<i>Electricity Consumption (tons/year)</i>	0.016
Total (tons/year)	~~0.747~~ 0.763
Total (Tg CO₂ Eq.)	~~1.72E-5~~ 1.75E-5

Nitrous Oxide (N₂O): The Project generates small amounts of nitrous oxide from vehicle emissions. Emissions from natural gas combustion were generated using guidance as presented in the Climate Leaders Greenhouse Inventory Protocol. Nitrous oxide from vehicles was estimated using U.S. EPA emission factors for on-highway vehicles and the same assumptions that were used to estimate criteria pollutants. The emissions are presented in Table IV.C-13. As shown in Table IV.C-13, in 2017 emissions would be ~~8.05E-6~~ 8.05E-6 Tg CO₂ Eq.

Table IV.C-13
Nitrous Oxide Emissions

Emission Source	2017
<i>Vehicles (tons/year)</i>	0.0056
<i>Natural Gas Combustion (tons/year)</i>	0.0126
<i>Electricity Consumption (tons/year)</i>	0.009
Total (tons/year)	~~0.018~~ 0.0272
Total (Tg CO₂ Eq.)	~~5.39E-6~~ 68.05E-6

As noted in Response to Comment A3-2, the text under subheading “Department of Water Resources” in Table IV.C-14, Project Compliance with 2006 CAT Report Greenhouse Gas Emission Reduction Strategies, on page IV.C-40 of the Draft EIR has been revised as follows:

Table IV.C-14
Project Compliance with 2006 CAT Report Greenhouse Gas Emission Reduction Strategies

STRATEGY	PROJECT COMPLIANCE
Department of Water Resources	
Water Use Efficiency. Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.	Consistent. The Project does not include any major source of water consumption. However, the Project would be required to adhere to the ~~Uniform Building Code (UBC)~~ 2007 California Building Code (“CBC”) which requires the installation of low flow water devices in new commercial development. In addition, the Project would include landscaping that is consistent with Town Municipal Code Chapter 15.36 “Water-Efficient Landscape” regulations.

IV.D BIOLOGICAL RESOURCES

In response to Town comment, the first paragraph under subheading “Local Setting” on page IV.D-1 of the Draft EIR has been revised as follows:

As previously discussed in Section II, Environmental Setting, of this Draft EIR, the Project, is comprised of ~~four~~three separate sites totaling approximately ~~44~~9 acres. The Project is located in the northwest portion of Town. Sites 1 through 3 include existing development and are within the North Village Specific Plan (“Specific Plan”) area. Sites 1 through 3 are located at the northwest, southwest and southeast corners of the Main Street-Lake Mary Road/Minaret Road intersection, respectively. ~~Site 4 is undeveloped and is not within the Specific Plan area. Site 4 is located to the south of the Main Street-Lake Mary Road/Minaret Road intersection to the east of Minaret Road (refer to Figure II-2). Site 4 is proposed to be incorporated into the Specific Plan boundary and no new development is proposed on Site 4 as part of this Project.~~

In response to Town comment, the first sentence included under subheading “Jeffrey Pine Forest” (Vegetation Communities and Wildlife Habitats) on page IV.D-13 of the Draft EIR has been revised as follows:

*Jeffrey pine (*Pinus jeffreyi*) forest is the dominant plant community within the undeveloped portions of Site 2 ~~and Site 4~~.*

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph under “Project Details” on page IV.D-23 of the Draft EIR has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of the following: up to 742 condominium/hotel rooms; up to approximately 69,150 square feet of hotel amenities and operations, and general retail uses; 40,500 square feet of retail development; and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,991~~57,500square feet would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town’s General Plan. Nonetheless, these off-site units would be subject to ~~as separate projects that will require independent environmental reviews and analyses.~~ Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories.

In response to Town comment, the fourth paragraph under subheading “Project Details” on page IV.D-23 of the Draft EIR has been revised as follows:

~~The Project’s fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary. For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.~~

For clarification regarding bats, the last paragraph on page IV.D-24 of the Draft EIR, under subheading “Bats,” has been revised as follows:

While the Project site does not offer high quality habitat for bat species, mature trees (greater than 25-inch diameter at breast height) could provide ~~Potentially-suitable roost habitat is present~~ for four special-status bat species: long-eared myotis, long-legged myotis, fringed myotis, and Yuma myotis, including any mature (greater than 25-inch diameter at breast height) tree stand and any large snags or felled trees. The loss of unoccupied roost habitat would not be considered significant under CEQA, as there are extensive areas of undeveloped lands in the Project site vicinity that contain superior roost habitat (i.e., U.S. Forest Service lands). These areas are subject to lower levels of site disturbance and support intact and structurally complex habitats characterized by a higher density of mature or felled trees and large standing snags.

However, impacts to individual bats through ~~Removal-removal~~ of occupied roost habitat during the bat hibernation or maternity season would be considered significant under CEQA, as these activities ~~has-have~~ potential to result in harm, death, displacement and/or disruption of bats and/or nursery colony roosts. this impact may be considered significant under CEQA. To avoid impacting breeding or hibernating bats, implementation of Mitigation Measure BIO-1a below, restricting tree and building removal activities during the maternity and roost seasons or conducting preconstruction surveys, is recommended to reduce this impact to a less-than-significant level.

In addition, the second paragraph on page IV.D-25 of the Draft EIR, under Mitigation Measure BIO-1a (Special Status Species), has been revised as follows:

To avoid impacting breeding or hibernating bats, tree and snag removal activities and building demolition shall occur in September and October, after the bat breeding season and before the bat hibernation season. If snag and tree removal activities and building demolition is are to take place outside of this time frame, a pre-construction bat survey should-shall be conducted. If no roosting bats are found during the survey, no further mitigation would be required. If bats are detected, a 50-foot disturbance buffer exclusion zone should-shall be established and maintained around each occupied snag or tree until the roosting activities have ceased. If necessary, due to

construction scheduling constraints, a qualified biologist in possession of a Memorandum of Understanding (MOU) from CDFG shall remove and relocate the roosting bats.

IV.E CULTURAL RESOURCES

In response to Town comment, the text under “Site Specific Conditions” on page IV.E-3 of the Draft EIR has been revised as follows:

As discussed in Section II, Environmental Setting, the Project is comprised of ~~four~~three separate sites located in the northwest portion of Town commonly known as the North Village. Portions of each of the three Project sites within the area of potential effect have been previously developed. The following is a discussion of each Project site’s present condition.

In response to Town comment, the discussion on page IV.E-4 of the Draft EIR, under subheading “Project Site 4” (Site Specific Conditions), has been omitted as follows:

Project Site 4

~~As previously discussed, Site 4 is undeveloped. No new development is proposed on Site 4 as part of this Project, though developed is proposed on Site 4 as part of a previously approved project. The proposed development consists of 45 residential units and was previously approved by the Town, and a Mitigated Negative Declaration adopted pursuant to CEQA.~~

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph under subheading “Project Details” on page IV.E-10 of the Draft EIR has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of the following: up to 742 condominium/hotel rooms; up to approximately 69,150 square feet of hotel amenities and operations, and general retail uses; 40,500 square feet of retail development; and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,991~~57,500 square feet would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town’s General Plan. ~~Nonetheless, these off-site units would be subject to as separate projects that will require independent environmental reviews and analyses. Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. The Project’s fourth site, approximately one acre, proposes no new~~

~~development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary. For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.~~

IV.F GEOLOGY/SOILS

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph under the heading “Project Details” on page IV.F-12 of the Draft EIR has been revised as follows:

Affordable housing, totaling ~~45,994~~57,500 square feet would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town’s General Plan. Nonetheless, these off-site units would be subject to ~~as separate projects that will require independent environmental reviews and analyses.~~

In response to Town comment, the third paragraph under subheading “Project Details” on page IV.F-12 of the Draft EIR has been revised as follows:

Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. ~~The Project’s fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary. For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.~~

As noted in Response to Comment A3-2, the second and third paragraphs under Impact GEO-2 Strong Seismic Ground Shaking on page IV.F-13 of the Draft EIR have been revised as follows:

The Project site is located in a Seismic Zone 4 based on ~~1997 Uniform Building Code (“UBC”) and 2001~~2007 California Building Code (“CBC”). Chapter 15 of the Town Municipal Code requires that all structures within the boundaries of the Town shall be designed to the requirements of Seismic Zone 4 as defined in ~~UBC/CBC~~. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the ~~UBC and the CBC as well~~. The ~~UBC/CBC~~ identifies seismic factors that must be considered in structural design. One-third of the design snow load shall be added to the deadload for seismic design. In addition, a building permit is required for retaining walls exceeding four feet in height or retaining walls supporting

any surcharge or special loads. Such walls are to be designed by a professional engineer licensed in the state.¹⁰

The State earthquake protection law (California Health and Safety Code 19100 et seq.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. While there are no absolute guarantees when considering acts of nature such as earthquakes, the building requirements previously discussed have been designed to reduce the likelihood of damage as a result of ground shaking. Conformance with current ~~UBC/CBC~~ requirements, as well as the Town's seismic design requirements would most likely reduce the potential for structures on the Project site to sustain damage during an earthquake event. However, Project impacts related to ground shaking would still be considered **significant**. Compliance with the following mitigation measures is required to reduce the impacts resulting from strong ground shaking to a less-than-significant level.

IV.G HAZARDS AND HAZARDOUS MATERIALS

In response to Town comment, the text on page IV.G-2 under the subheading "Site 4" of the Draft EIR has been omitted as follows:

Site 4

~~Site 4, located south of site 3 along Minaret Road, proposes no new development as part of this Project.~~

In response to Town comment, the first paragraph under subheading "Existing Surrounding Properties" on page IV.G-2 of the Draft EIR has been revised as follows:

~~The Project area proposed for development includes three sites (i.e., Site 1, Site 2, and Site 3). As mentioned above, Site 4 proposes no new development as part of this Project. (refer to Figure III-2 in Section III, Project Description, of this Draft EIR)~~

In response to Town comment, the first and second paragraphs on page IV.G-3 of the Draft EIR have been revised as follows:

Site 3 is bounded by Main Street to the north, the Holiday Haus Inn and the Sierra Star Golf Course to the east, ~~Site 4~~ and the Sierra Star Golf Course to the south and Minaret Road to the west. Site 3 is bounded by Specific Plan land use zoning to the north and west, and Commercial (Lodging) and Resort (R) zoning to the east, and Resort (R) zoning to the south. (refer to Figure II-5, and Figure II-9 through Figure II-10).

~~Site 4 is bounded by Site 3 to the north, the Sierra Star Golf Course to the east, residential development to the south and Minaret Road to the west. Site 4 is bounded by Specific Plan land use zoning to the north, west and south, and by Resort (R) zoning to the east.~~

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph under the heading “Project Details” on page IV.G-8 (continued on page IV.G-9) of the Draft EIR has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of the following: up to 742 condominium/hotel rooms; up to approximately 69,150 square feet of hotel amenities and operations, and general retail uses; 40,500 square feet of retail development; and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,994~~57,500 square feet would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town’s General Plan. Nonetheless, these off-site units would be subject to ~~as separate projects that will require independent environmental reviews and analyses.~~ Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. ~~The Project’s fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary.~~ For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.

IV.H HYDROLOGY/WATER QUALITY

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the last paragraph on page IV.H-9 (continued on page IV.H-10) of the Draft EIR, under the heading “Project Details,” has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of the following: up to 742 condominium/hotel rooms; up to approximately 69,150 square feet of hotel amenities and operations, and general retail uses; 40,500 square feet of retail development; and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,994~~57,500 square feet would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this

time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town's General Plan. Nonetheless, these off-site units would be subject to as separate projects that will require independent environmental reviews and analyses. Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. The Project's fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary. For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.

IV.I LAND USE AND PLANNING

In response to Town comment, the first paragraph under "Project Site and Surrounding Land Uses" on page IV.I-1 of the Draft EIR has been revised as follows:

The Project proposes redevelopment of three of the four corners that comprise the Main Street-Lake Mary Road/Minaret Road intersection, which includes parcels at the northwest, southwest and southeast corners, for a total of approximately nine acres. The Project site is comprised of the following Assessor's Parcel Numbers ("APNs") and associated land use areas shown in parenthesis: 33-044-07 and 33-044-10 (Site 1 [Whiskey Creek Restaurant Site]); 33-040100-02 through -07 and 33-040100-31 and -32 (Site 2 [Church Site]); 33-100-14 through -18 and 36-100-16, -42 and -44 (Site 3 [Ullr Lodge/White Stag Inn Site]); and 33-330-47 (Site 4 [Lodestar Parcel]).

In response to Town comment, the text under subheading "Project Site and Surrounding Land Uses" on page IV.I-1 of the Draft EIR, including the third and fourth bullet point, has been revised as follows:

The land uses surrounding the Project's ~~four~~three locations are as follows:

- Site 3 is bounded by Main Street to the north, the Holiday Haus Inn and the Sierra Star Golf Course to the east, ~~Site 4~~ and the Sierra Star Golf Course to the south and Minaret Road to the west. Site 3 is bounded by Specific Plan land use zoning to the north and west, and Commercial (Lodging) and Resort (R) zoning to the east, and R zoning to the south.*
- ~~Site 4 is bounded by Site 3 to the north, the Sierra Star Golf Course to the east, residential development to the south and Minaret Road to the west. Site 4 is bounded by Specific Plan land use zoning to the north, west and south, and by R zoning to the east.~~*

In response to Town comment, the second and third paragraphs on page IV.I-2 of the Draft EIR, under subheading “Town of Mammoth Lakes General Plan 2007”, have been revised as follows:

The General Plan contains a specific plan area land use designation intended to provide a more refined description of land uses and development policies for the North Village. Additionally, the specific plan area, while conforming to the overall development goals established in the General Plan, is oriented toward the ultimate goal of establishing the North Village as a center for year-round resort activity. The General Plan designates Sites 1, 2, and 3 as North Village Specific Plan (“Specific Plan”). The Specific Plan was adopted in December 2000. It was amended in January 2005 and May 2008. ~~Site 4 is currently within the Lodestar Master Plan (“LMP”) area and designated as Resort land use.~~

~~The proposed development of Site 4, commonly known as the Tanavista project, is comprised of 45 residential condominiums (consistent with the LMP’s allowed maximum density of 33 units¹ per acre) was approved by the Town of Mammoth Lakes in February 2007 (Tentative Tract Map [“TTM”] 36-240, Use Permit Application [“UPA”] 2006-08). A Mitigated Negative Declaration was prepared and adopted by the Town for the project at the same time. Due to construction estimates, the building permit application was withdrawn and as of October 2007, there are currently no plans to develop Site 4 as approved although the TTM and UPA remain current. The Project Applicant proposes to leave the zoning parameters on Site 4 as they are approved in the February 2007 Lodestar Master Plan amendment and District Zoning Amendment (“DZA” 2006-02). Any development that would occur on this site has been previously analyzed in the Mitigated Negative Declaration prepared in February 2007 by the Town, and in the Environmental Impact Report for the LMP, prepared by EIP Associates, and certified by the Town in February 1991 (SCH#90020042). As such, the land use and planning impacts analyzed in the Draft EIR will be limited to those associated with the development of Project Site 1 through 3.~~

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the first paragraph on page IV.I-9 of the Draft EIR has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of up to 742 condominium/hotel rooms, up to approximately 69,150 square feet of hotel amenities and operations and general retail uses, 40,500 square feet of retail development, and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,994~~57,500 square feet would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would

~~be consistent with the adopted Town's General Plan. Nonetheless, these off-site units would be subject to as separate projects that will require independent environmental reviews and analyses. Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. The Project's fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary. Project specific details related to design standards have not yet been established. The Project is subject to design review by the Town Community Development Department, other departments and divisions, and outside agencies. For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.~~

In response to Town comment, the first paragraph under subheading "Town of Mammoth Lakes General Plan 2007" on page IV.I-10 of the Draft EIR has been revised as follows:

~~The General Plan contains specific plan areas. The General Plan designates Sites 1, 2, and 3 as NVSP. Sites 1 and 2 would be developed with two hotels (including amenities and operations, pool/spa, conference area, restaurant/bar, and general use areas); affordable workforce housing; retail uses (including restaurant/bar, and general use areas); and parking. Site 3 would be developed with a family-style hotel (including amenities and operations, pool/spa, conference area, restaurant/bar, and general use areas); affordable workforce housing; and parking for hotel guests as well as spaces for use by the general public. As previously discussed, Site 4 is currently within the Lodestar Master Plan area. No development is proposed for Site 4 as part of this Project; however, this parcel would be subject to a General Plan Amendment to incorporate it into the NVSP area.~~

In response to Town comment, the first paragraph on page IV.I-11 of the Draft EIR has been omitted as follows:

~~The Project includes a General Plan Amendment for Site 4 to amend the land use designation of the site from Lodestar Master Plan to the Specific Plan. The site is currently an undeveloped portion of the Sierra Star Golf Course area. No changes to uses or development are proposed on Site 4 under the Project at this time. However, Site 4 is bounded by Specific Plan land use zoning to the north, west, and south. The Specific Plan area contains vacant land, which the Town envisions will be ultimately developed according to Specific Plan standards. Once Site 4 is redesignated to the Specific Plan any proposed development would be required to conform to the Specific Plan development and design standards similar to other vacant parcels in the Specific Plan. Therefore, potential land uses developed on Site 4 would be consistent with the intent of the Specific Plan and would serve to unify the area along Minaret Road in the Specific Plan area.~~

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the following revisions have been made to Policies E.3.I and E.3.J (under Business and Employment policies) in Table IV.I-2, Comparison of Project Characteristics to Applicable Policies in the General Plan, on page IV.I-12 of the Draft EIR:

Table IV.I-2
Comparison of Project Characteristics to Applicable Policies in the General Plan

Policy	Consistency Discussion
Business and Employment	
E.3.I Support creation of office space and live/work spaces.	Consistent. Although the Project does not include live/work spaces, it would include the construction of ~~6690~~ on-site affordable housing rooms and office space.
E.3.J Continue to attract a diversified labor force through a mix of housing types and housing affordability.	Consistent. The Project proposes construction of ~~6645~~ on- and ~~2717.5~~ off-site affordable housing units, which would serve to attract a diversified labor force.

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the following revisions have been made to Policies L.2.A through L.2.C (under Housing policies) in Table IV.I-2, Comparison of Project Characteristics to Applicable Policies in the General Plan on page IV.I-22 of the Draft EIR:

Table IV.I-2
Comparison of Project Characteristics to Applicable Policies in the General Plan

Policy	Consistency Discussion
Housing	
L.2.A Emphasize workforce housing for essential public service employees, such as firefighters, police, snow removal operators, and teachers.	Consistent. The Project proposes ~~6645~~ on-site and ~~2717.5~~ off-site affordable housing units and would comply with the Affordable Housing Mitigation Regulations. The Project shall be required to provide housing for the estimated ~~185250~~ fulltime equivalent employees (FTEE) associated with the Project.
L.2.B Encourage a mix of housing types and forms consistent with design and land use policies.	Consistent. The Project primarily proposes visitor lodging consistent with the North Village Specific Plan, but also proposes ~~9562.5~~ units of affordable housing.
L.2.C Rehabilitate existing housing and build new housing for workforce housing.	Consistent. As discussed in Section IV.K, Population and Housing, of this Draft EIR, 18 residential units would be removed and 24 market-rate permanent year-round residential housing units, and ~~6645~~ on- and ~~2717.5~~ affordable housing units would be constructed as part of the Project.

In response to Town comment, Policy R.5.A under subheading “Erosion and Sedimentation” in Table IV.I-2, Comparison of Project Characteristics to Applicable Policies in the General Plan, on page IV.I-30 (continued on page IV.I-31) of the Draft EIR has been revised as follows:

Table IV.I-2
Comparison of Project Characteristics to Applicable Policies in the General Plan

Policy	Consistency Discussion
Erosion and Sedimentation	
R.5.A Wisely manage natural and historic drainage patterns.	Consistent. The Project would require grading on the site. Sites 1, 2, and 3 are previously developed and there are no natural or historic drainage patterns on the site. ~~Site 4 is currently undeveloped. However, the Project would incorporate measures as described by the Lahontan Regional Water Quality Control Board (Lahontan RWQCB) during and after construction to manage runoff from the Project site.~~

As noted in Response to Comment A3-2, Policy 5 under subheading “Overall Land Use Policies” in Table IV.I-3, Consistency with Specific Plan Applicable Land Use Policies, on page IV.I-36 of the Draft EIR has been revised as follows:

Table IV.I-3
Consistency with Specific Plan Applicable Land Use Policies

Policy	Consistency Analysis
Overall Land Use Policies	
5 All development projects shall adhere to proper construction procedures concerning grading and revegetation.	Consistent. The Project site is located in a Seismic Zone 4 based on ~~1997 Uniform Building Code (“UBC”) and 2001~~2007 California Building Code (“CBC”). Chapter 15 of the Town Municipal Code requires that all structures within the boundaries of the Town shall be designed to the requirements of Seismic Zone 4 as defined in ~~UBC/CBC~~. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the ~~UBC and the CBC as well~~. The ~~UBC/CBC~~ identifies seismic factors that must be considered in structural design. The Project would comply with Town Municipal Code Chapter 17.16.050 “Grading and Clearing” which requires the preservation of existing trees and vegetation. In addition, the Project Applicant would submit a Vegetative Hazard Management Plan (“VHMP”) for approval by the Mammoth Lakes Fire Protection District.

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, Policy 12 in Table IV.I-3, Consistency with Specific Plan Applicable Land Use Policies, (under Overall Land Use Policies) on page IV.I-38 of the Draft EIR has been revised as follows:

Table IV.I-3
Consistency with Specific Plan Applicable Land Use Policies

Policy		Consistency Analysis
Overall Land Use Policies		
12	<i>Development of employee housing within the North Village is encouraged.</i>	Consistent. <i>The Project shall comply with the Affordable Housing Mitigation Regulations and shall provide housing for the estimated ~~185~~<u>250</u> Full Time Equivalent Employees associated with the Project. A housing mitigation development plan shall be submitted along with the Project generating the need for the housing. Currently, pursuant to Town Municipal Code 17.36.030(C), the Project includes ~~3345~~ on-site affordable housing units and ~~13,417.5~~ off-site affordable housing units to accommodate the ~~185~~<u>250</u> full-time employee equivalents generated by the Project.</i>

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, Policy 1 (under Specialty Lodging (SL) Land Use Policies (Site 2 and 3)) in Table IV.I-3, Consistency with Specific Plan Applicable Land Use Policies, on page IV.I-38 of the Draft EIR has been revised as follows:

Table IV.I-3
Consistency with Specific Plan Applicable Land Use Policies

Policy		Consistency Analysis
Specialty Lodging (SL) Land Use Policies (Site 2 and 3)		
1	<i>Development in this district shall be oriented toward visitor and resident lodging, resort condominiums, timeshare units or employee housing. Visitor lodging shall be inns or specialty hotels (i.e., European) as opposed to motels.</i>	Consistent. <i>The Site 2 hotel is proposed by the applicant to be designed as a five-star rated accommodation. The hotel would be located to the southwest of the site's proposed retail area; both the hotel and the retail (discussed below) would front Lake Mary Road. The hotel would include 364 rooms. A portion of the hotel rooms may include up to 24 two-bedroom condominium units in a stand-alone building at the southwestern property line fronting Minaret Road or at the far western portion of the site along Lake Mary Road or at both. These condominium units would accommodate permanent year-round residents and these non-employee housing units may be sold as fractional ownership units. Site 2 would provide approximately ~~22,418~~<u>28,411</u> square feet of required affordable housing (up to ~~45~~<u>58.5</u> rooms) on site for up to ~~90~~<u>117</u> full-time employee equivalents.</i> <i>Site 3 would include a family-style hotel with 180</i>

Table IV.I-3
Consistency with Specific Plan Applicable Land Use Policies

Policy	Consistency Analysis
	rooms. Site 3 would provide approximately ~~40,125~~ <u>14,919</u> square feet of required affordable housing (approximately ~~2431.5~~ rooms) on site for up to ~~40,563~~ full-time employee equivalents.

As noted in Response to Comment A3-2, Policy 2 in Table IV.I-3, Consistency with Specific Plan Applicable Land Use Policies, under subheading “Safety Policies” on page IV.I-42 of the Draft EIR has been revised as follows:

Table IV.I-3
Consistency with Specific Plan Applicable Land Use Policies

Policy	Consistency Analysis
Safety Policies	
2 Construct all buildings to minimize potential damage from earthquakes	Consistent. The Project site is located in a Seismic Zone 4 based on ~~1997 Uniform Building Code (“UBC”) and 2001~~ 2007 California Building Code (“CBC”). Chapter 15 of the Town Municipal Code requires that all structures within the boundaries of the Town shall be designed to the requirements of Seismic Zone 4 as defined in ~~UBC/CBC~~ . Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the ~~UBC and the CBC as well~~ . The ~~UBC/CBC~~ identifies seismic factors that must be considered in structural design. See response to General Plan Policy S.3.I.

In response to Town comment, the first paragraph on page IV.I-44 of the Draft EIR has been omitted as follows:

~~Site 4 is designated as R zoning. Site 4 would remain as R zoning and existing zoning parameters on Site 4 as they are approved in the February 2007 Lodestar Master Plan amendment and District Zoning Amendment (DZA 2006-02) would be maintained. Therefore, no zoning changes are proposed and zoning on the site would be consistent with the R zoning designation.~~

IV.J NOISE

As noted in Response to Comment B21-108, Table IV.J-5, Town of Mammoth Lakes Construction Noise Standards, on page IV.J-10 of the Draft EIR has been revised as follows:

Table IV.J-5
Town of Mammoth Lakes Construction Noise Standards

Construction Equipment⁽¹⁾	Maximum Noise Levels			
	<i>Type I Areas</i> <i>Single-Family</i> <i>Residential</i>	<i>Type II Areas</i> <i>Multi-Family</i> <i>Residential</i>	<i>Type III Areas</i> <i>Semi-Residential</i> <i>Commercial</i>	<i>Business</i> <i>Properties</i>
<i>Mobile Stationary Equipment⁽²⁾</i>				
<i>Daily, except Sundays and legal holidays; 7 a.m. to 8 p.m.</i>	60 dBA	65 dBA	70 dBA	—
<i>Daily, 8 p.m. to 7 a.m. and all day Sunday and legal holidays</i>	50 dBA	55 dBA	60 dBA	—
<i>Daily, including Sunday and legal holidays; All hours</i>	—	—	—	75 dBA
<i>Stationary Mobile Equipment⁽³⁾</i>				
<i>Daily, except Sundays and legal holidays; 7 a.m. to 8 p.m.</i>	~~78~~ 75 dBA	80 dBA	85 dBA	—
<i>Daily, 8 p.m. to 7 a.m. and all day Sunday and legal holidays</i>	60 dBA	65 dBA	70 dBA	—
<i>Daily, including Sunday and legal holidays; All hours</i>	—	—	—	85 dBA
Notes: (1) All mobile or stationary internal combustion engine-powered equipment or machinery shall be equipped with suitable exhaust and air intake silencers in proper working order. (2) <u>Maximum noise levels for repetitively scheduled and relatively long-term operation (periods of ten days or more) of stationary equipment.</u> (3) Maximum noise levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment. (4) ~~Maximum noise levels for repetitively scheduled and relatively long-term operation (periods of ten days or more) of stationary equipment.~~				
Source: Town of Mammoth Lakes Noise Ordinance, Chapter 8.16.				

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the first full paragraph on page IV.J-16 of the Draft EIR has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of the following: up to 742 condominium/hotel rooms; up to approximately 69,150 square feet of hotel amenities and operations, general retail uses; 40,500 square feet of retail development; and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,991~~57,500 square feet

would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town's General Plan. Nonetheless, these off-site units would be subject to as separate projects that will require independent environmental reviews and analyses. Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. ~~The Project's fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary.~~ For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.

As noted in Response to Comments B13-41 and B21-109, Mitigation Measure NOISE-1a Exposure of Persons to Excessive Noise Levels on page IV.J-19 of the Draft EIR has been revised as follows:

Mitigation Measure NOISE-1a Exposure of Persons to Excessive Noise Levels

Project developers shall require by contract specifications that the following construction best management practices ("BMPs") be implemented by contractors to reduce construction noise levels:

- a. Provide advance notification of construction to the immediate surrounding land uses around a development site. A construction liaison shall be provided to inform nearby sensitive uses when peak construction noise activities are scheduled to occur.*
- b. Ensure that construction equipment is properly muffled according to industry standards.*
- c. Place noise-generating construction equipment and locate construction staging areas away from residences, where feasible.*
- d. Schedule high noise-producing activities between the hours of 8 a.m. and 5 p.m. to minimize disruption on sensitive uses.*
- e. Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets.*
- f. Noise levels shall be monitored and in the event noise levels exceed the levels permitted under the Town's Noise Ordinance, the specific activity causing the noise exceedance must stop and not resume until the Project has implemented measures to correct the exceedance.*

As noted in Response to Comment B21-109, Mitigation Measure NOISE-1b Exposure of Persons to Excessive Noise Levels on page IV.J-19 of the Draft EIR has been revised and Mitigation NOISE-1c Exposure of Persons to Excessive Noise Levels has been added to the Draft EIR as follows:

Mitigation Measure NOISE-1b Exposure of Persons to Excessive Noise Levels

Project developers shall require by contract specifications that construction staging areas within the Project site would be located as far away from noise-sensitive sites as feasible reasonably practicable (i.e., not along the border of the sensitive noise receptors adjacent to the Project sites).

Mitigation Measure NOISE-1c Exposure of Persons to Excessive Noise Levels

Construction shall be prohibited on the days listed in a through g below; however, depending on the construction phase, waiver of some of these restrictions could be made at the discretion of the Public Works director.

- a. Prohibit construction on Sunday and legal holidays (i.e., Labor Day, Thanksgiving, Veteran's Day, Christmas Eve, Christmas Day, New Year's Day, Martin Luther King, Jr.'s Birthday, President's Day, Memorial Day, and Independence Day).*
- b. The Saturday before President's Day and Martin Luther King, Jr.'s Birthday.*
- c. For up to 2 additional days around July 4. (e.g., if 4th is on a Friday, construction might be limited on the Saturday; if on Thursday, limit construction on Friday and Saturday)*
- d. The Saturday before Labor Day*
- e. The Friday and Saturday after Thanksgiving*
- f. The period between Christmas and New Year, from Christmas Eve to New Years Day.*
- g. During other major daytime special events in the Village area or the Town (e.g., Jazz Jubilee, Bluesapalooza) at the discretion of the Public Works director, to be agreed upon one month in advance of the event.*

In response to Town comment, the second paragraph under subheading "Impact NOISE-5 Cumulative Impacts" on page IV.J-25 of the Draft EIR has been revised as follows:

Development of the Project in combination with the Town's 40 related projects would result in an increase in construction-related and traffic-related noise in the Project area. Related Projects are shown in Table II-1 in Section II, Environmental Setting, of this Draft EIR. The related

projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved. The nearest related projects to the Project site, where construction activities would be concentrated, ~~are the Lodestar project (i.e., Project Site 4) located approximately 100 feet to the south of the proposed Project and~~ is the Holiday Haus Inn located approximately 100 feet to the east of the Project site. Due to the close proximity of ~~these~~this receptors to the areas of the Project site where most construction would be concentrated, it is likely that construction noise would be audible at ~~these~~this locations.

IV.K POPULATION/HOUSING

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph under “Project Details” on page IV.K-9 of the Draft EIR has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of the following: up to 742 condominium/hotel rooms; up to approximately 69,150 square feet of hotel amenities and operations, and general retail uses; 40,500 square feet of retail development; and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,991~~57,500 square feet would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town's General Plan. Nonetheless, these off-site units would be subject to ~~as separate projects that will require independent environmental reviews and analyses. Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. The Project's fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary.~~ For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.

As noted in Response to Comments B13-63 and B13-64, the first paragraph on page IV.K-10 (continued on page IV.K-11) of the Draft EIR, under subheading “Population Growth Due to Permanent Jobs,” has been revised as follows:

Population Growth Due to Permanent Jobs

The Project includes up to 742 condominium/hotel rooms, ~~and~~ 40,500 square feet of retail development and 21,000 square feet of non-residential space, which would generate the need for

employees. Municipal Code Chapter 17.36 (17.36.030 B) requires FTEEs to be calculated for net new development, so a credit of 20 FTEE would be given for existing commercial and residential uses on Site 1 and 2. In addition to the new residents associated with the proposed residential uses, the Project would create an estimated ~~185~~230 FTEEs (as shown in Table IV.K-5). These employees would either: (1) live in the residences constructed as part of the Project, (2) already reside in the Town, (3) commute to the Town, or (4) relocate to the Town. The State of California documents the Town of Mammoth Lakes' unemployment rate at 5.3 percent, totaling 300 people in May 2007. Therefore, some of the employment associated with the Project could be filled by persons from the existing employment base in the Project area and/or by future residents at the Project site. However, for a conservative analysis, it is assumed that all 230 employees would relocate to the area, introducing ~~185~~230 employee-related residents to the Town through indirect population growth due to permanent jobs. ~~This is consistent with the growth anticipated in the 2007 General Plan.~~ Therefore, impacts associated with population growth due to permanent jobs would be **less than significant** and no mitigation measures are required.

As noted in Response to Comment B13-63, Table IV.K-5, Estimated Employee Generation, on page IV.K-11 of the Draft EIR has been revised as follows:

Table IV.K-5
Estimated Employee Generation

Development Area	Hotel Rooms Square Feet	FTEE Generation Rate (per ~~room~~ square foot)	Hotel Restaurant / Conference Square Feet	FTEE Generation Rate (per square foot)	Retail Square Feet	FTEE Generation Rate (per square foot)	TOTAL FTEE Generated by Project
Site 1	<u>117,180</u> ~~198~~	<u>.0005</u> ~~.225~~	<u>6,000</u>	<u>.00042</u>	22,000	.00042	<u>54</u> ~~56~~ ⁽¹⁾
Site 2	<u>211,750</u> ~~364~~	<u>.0005</u> ~~.225~~	<u>7,500</u>	<u>.00042</u>	18,500	.00042	<u>90</u> ~~111~~ ⁽²⁾
Site 3	<u>120,150</u> ~~180~~	<u>.0005</u> ~~.225~~	<u>7,500</u>	<u>.00042</u>	0	.00042	<u>40.5</u> ~~63~~ ⁽³⁾
Total	<u>449,080</u> ~~742~~	n/a	<u>21,000</u>⁽⁴⁾	<u>n/a</u>	40,500	n/a	<u>185</u> ~~230~~

Notes:

- (1) 117,180 multiplied by .0005 = 58.59 FTEE; 6,000 multiplied by .00042 = 2.52 FTEE; 22,000 multiplied by .00042 = 9.24 FTEE—for a total of 70.35 FTEE for Site 1 minus existing 14 FTEE credit = net total 56 FTEE. ~~198 multiplied by .225 = 44.6 FTEE. 22,000 multiplied by .00042 = 9.24 FTEE.~~
- (2) 211,750 multiplied by .0005 = 105.87 FTEE; 7,500 multiplied by .00042 = 3.15 FTEE; 18,500 multiplied by .00042 = 7.77 FTEE—for a total of 116.79 FTEE for Site 2 minus existing 6 FTEE credit = net total 111 FTEE. ~~364 multiplied by .225 = 81.9 FTEE. 18,500 multiplied by .00042 = 7.8 FTEE.~~
- (3) 120,150 multiplied by .0005 = 60.07 FTEE; 7,500 multiplied by .00042 = 3.15 FTEE; no retail land use associated with this site—for a total of 63.22 FTEE for Site 3. ~~180 multiplied by .225 = 40.5 FTEE.~~
- (4) 21,000 square feet does not include the 48,150 square feet of pool/spa areas or general use areas because these areas in and of themselves do not generate employees. The generation of these employees has been calculated using the square footage for the condominium/hotel rooms.

Source: Town of Mammoth Lakes Title 17 Zoning, Chapter 17.36 Housing Requirements, Section 030(A), 2006.

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph, third sentence on page IV.K-12, under the heading “Housing Under Proposed Zoning” has been revised as follows:

For the purposes of this analysis, permanent year-round housing would be comprised of two-bedroom units; therefore the Project could result in a total of 57 on-site, permanent year-round housing units. The Project is anticipated to generate 2.43 persons per housing unit.

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the third paragraph, third sentence on page IV.K-12, under the heading “Housing Under Proposed Zoning” has been revised as follows:

For consistency, seasonal housing would also be comprised of two-bedroom units, resulting in 347 units.

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the third paragraph under subheading “Impact POP-2 Housing Displacement” on page IV.K-13 of the Draft EIR has been revised as follows:

*Additionally, the Project shall comply with the Affordable Housing Mitigation Regulations and shall provide housing for the estimated ~~185,230~~ FTEE associated with the Project. A housing mitigation development plan shall be submitted along with the Project generating the need for the housing. Currently, pursuant to Town Municipal Code 17.36.030(C), the Project includes ~~3366~~ on-site affordable housing rooms and ~~13,449~~ off-site affordable housing rooms to accommodate the ~~185,230~~ FTEE generated by the Project. Therefore, impacts to affordable housing associated with the development of the Project would be **less than significant** and no mitigation measures are required.*

IV.L PUBLIC SERVICES

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph under the heading “Project Details” on page IV.L-1 of the Draft EIR has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of the following: up to 742 condominium/hotel rooms; up to approximately 69,150 square feet of hotel amenities and operations, and general retail uses; 40,500 square feet of retail development; and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,991~~ 57,500 square feet would be required to be provided as part of the Project, some of which would be

constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town's General Plan. Nonetheless, these off-site units would be subject to as separate projects that will require independent environmental reviews and analyses. Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. ~~The Project's fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary.~~ For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.

Fire Protection Services

As noted in Response to Comment A3-16, Table IV.L-2, Fire Stations that Serve the Project Area, on page IV.L-7 and the text on page IV.L-8 under subheading "Staffing" of the Draft EIR have been revised as follows:

Table IV.L-2
Fire Stations that Serve the Project Area

Fire Station	Location	Equipment⁽¹⁾	Staff	Approximate Distance from Project Site
MLFPD Station One	3150 Main St Mammoth Lakes, CA 93546	2 Engines 1 Ladder Truck 1 Ambulance 1 Water Tender	1 Fire Chief ~~5~~ 10 Full-Time Firefighters 22 Volunteer Firefighters ⁽²⁾ 2 Mono County Paramedics	.75 miles
MLFPD Station Two	1574 Old Mammoth Rd Mammoth Lakes, CA 93546	2 Engines	21 Volunteer Firefighters ⁽²⁾	1.25 mile
Notes: (1) Two utility vehicles vary depending on needs, and four staff vehicles are assigned to staff personnel. (2) The combined stations staff 43 volunteer personnel (paid per call); approximately half are assigned to each station. Source: Fire Marshal Thom Heller, MLFPD, electronic mail correspondence, November 11, 2007 and Jen Daugherty, Assistant Planner, Town of Mammoth Lakes.				

Staffing

Staffing for the MLFPD includes 43 volunteer personnel (paid per call) and ~~six~~eleven full-time employees, including the Chief (see Table IV.L-2). In addition, two Mono County Paramedics are based at Station Number One. Approximately half of the department members are assigned to each station. The District's offices are located at Fire Station One on Main Street. The current ratio of fire fighters per population varies due to the Town's large fluctuations in resident populations and visitation levels. The MLFPD has ~~4954~~ firefighters for 7,500 permanent residents or a ratio of ~~1:1531~~:139. At current maximum occupancy (permanent residents plus visitors), MLFPD has ~~4954~~ firefighters for 41,000 population or a ratio of ~~1:8371~~:759. The MLFPD will be staffing a fulltime shift by the beginning of 2008. This will involve the addition of at least four fulltime employees.²

In response to Town comment, the second paragraph under "Impact PS-3 Fire Services" on page IV.L-9 of the Draft EIR has been revised as follows:

Physical augmentation of the Project Sites would include removal of some of the existing vegetation and trees and development of manufactured slopes, building pads, and on-site roadways. Primary points of vehicular access into the Project's three proposed development sites would be from Canyon Boulevard for Site 1, Lake Mary Road and Minaret Road for Site 2, and Minaret Road and the new road for Site 3 (refer to Figure III-12). ~~No access points are currently proposed for Site 4 as no development is scheduled to take place there at this time.~~ A new road would be developed to access the southern border of Site 3 from Minaret Road. New internal access roads would be created on the Project site. The access roads would be privately owned and maintained, and would provide residential, neighborhood and emergency access. The Project Applicant would be required to submit a Snow Management Plan ("SMP") for approval by the Town and the MLFPD. Methods to prevent snow and ice build-up such as snowplowing, cinder application and installation of heat traced pavement on adjacent roadways (i.e., Lake Mary Road, Minaret Road and Main Street) and which could result in hazardous driving conditions would be included in the SMP. The SMP is required to be submitted and approved prior to the issuance of building permits by the Town.

IV.M TRAFFIC AND CIRCULATION

As noted in Response to Comment B21-78, Table IV.M-4, Cumulative (2009) Typical Winter Saturday Intersection LOS, on page IV.M-15 of the Draft EIR has been revised as follows:

² ~~Fire Marshal Thom Heller, Mammoth Lakes Fire Protection District, electronic mail correspondence CAJA staff, November 11, 2007.~~

Table IV.M-4
Cumulative (2009) Typical Winter Saturday Intersection LOS

Intersection	Control ⁽¹⁾	Delay (seconds)	LOS ⁽²⁾	With Improvement	
				Delay	LOS
Minaret Rd./Meridian Blvd.	Signal	31.6	C		
Minaret Rd./Lake Mary Road-Main St	Signal	30.0	C		
Minaret Rd./7B Rd.	TWSC	14.3	B		
Minaret Rd./Forest Trail ⁽³⁾	TWSC	>35.0 seconds but >4.0 hour cumulative delay on minor street approach	F	5.3	A
Kelly Rd./Lake Mary Rd.	TWSC	11.8	B		
Lakeview Rd./Lake Mary Rd.	TWSC	11.4	B		
Canyon Blvd./Lake Mary Rd.	Signal	12.2	B		
Mountain Blvd./Main St. ⁽⁴⁾	TWSC	>35.0 seconds but <4.0 hour cumulative delay on minor street approach	F		
USPO ⁽⁵⁾ Driveway/Main St. ⁽⁴⁾	TWSC	>35.0 seconds but >4.0 hour cumulative delay on minor street approach	F	30.5	D
Center St./Main St. ⁽⁶⁾	TWSC	>35.0 seconds but >4.0 hour cumulative delay on minor street approach	F	22.1	C
Old Mammoth/Main St.	Signal	16.1	B		
Notes: (1) TWSC = two-way stop controlled; Signal = controls all lanes of an intersection. (2) LOS = level of service (3) Roundabout implemented as an improvement since it is required by cumulative project. (4) Left turns onto Main Street from both directions will be prohibited as the improvement with installation of a traffic signal at Center/Main. (5) USPO = United States Post Office (6) Traffic signal planned to be installed per the Town's Capital Improvement Plan (CIP). (7) Italic and Bold = unsatisfactory LOS and exceeds four vehicle-hour criteria Source: Traffic Impact Analysis prepared by LSA in May 2008.					

As noted in Response to Comment B13-52, Table IV.M-5, Parking Requirements, on page IV.M-18 of the Draft EIR has been revised as follows:

Table IV.M-5
Parking Requirements

	Rooms ⁽¹⁾	Total Required Parking ⁽²⁾	Total Provided by the Project	Difference
Site 1				
<u>Understructure Parking Total</u>	198	238	238	
<u>One Bedroom</u>	24	24	24	
<u>Two Bedroom w/lock-off</u>	66	115.5	115.5	
<u>Three Bedroom (<15%)</u>	14	21	21	
<u>Retail</u>	22 TSF	77	77	
<u>Surface Check-in Spaces Total</u>		3	3	

**Table IV.M-5
Parking Requirements**

	Rooms⁽¹⁾	Total Required Parking⁽²⁾	Total Provided by the Project	Difference
Site 1 Grand Total		241	241	
Site 2				
<u>Understructure Parking Total</u>	364	327	327	
<u>One Bedroom</u>	6	6	6	
<u>Two Bedroom</u>	61	61	61	
<u>Two Bedroom w/lock-off</u>	38	66.5	66.5	
<u>Three Bedroom (>15%)</u>	40	70	70	
<u>Four Bedroom</u>	10	17.5	17.5	
<u>One Bedroom (workforce housing)</u>	41	41	41	
<u>Retail</u>	18.50 TSF	64.75	64.75	
<u>Surface Check-in Spaces Total</u>		3	3	
Site 2 Grand Total		330	330	
Site 3				
<u>Understructure Parking Total</u>	180	146	146	
<u>One Bedroom</u>	48	48	48	
<u>Two Bedroom w/lock-off</u>	39	39	39	
<u>Three Bedroom (>15%)</u>	18	31.5	31.5	
<u>One Bedroom (workforce housing)</u>	27	27	27	
<u>Public Parking</u>		0	100	
<u>Surface Check-in Spaces Total</u>		3	3	
<u>Public Parking Total</u>		0	100	
Site 3 Grand Total		149	249	+100
Total Project Parking Grand Total		720	820	+100

Notes:

- (1) Room combinations would vary upon approval of the Project's Final Development Plan. Room combinations are provided in Appendix I of this Draft EIR.
- (2) Resort condominium, multi-family and transient uses of more than 50 units which have a lobby or on-site management, common parking, and may have an accessory recreation amenity, meeting room(s), retail use or restaurant, which is oriented to the guests of the project, shall adhere to the following parking schedule:

- Studio/1 bedroom unit 1 space
- 1 bedroom unit with lock-off 1.75 spaces
- 2 bedroom unit 1.5 spaces
- 2 bedroom unit with lock-off 2.75 spaces
- 3+ (>15%) bedroom unit 2.75 spaces
- 4 bedroom 1.75 spaces
- 1 bedroom workforce housing 1 space
- All projects shall provide a minimum of 3 check-in spaces.

Retail/restaurant/office/conference/theaters (includes employee parking) in the Resort General (RG) and Specialty Lodging (SL) district:

- 2.5 spaces per 1,000 square feet of gross floor area, excluding toilet rooms and mechanical rooms is required; however, for a conservative analysis the Project used the Plaza Resort (PR) requirement of 3.5 spaces per 1,000 square feet.

- (3) TSF = Thousand Square Feet

Source: North Village Specific Plan, amended May 2008, Table 6: Parking Schedule for North Village, page 59. and Traffic Impact Study, pages 53-55, LSA Associates, May 2008.

As noted in Response to Comment A4-8, the last sentence of the last paragraph on page IV.M-19 of the Draft EIR has been omitted as follows:

As shown in Table IV.M-6, the proposed Project would generate approximately 2,604 daily trips and 235 peak-hour trips. In light of the unique trip generation applied to the Project's proposed hotel units, a monitoring program would need to be implemented on an annual (typical winter Saturday) basis to document effective hotel unit trip generation. ~~If actual Project hotel unit trip generation is significantly higher than documented in the Traffic Impact Analysis, the Project may be required to provide additional buses/shuttles and/or a bus stop on the easterly side of Minaret Road at the new paved public road (referred to as 7B Road) for a future transit route.~~

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph under the heading "Project Details" on page IV.M-22 of the Draft EIR has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of the following: up to 742 condominium/hotel rooms; up to approximately 69,150 square feet of hotel amenities and operations, and general retail uses; 40,500 square feet of retail development; and 711 parking spaces, and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,991~~57,500 square feet would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town's General Plan. ~~Nonetheless, these off-site units would be subject to as separate projects that will require independent environmental reviews and analyses. Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. The Project's fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary.~~ For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.

As noted in Response to Comment A4-9, Table IV.M-7, Existing Plus Project Typical Winter Saturday Intersection LOS, on page IV.M-23 of the Draft EIR has been revised as follows:

Table IV.M-7
Existing Plus Project Typical Winter Saturday Intersection LOS

Intersection	Control ⁽¹⁾	Delay (seconds)	LOS ⁽²⁾	With Improvement	
				Delay	LOS
Minaret Rd./Meridian Blvd.	Signal	28.6	C		
Minaret Rd./Lake Mary Road-Main St	Signal	27.5	C		
Minaret Rd./7B Rd.	TWSC	17.3	C		
Minaret Rd./Forest Trail ⁽³⁾	TWSC	>35.0 seconds but <4.0 hour cumulative delay on minor street approach	F		
Kelly Rd./Lake Mary Rd.	TWSC	11.5	B		
Lakeview Rd./Lake Mary Rd.	TWSC	10.6	B		
Canyon Blvd./Lake Mary Rd.	Signal	13.8	B		
Mountain Blvd./Main St.	TWSC	>35.0 seconds but <4.0 hour cumulative delay on minor street approach	F		
USPO ⁽⁴⁾ Driveway/Main St. ⁽³⁾	TWSC	>35.0 seconds but >4.0 hour cumulative delay on minor street approach	F	22.3	C
Center St./Main St.	TWSC	>35.0 seconds but <4.0 hour cumulative delay on minor street approach	E		
Old Mammoth/Main St.	Signal	14.8	B		
Notes: (1) TWSC = two-way stop controlled; Signal = controls all lanes of an intersection. (2) LOS – level of significance (3) Traffic signal planned to be installed per the Town's Capital Improvement Plan (CIP). (4) USPO = United States Post Office (5) Italic and Bold = unsatisfactory LOS <u>and</u> exceeds four vehicle-hour criteria Source: Traffic Impact Analysis prepared by LSA in May 2008.					

As noted in Response to Comment A4-8, Mitigation Measure TRANS-2 on page IV.M-26 of the Draft EIR, under subheading “Mitigation Measure TRANS-2 Cumulative Plus Project Intersection LOS,” has been revised as follows:

- ~~a. **Center Street/Main Street.** Payment of Development Impact Fees (“DIFs”), a portion of which is applicable to installation of a traffic signal at Center Street/Main Street intersection is consistent with the Town’s General Plan recommended mitigation measures. When the Center Street/Main Street traffic signal is installed, the planned signal at the Post Office would be removed, and left turns onto Main Street from both directions would be prohibited. Traffic requiring this movement has been reassigned to the Center Street/Main Street intersection. All costs for the implementation of this~~

~~improvement should be eligible for a credit to DIFs. This mitigation would be implemented as part of a traffic mitigation program that would be funded by the DIFs.~~

- b. ~~In light of the unique trip generation applied to the hotel units, referenced from observed vehicular count data (inbound and outbound) at the Intrawest North Village Lodges (i.e., Grand Sierra, White Mountain, and Lincoln House) parking garage on February 9, 2008, it is recommended that a monitoring program be implemented on an annual (typical winter Saturday) basis to document effective hotel unit trip generation.~~

~~If hotel unit trip generation is significantly higher than documented in the traffic impact analysis, the Project may be required to provide additional buses/shuttles and/or a bus stop on the easterly side of Minaret Road at the new road also known as the 7B Road (for a future transit route).~~

If, at the time of approval of a Use Permit for development on any of the three Mammoth Crossing sites, the Town determines that the installation of the signal at Main Street/Center Street is warranted due to additional traffic associated with that development project, the Project Applicant shall install the required signal. If, at the time of approval of a Use Permit for development on any of the three Mammoth Crossing sites, the signal would be warranted by existing conditions and the Project's traffic would exacerbate those conditions, the Project Applicant shall contribute the necessary increment of additional funds to install the signal, and the Town shall install the signal.

When the Center Street/Main Street signal is installed, the Town will require the planned signal at the Post Office/Main Street to be removed, and left turns onto Main Street from both directions at the post office will be prohibited. Costs incurred by the Project Applicant for implementation of the signal installation, the lane restriping and the cross street improvements will be eligible for credit as may be available under Section 15.16.080 et seq. of the Municipal Code. Should the signal have been installed prior to approval of any Use Permit for development on any of the Mammoth Crossing sites, the Project shall be required to contribute its fair share to the costs of installation, through payment of Developer Impact Fees or other equivalent mitigation fee program(s) that may be in place at that time.

As noted in Response to Comment B21-88 and a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the first paragraph under "Impact TRANS-11 Cumulative Impacts" on page IV.M-34 of the Draft EIR has been revised as follows:

Impact TRANS-11 Cumulative Impacts

The long-range Town General Plan buildout scenario from the Mammoth Crossings Traffic Impact Analysis (LSC Consultants, Inc., March 2008) was used to evaluate long-range traffic

impacts of the ~~approved~~ proposed Project. Study area intersection LOS and mitigated LOS for long-range conditions are summarized in Table IV.M-10. Figure IV.M-10 illustrates General Plan long-range traffic volumes. Study area intersection LOS and mitigated LOS for long-range conditions plus Project are summarized in Table IV.M-11. Figure IV.M-11 illustrates General Plan plus Project long-range traffic volumes. The ~~approved~~ proposed Project, which would include the development of 432 traffic-generating units (742 resort/hotel rooms and 66 on-site affordable housing rooms) and 40,500 square feet of commercial uses on the three corners of Minaret Road/Lake Mary Road, can be mitigated with the measure identified previously. Therefore, LOS conditions will be improved from those reported in the General Plan analysis and the ~~approved~~ proposed Project would not contribute to a significant adverse cumulative impact.

IV.N UTILITIES

In response to Town comment and as a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph under the heading “Project Details” on page IV.N-1 of the Draft EIR has been revised as follows:

The Project would require the demolition of existing structures and grading of the topographic features of the Project site to the extent necessary for construction of the Project. Development of the proposed Project would include the construction of the following: up to 742 condominium/hotel rooms; up to approximately 69,150 square feet of hotel amenities and operations, and general retail uses; 40,500 square feet of retail development; and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing, totaling ~~45,994~~ 57,500 square feet would be required to be provided as part of the Project, some of which would be constructed off site. While the location of off-site affordable housing units is unknown at this time, the units would be developed within the appropriate land use zoning designation. As such, the development of the off-site units would be consistent with the adopted Town's General Plan. Nonetheless, these off-site units would be subject to ~~as separate projects that will require independent environmental reviews and analyses. Proposed development at the three Project sites, approximately nine acres, would involve multiple buildings ranging in height from one to approximately seven stories. The Project's fourth site, approximately one acre, proposes no new development as part of this Project. This parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and as part of this Project, is proposed to be incorporated as approved into the Specific Plan boundary. For a detailed discussion of the Project description, refer to Section III, Project Description, of this Draft EIR.~~

Wastewater Services

As noted in Response to Comment A5-2, the second paragraph under “Proposed Improvements” on page IV.N-4 (continued on page IV.N-5) of the Draft EIR has been revised as follows:

In addition to improved treatment processes, the Recycled Water Project proposes adding pipelines for distribution of the treated water for irrigation purposes. Distribution facilities will include a recycled water pumping station to be located in the WWTP, adjacent to the storage basin. The pumping station will feed three force mains for conveyance to the Sierra Star Golf Course and the existing nine-hole Snowcreek Golf Course, as well as Shady Rest Park. ~~A below grade concrete receiving tank with level transducer will be provided at each golf course. Receiving tank level will be transmitted to the WWTP pumping station to control pump operation and speed. The receiving tanks will be sized to provide just sufficient volume to allow adequate pump cycling at the WWTP pumping station. The receiving tanks will be connected to the wet well of existing golf course irrigation pumping stations, currently supplied by well water storage ponds. Isolation valves will be installed in the line connecting the recycled water receiving tank and the on-site irrigation pumping station wet well, and in the line connecting the well water storage pond and the wet well. Irrigation water will be stored in existing ponds with modifications as needed. This will eliminate the need for recycled water open storage in the existing golf course ponds, and will allow well water to be used as backup.~~³

As a result of Response to Comment A5-3 and to provide clarification, the discussion under “Impact UTIL-2 Wastewater Infrastructure” on page IV.N-8 of the Draft EIR has been revised as follows:

³ ~~Bauer Planning & Environmental Services, Inc. Mammoth Community Water District, Recycled Water Distribution Project, Subsequent Draft EIR, September 2006.~~

Impact UTIL-2 Wastewater Infrastructure

*The Project includes installation of wastewater infrastructure within the Project site to convey wastewater generated by the proposed uses to the existing MCWD wastewater lines. Figure IV.N-1 illustrates the existing wastewater infrastructure expected to serve the Project area. According to MCWD, areas of deficiency have been identified in sewer collection lines to which the Project is tributary in the Project area. ~~However, the connection fees for the Project would help to pay for the necessary upgrades to the sewer collection pipelines (i.e., Wastewater Lateral Lines) in the Project area as a result of the proposed Project as identified by MCWD.~~ However, the connection fees for the Project would be used to construct offsite sewer improvements necessary to accommodate the wastewater generation projected at Town buildout. In consideration of the above, Project impacts related to wastewater infrastructure would be **less than significant** and no mitigation measures are necessary.*

As a result of Response to Comment A5-4, the first sentence of the first full paragraph on page IV.N-11 of the Draft EIR has been revised as follows:

Through the Connection Fee Study, MCWD identified three wastewater collection system upgrades needed to accommodate future growth in the Town, of which all three are also necessary to accommodate the proposed Project.

As a result of Response to Comment A5-5, the second full paragraph and text under “Mitigation Measure UTIL-4 Cumulative Wastewater Infrastructure” on page IV.N-11 of the Draft EIR have been revised as follows:

*While the three collection system upgrades identified above were included in the 2005 Connection Fee Study, the timeline of construction of these projects are subject to availability of connection fees that are collected and the schedule is subject to change. As previously noted, all three wastewater collection system upgrades are necessary to accommodate the proposed Project as fully developed on all three sites. The third project identified above is required as part of a development that has not yet been constructed on that site. MCWD cannot build the Shady Rest Relief Sewer until the Shady Rest Tract developer has applied for a water/wastewater permit. If the Shady Rest Tract project is not built prior to ~~occupancy~~ buildout of the Mammoth Crossing Project, then due to existing deficiencies a different sewer upgrade project to increased the capacity of sewer lines along Manzanita Road between Dorrance Road and ~~Center~~ Main Street would be required. Therefore, because these future wastewater infrastructure projects are not complete at present the Project's contribution at buildout to overall wastewater infrastructure within the Town would be cumulatively considerable, and cumulative wastewater infrastructure impacts would be **significant**. However, implementation of the following mitigation measure would reduce the Project's contribution to overall wastewater infrastructure impacts to a less-than-significant level.*

Mitigation Measure UTIL-4 Cumulative Wastewater Infrastructure

The Project Applicant shall coordinate with MCWD to ensure that the following three wastewater collection system upgrades are designed and constructed as needed in relationship to the development phases of the Project to accommodate the proposed Project alongside future growth in the Town:

- (1) New sewer trunk line along Meridian Boulevard from Old Mammoth Road to the wastewater treatment plant;
- (2) Increase the capacity of sewer lines on Center Street from Manzanita Road to Main Street/State Route 203; and
- (3) ~~A~~ The Shady Rest relief sewer project, or, in the event that the Shady Rest project is not complete by buildout of the Mammoth Crossing Project, an equivalent sewer upgrade project to increase the capacity of sewer lines along Manzanita Road between Dorrance Road and ~~Center~~Main Street.

Prior to issuance of a water/wastewater permit for any phase of the Mammoth Crossing Project, the Project Applicant shall provide an analysis of the current status, need, phasing and implementation steps for the three wastewater system upgrades defined above, based on current and projected wastewater demand and sewer system capacity deficiencies. The study shall be provided to MCWD for review and approval. If determined necessary by MCWD, the Project Applicant shall be responsible for all initial costs associated with the construction any or all of the three identified wastewater collection system upgrades, including design and construction. Design and construction of the improvements may be undertaken by the Project Applicant directly, or through MCWD, at MCWD's discretion.

MCWD shall coordinate with the Project Applicant to establish a mutually acceptable program to allow for reimbursement of an appropriate portion of those initial costs from future wastewater connection fees collected as other projects making use of the increased capacity, come forward.

Water Services

As noted in Response to Comment A6-2, the first paragraph under subheading "Methodology" on page IV.N-14 of the Draft EIR has been revised as follows:

METHODOLOGY

The Town formally requested a Water Supply Assessment ("WSA") for the Project on October 30, 2007. The MCWD released a WSA for the Project on March 25, 2008, herein referred to as "Project WSA." The information and analysis in this section is based primarily on the Project

WSA, the 2005 GWMP, and other information provided by MCWD. Information from the 2005 UWMP was utilized for the Project WSA; however modifications were made to the estimated future water supply demands for the community based upon the increased density proposed for the Project. As described in Section III, Project Description of this Draft EIR, the Project is proposing to increase the allowable densities beyond the densities allowed in the Specific Plan. Based upon the proposed and current zoning for the Project site, MCWD estimates that the proposed Project will result in an increase annual demand of approximately 65 af over the existing zoning for the site. Therefore, the estimated water supply demand total of 4,8584,898 afy as identified in the 2005 UWMP has been increased to include the additional 65 afy for a total of estimated water supply demand of 4,963 afy.

As a result of Response to Comment A5-7, the first paragraph on page IV.N-16, of the Draft EIR has been revised as follows:

Since MCWD's diversion facilities are located on USFS land, it has authority over MCWD water operation activities through a Master Operation Agreement ("MOA") developed in 1977. Though the MCWD's diversion facilities are located on USFS land, the State Water Resources Control Board is the authorizing agency that has issued water rights permits to the MCWD to manage surface water diversions. A 1977 Master Operation Agreement ("MOA") gave authority to the USFS over MCWD water operation activities; however, it has been determined that the USFS does not have the authority to enforce the management constraints contained within the MOA. The MCWD is currently coordinating with the USFS to terminate the 1977 MOA. The MOA currently provides terms for instream flow requirements that are designed to protect aquatic species in Mammoth Creek. Additionally, the amount of water that MCWD may store or divert is influenced by the bypass flow requirements in Mammoth Creek that are included as part of MCWD's water rights. MCWD measures Mammoth Creek flows at its Old Mammoth Road gage located near Mammoth Creek Park. MCWD is only allowed to directly divert natural flows entering Lake Mary and divert natural flows to storage when the flows, as measured at the Old Mammoth Road gage, exceed the bypass flow requirements. When the flows at MCWD's Old Mammoth Road gage are equal to or less than the bypass flow requirements, no water may be directly diverted or diverted to storage, and MCWD must bypass all incoming flows to Lake Mary.

As noted in Response to Comment A6-3, the second paragraph under subheading "Groundwater" on page IV.N-17, of the Draft EIR has been revised as follows:

The Mammoth Basin has not been adjudicated or identified by DWR as being overdrafted. Groundwater is pumped from eight production wells located within the MCWD's service area. According to the 2005 GWMP, groundwater may not be extracted at a rate greater than 4,000

afy.⁴ During the past five year period (~~2002~~2003 to ~~2006~~2007), MCWD pumped ~~10,327~~10,044 af of groundwater, averaging ~~2,065~~2,009 afy. As shown in Table IV.N-4, the maximum volume pumped occurred in 2003 and amounted to 2,520 af. When precipitation is lower than normal the use of groundwater is increased, as less surface water supply is available. Production volumes of groundwater in any one year are dependent on the type of precipitation year experienced and consequent availability of surface water. During dry-year periods, groundwater levels within the Mammoth Basin decrease due to increased pumping and less recharge. During normal and above-normal precipitation years, groundwater levels increase and tend to fully recover after two years of normal precipitation.

As noted in Response to Comment A5-8, the text under the heading Water Treatment on page IV.N-18 of the Draft EIR has been revised as follows:

Water Treatment

In 2004, MCWD completed modifications to the Lake Mary surface water treatment plant to meet new standards of the California Department of Health Services. As a result of these modifications, the production capacity of the plant is now rated at the 5 cfs diversion rate allowed in the water rights permit. These improvements ~~have enabled~~enable MCWD to utilize the full 2,760 af of water available from its state water right permits in normal and wet precipitation conditions.⁵ however, water demands within the community have not increased to a level that requires the MCWD to utilize its permitted volume in its entirety. The maximum historic volume of surface water diverted by the MCWD was 2,220 af in 1983. Additionally, the MCWD is restricted in using its full permitted volume based on compliance with Water Right Order 97-01 (WR 97-01) flow criteria, which specifies minimum in-stream flow rates by month, below which the MCWD cannot divert water to the Lake Mary Treatment Plant. In 2008, compliance with the WR 97-01 flow schedule restricted the total annual diversions to less than 1,200 af.

⁴ 4,000 afy is the maximum amount of groundwater projected to pump in any given year and does not necessarily represent the safe yield of the aquifer.

⁵ MCWD, 2005 Urban Water Management Plan, website:
<http://www.mcwd.dst.ca.us/ProjectsReports/UWMP/UWMP2005.pdf>, CAJA staff, March 4, 2006.

As noted in Response to Comment A6-5, Table IV.N-6, Current Supply and Demand Without Project, on page IV.N-20, of the Draft EIR has been revised as follows:

Table IV.N-6
Current Supply and Projected Demand at Build-Out Without Project⁽¹⁾

Current Supply			Multiple Dry Water Years			
	Average Normal Water Year	Single Dry Water Year	Year 1	Year 2	Year 3	Year 4
<i>Supply Total</i>	6,760	3,410	5,190	4,908	4,508	4,492
<i>Demand Total (without Project)</i>	4,858	4,858	4,858	4,858	4,858	4,858
Difference (without Project)	1,902	-1,448	332	50	-350	-366

Note:

(1) Units of measure are acre-feet (af) per year. An af equals approximately 325,821 gallons.

Source: MCWD SB 610 WSA for the Mammoth Crossing Project, Table 11, Page 18, March 25, 2008.

As noted in Response to Comment A5-9, the text under subheading “Future Water System Loss Reduction” and footnote 4 of Table IV.N-7, Future Water Supplies, on page IV.N-23, of the Draft EIR have been revised as follows:

Future Water System Loss Reduction

MCWD has been implementing an aggressive main water pipeline replacement program to replace old leaking water pipes since 2001. Over the past several years, an average of 10,000 feet of pipeline per year has been replaced. It is estimated that replacement of all of the existing old pipelines in the entire system will occur over the next eight-year period. MCWD water line staff will be focusing their efforts on installing the recycled water pipelines over the next two years with lesser amounts of water lines being replaced during this timeframe. Once the recycled water pipelines are installed, approximately 10,000 feet of water pipeline per year will be replaced. As a result of the completion of this replacement work, MCWD hopes to achieve a reduction in water loss within the system of approximately 300 afy at Town buildout.

**Table IV.N-7
Future Water Supplies**

Project Name	Demand Reduction	Supply Increase	Projected Completion Date
New groundwater development		1,000 af ⁽¹⁾	As needed
Recycled Water Project		400 af	2010 ⁽²⁾ (depends upon customer commitments)
Water Conservation with irrigation restriction enforced	500 af ⁽³⁾		n/a
Water Pipeline Replacement to Reduce Water Loss	300 af ⁽⁴⁾		Ongoing; full implementation anticipated by 2011
Total	800 afy	1,400 afy	
Notes: (1) 1,000 af or amount needed to meet demands. (2) 2010 date depends upon customer commitments. (3) 500 af is at Town build-out with irrigation restriction enforced. (4) 10-15% loss rate goal is about 300 af demand reduction ~~is at Town build-out.~~ <u>The 300 afy savings from the water main pipeline replacement program is the annual projected water savings at Town buildout.</u>			
Source: MCWD SB 610 WSA for the Mammoth Crossing Project, Table 13, page 24, March 25, 2008.			

As noted in Response to Comment A5-8, the text under the heading Impact UTIL-5 Water Treatment Facilities on page IV.N-25 of the Draft EIR has been revised as follows:

In 2004, MCWD completed modifications to the Lake Mary surface Water Treatment Plant ("Plant") to meet new standards of the California Department of Health Services. As a result of these modifications, the production capacity of the Plant is now rated at the 5 cfs diversion rate allowed for in the water rights permit. These improvements ~~have enabled~~ enable MCWD to utilize the full 2,760 af of water available from its state water right permits in normal and wet precipitation conditions;⁶ however, water demands within the community have not increased to a level that requires the MCWD to utilize its permitted volume in its entirety. The maximum historic volume of surface water diverted by the MCWD was 2,220 acre-feet in 1983. Additionally, the MCWD is restricted in using its full permitted volume based on compliance with Water Right Order 97-01 (WR 97-01) flow criteria, which specifies minimum in-stream flow rates by month, below which the MCWD cannot divert water to the Plant. In 2008, compliance with the WR 97-01 flow schedule restricted the total annual diversions to less than 1,200 af.

Table IV.N-5, Past, Current, and Projected Water Uses, identifies a projected water demand of 3,674 afy for the year 2010. This projection combined with the Project's peak water demand of

⁶ MCWD, 2005 Urban Water Management Plan, website: <http://www.mcwd.dst.ca.us/ProjectsReports/UWMP/UWMP2005.pdf>, CAJA staff, March 4, 2006.

134 afy, results in a total water demand would be 3,808 afy. If surface water diversions were reduced to 803 afy, which represents a 60 percent runoff year during a series of multiple dry years as recorded in 1992,⁷ were combined with the minimum groundwater projection of 3,408 afy as indicated on Table IV.N-3, Existing Water Supply Reliability, then a total of 4,211 afy could be available. As such, the increased demand for water services generated by the Project at baseline conditions would not result in the need for a new or expanded water treatment facility to be constructed. Subsequently, the same would be true if conditions similar to those of 2008 were to occur. Therefore, Project impacts to the water treatment facility would be less than significant and no mitigation measures are required.

As noted in Response to Comment A6-4, Table IV.N-9, Project Estimated Water Demands, included under subheading “Impact UTIL-6 Water Supply” on page IV.N-25, of the Draft EIR has been revised as follows:

Table IV.N-9
Project Estimated Water Demands

	Size	Average Daily Generation Rate	Total Average Gallons Per Day (GPD)	Peak Daily Generation Rate*	Total Peak Gallons Per Day (GPD)
Residential Uses	Rooms/du				
Hotel Rooms ⁽¹⁾	760	80 gpd/room	60,800	120 gpd/unit	91,200
Condominiums ⁽²⁾	24	~~400~~ 170 gpd/unit	~~2,400~~ 4,080	~~405~~ 295 gpd/unit	~~2,520~~ 7,080
Non Residential Uses by Area	Square Feet (sf)				
Pool/Spa	4,500	435 gpd/1,000 sf	1,958	910 gpd/1,000 sf	4,095
Conference Center	9,000	125 gpd/1,000 sf	1,125	230 gpd/1,000 sf	2,070
Restaurant/Bar Area	22,125	580 gpd/1,000 sf	12,833	685 gpd/1,000 sf	15,156
General Commercial ⁽³⁾	13,492	150 gpd/1,000 sf	2,024	280 gpd/1,000 sf	3,778
Total Water Demands			~~81,140~~ 82,820		~~118,819~~ 123,379
Notes: (1) 760 rooms ~~are counted as one bedrooms~~ includes of which 66 are on-site affordable rooms, housing. (2) 24 ~~two-bedroom~~ condominiums represents permanent year-round, on-site housing is equivalent to 48 bedrooms. (3) General Commercial includes water use associated with the potential office and personal services (e.g., beauty salons, childcare facilities, real estate sales and reservations, etc.). (4) 76,453 square feet of the Project is considered non-water usage area. This area is calculated at 85% of the total area of hotel amenities and operations less the listed specific uses (i.e., pool/spa, conference, restaurant/bar). Source: MCWD SB 610 WSA for the Mammoth Crossing Project, Table 1, page 6, March 25, 2008.					

As noted in Response to Comments A6-4 and A6-5, the first paragraph on page IV.N-26 of the Draft EIR has been revised as follows:

⁷ MCWD Staff Irene Yamashita, Written Correspondence with Ellen Clark, Senior Planner with the Town of Mammoth Lakes, March 25, 2009.

Based on the methodology described above, as indicated in Table IV.N-9, the Project's estimated average water demand is approximately ~~81,140~~82,820 gpd (~~9493~~ afy) and the peak water demand is approximately ~~118,819~~123,379 gpd (~~134138~~ afy).⁸ According to the existing water supply available to the MCWD (~~refer to Table IV.N-3 above~~) and based on current water demand conditions, there is sufficient water supply at average and peak times in both normal and multiple dry years for the Project. Thus, Project impacts to water use within the Town would be considered **less than significant** and no mitigation measures are required.

As noted in Response to Comment A5-10, Mitigation Measure UTIL-6 Water Supply under subsection "Water Services" on page IV.N-26 of the Draft EIR has been revised as follows:

Mitigation Measure UTIL-6 Water Supply

To further reduce the Project's demand on water services, the Project Applicant ~~should~~ shall:

- ~~a. Ensure that the landscape irrigation system be designed, installed and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets;~~
- ~~b. Install either drip irrigation or a "smart sprinkler" system to provide irrigation for the landscaped areas or, at a minimum, set automatic irrigation timers to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be adjusted to avoid water runoff, especially when irrigating sloped property;~~
- ~~c. Select and use drought-tolerant, low-water consuming plant varieties and little or no use of turf in the landscape design to reduce irrigation water consumption;~~
- a. Ensure that the Project's landscape design and irrigation meets the Town of Mammoth Lakes' model landscape ordinance code and existing ordinances of the Mammoth Community Water District.
- ~~d. b. Install high efficiency water fixtures such as low flush and dual flush water toilets and urinals, and shall limit the number of showerheads to one very low flow fixture per stall, in new construction. Low-flow faucet aerators should be installed on all sink faucets; and~~

⁸ The Project WSA did not calculate peak water use. The generation rates as shown in Table IV.N-9 are based on estimates provided by MCWD.

- ~~e. c. Install Energy Star-high water efficiency dishwashers and clothes washers meeting the standards developed by the U.S. EPA (WaterSense label) or the California Urban Water Conservation Council.~~

As noted in Topical Response 6, Water Services, the text under subsection “Impact UTIL-8 Cumulative Water Supply” on page IV.N-27 through N-28 of the Draft EIR has been revised as follows:

Impact UTIL-8 Cumulative Water Supply

Implementation of the Project in combination with the related projects in Table II-1 would further increase demands on water supply. The projects listed in the related projects list represents the broadest range of reasonable foreseeable development, including a number of projects that have not yet been approved. The Town would monitor the overall water supply through the project approval process, and would consider project approvals in the light of existing and projected water supplies of the Town. Therefore the cumulative water generation is likely overstated.

With respect to the Town’s overall water supply condition, the water supply requirements for any project that is consistent with the Town’s General Plan Update Draft EIR have been taken into account in the planned growth of the water system in the 2005 UWMP. According to the Town, all of the related projects are generally consistent with their respective land use designations. The MCWD has developed an expected total water demand for the Town of 4,898 afy at Town buildout utilizing the unit counts projected in the Town of Mammoth Lakes General Plan Update Draft EIR (October 2005), including the related projects as presented in Section II, Environmental Setting, Table II-1, Related Projects, and Table IV.N-2 above. ~~As discussed previously and illustrated in Table IV.N-6, there would be insufficient supplies of water during dry years at Town buildout without the Project. Consequently, as shown in Table IV.N-10, there would also be insufficient water for the Project plus the related projects during dry water years. Deficiencies of over 1,000 af would occur in a single dry year, which is considered the lowest historical runoff for the watershed. Thus, impacts of the Project together with the related projects on overall MCWD water supply during single and multiple dry year scenarios would be significant.~~

Table IV.N-10
Existing Water Supply
Comparison of Current Supply and Demand With Project Plus Related Projects⁽¹⁾

Current Supply			Multiple Dry Water Years			
	Average/ Normal Water Year	Single Dry Water Year	Year 1	Year 2	Year 3	Year 4
<i>Supply Total</i>	6,760	3,410	5,190	4,908	4,508	4,492
<i>Cumulative Demand Total</i>	4,963	4,963	4,963	4,963	4,963	4,963
Difference	1,797	1,553	227	-55	-455	-471
Note: <i>(1) Units of measure are acre feet (af) per year. An af equals approximately 325,821 gallons.</i> Source: MCWD SB 610 WSA for the Mammoth Crossing Project, Table 11, Page 18, March 25, 2008.						

As stated previously, MCWD is working to develop new groundwater sources, use recycled water, and implement water restrictions as a means to increase supplies to resolve any potential water supply deficiencies during drought periods. However, even with full implementation of these various water supply projects, it is expected that insufficient water would be available to meet projected demand during a single dry year (refer to Table IV.N-11 below).

Table IV.N-11
2025 Future Water Sources
Comparison of Supply and Demand With Project Plus Related Projects⁽¹⁾

2025 Supply			Multiple Dry Water Years			
	Average/ Normal Water Year	Single Dry Water Year	Year 1	Year 2	Year 3	Year 4
<i>Supply Totals</i>	8,120	4,770	6,550	6,268	5,868	5,852
<i>Cumulative Demand Totals</i>	4,963	4,963	4,963	4,963	4,963	4,963
Difference	3,157	-193	1,587	1,305	905	889
Notes: <i>(1) Units of measure are acre feet (af) per year.</i> <i>(2) The supply totals on this table assume 1,000 af of future groundwater well water and 360 af of recycled water would be utilized in normal water years.</i> Source: MCWD SB 610 WSA for the Mammoth Crossing Project, Table 12, Page 19, March 25, 2008.						

In compliance with General Plan Policy R.4.A, the Town shall work with MCWD to ensure that land use approvals are phased so that the development of necessary water supply sources is established prior to development approvals. Therefore, because these future water sources do not exist at present the Project's contribution to overall water supply demand within the Town would be cumulatively considerable, and cumulative water supply impacts would be **significant**. There are no mitigation measures available to reduce this impact.

However, the General Plan Update Final Program EIR found, with implementation of Mitigation Measure 4.11.1, the allowable densities studied as part of the General Plan would have a less than significant cumulative impact on the Town's water supply.

The site-specific density proposed by the Project was only partially accounted for in the 2005 General Plan Update and thus, the 2005 UWMP, the Draft EIR found the Project to be consistent with the General Plan's overall density. Hence, although there is proposed to be higher site-specific density by the proposed amendment to the North Village Specific Plan (and related amendment to the General Plan), the overall build-out would not exceed General Plan Land Use Policy L.1.A, which limits total peak population of permanent and seasonal residents and visitors to 52,000 PAOT.

The General Plan Final Program EIR has already found the Project's potential cumulative impact on water supply to be less than significant with implementation of Mitigation Measure 4.11-1, as established in the General Plan Final Program EIR.

In reliance on the foregoing analysis and CEQA Guidelines Section 15064(h)(3), this Draft EIR determines the Project falls within a "previously approved plan or mitigation program" which will manage a cumulative problem within the geographic area where the Project is located. Therefore, the Project's cumulative water supply impacts would be less than significant.

V. GENERAL IMPACT CATEGORIES

As a result of Topical Response 6, Water Services, the first bullet on page V-2of the Draft EIR has been revised as follows:

- ~~● **Utilities.** The Project would result in significant unavoidable cumulative impacts to water supply. Even with full implementation of various planned water supply projects, it is expected that insufficient water would be available to meet projected demand during a single dry year. Therefore, because these future water sources do not exist at present the Project's contribution to overall water supply demand within the Town would be cumulatively considerable.~~

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the fourth paragraph under the heading "Growth Inducing Impacts of the Proposed Project" on page V-2 (continued on V-3) of the Draft EIR have been revised as follows:

Although the Project would provide short-term employment opportunities, which would likely be filled from the local employee base and from construction specialists (e.g., crane operators, steelworkers, masons, etc.) that move from job site to job site as dictated by the demand for their skills, the permanent jobs associated with the Project's combined total of 109,650 square feet of non-residential space would serve the convenience needs of residents of the site and visitors to the Mammoth Lakes area. Because it is not expected that the nature of the jobs that would be

provided by the Project would cause employees from surrounding areas to relocate their places of residence to the Project area, the Project would not result in long-term employment growth in the area. However, for a conservative analysis, as previously discussed in section IV.J, Population and Housing, of this Draft EIR, it is assumed that all ~~185~~230 employees would relocate to the area, introducing ~~185~~230 employee-related residents to the Town through indirect population growth due to permanent jobs. The Project is not a regionally-significant employer, and although the Project would provide employment opportunities, fostering some economic growth, most of the jobs would likely be filled by people in the local employment base, and the Project would not induce additional population growth.

In response to Town comment, the second full paragraph on page V-4 of the Draft EIR has been revised as follows:

The Specific Plan area is intended to provide a more refined description of land uses and development policies. Additionally, the Specific Plan area, while conforming to the overall development goals established in the General Plan, is oriented toward the ultimate goal of establishing the North Village as a center for year-round resort activity. The General Plan designates Sites 1, 2, and 3 as Specific Plan. ~~Site 4 is currently within the Lodestar Master Plan area and designated as Resort land use.~~

VI. ALTERNATIVES TO THE PROPOSED PROJECT

As a result of Topical Response 6, Water Supply, text on page VI-2 of the Draft EIR in the first paragraph under the subheading Project's Contributions to Potentially Significant Cumulative Impacts" has been revised as follows:

The Project incremental contribution to cumulative impacts that would be significant and unavoidable consists of the following:

- **Aesthetics** – Public Views of Scenic Vistas
- **Air Quality** – Generated PM₁₀ Emissions (Temporary Construction)
- **Noise** – Exposure of Persons to Excessive Noise Levels (Temporary Construction)
- ~~**Utilities** – Water Supply~~

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, Table VI-1, Alternatives Project Components Comparison, on page VI-5 of the Draft EIR has been revised as follows (only the revised sections of the table appear):

Table VI-1
Alternatives Project Components Comparison

Land Use	Proposed Project	Alternative A No Project No Build	Alternative B No Public Parking	Alternative C On-Site Affordable Housing	Alternative D Existing NVSP: Condominium Only
Affordable Housing Rooms⁽²⁾					
Site 1	~~2728~~ off-site	0	~~2728~~ off-site	~~2728~~ on-site	~~9,510.5~~ off-site
Site 2	45 on-site ~~10.5~~ off-site	0	45 on-site ~~10.5~~ off-site	~~4555.5~~ on-site	~~24,564~~ on-site
Site 3	21 on-site ~~10.5~~ off-site	Vacant Buildings	21 on-site ~~10.5~~ off-site	~~2431.5~~ on-site	~~4624.5~~ on-site
Total	~~93115~~	0	~~93125~~	~~93125~~	~~5099~~
Full-Time Employee Equivalents (FTEE)					
Site 1	~~5456~~	0	~~5456~~	~~5456~~	~~4921~~
Site 2	~~90111~~	0	~~90111~~	~~90111~~	~~49128~~
Site 3	~~40,563~~	Vacant Buildings	~~40,563~~	~~40,563~~	~~3249~~
Total	~~185230~~	0	~~185230~~	~~185230~~	~~100198~~
Notes: (2) ~~Affordable Housing is considered two bedroom units.~~					

Alternative A, No Project No Build Alternative

In response to Town comment, the fourth bullet point under subheading “Description” on page VI-6 of the Draft EIR has been omitted as follows:

- ~~There is no existing development on Site 4. Site 4 is proposed to be incorporated into the Specific Plan boundary and no new development is proposed on Site 4 as part of this Project.~~

As a result of Topical Response 6, Water Supply, text on page VI-10 of the Draft EIR in the first paragraph under the subheading “Water Service” has been revised as follows:

Because Alternative A would not result in new development on the Project site, this alternative would not result in a demand for more water at the Project site. Thus, Alternative A would eliminate the Project’s incremental contribution to cumulative ~~significant and unavoidable~~ impacts to water supply impacts. Overall impacts to water service and infrastructure would be less under Alternative A than under the Project.

Alternative B, No Public Parking Alternative

In response to Town comment, the first paragraph under subheading “Description” on page VI-11 of the Draft EIR has been revised as follows:

Under the No Public Parking Alternative (“Alternative B”), the 100 public parking spaces on Site 3 would not be incorporated into the development and as a result the height of Site 3 development could be slightly reduced. However, the number of residential hotel rooms, density (rooms per acre), non-residential uses for hotel amenities and operations, and parking requirements would remain the same as the proposed Project. Demolition of existing structures, understructure parking and limited surface parking for hotel check-in, public spaces, recreation opportunities, new pedestrian and bike pathways, as well as connections to existing pedestrian and bike pathways, would be developed similar to the Project. All roadway alignments and associated grading and drainage improvements would be the same as the Project. Other characteristics (e.g., lighting, landscaping, and utility connections) would be the same as the Project. ~~The proposed Project’s Site 4 would have no new development; this parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and under Alternative B would be incorporated as approved into the Specific Plan boundary, same as the Project.~~

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph under “Description” on page VI-11 of the Draft EIR has been revised as follows:

Under Alternative B, the Project would include the construction of up to 742 condominium/hotel rooms, up to approximately 69,150 square feet of hotel amenities and operations, 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing would be the same as the proposed Project. The 2728 affordable rooms associated with development on Site 1 would be constructed off site. ~~Of the 4555.5 affordable rooms required by Site 42 development, 10.5 would 10.5 would be built off site and of the 2431.5 affordable rooms required by Site 23 development, 10.5 would be built off site. on each site, respectively.~~

Alternative C, On-Site Affordable Housing Alternative

In response to Town comment, the first, second and third paragraphs under subheading “Description” on page VI-19 of the Draft EIR has been revised as follows:

Under the On-site Affordable Housing Alternative (“Alternative C”), the number of residential hotel rooms, density (rooms per acre), all non-residential uses and square footage, parking requirements and setbacks would remain the same as the proposed Project. Demolition of existing structures, understructure parking and limited surface parking for hotel check-in, public spaces, recreation opportunities, new pedestrian and bike pathways, as well as connections to

existing pedestrian and bike pathways, would be developed the same as the Project. All roadway alignments and associated grading and drainage improvements would be the same as the Project. Other characteristics (e.g., lighting, landscaping, and utility connections) would be the same as the Project. ~~The proposed Project's Site 4 would have no new development; this parcel, located along Minaret Road, is currently part of the Lodestar Master Plan area, and, under Alternative C, would be incorporated as approved into the Specific Plan boundary, same as the Project.~~

Affordable housing is required to be provided as part of the Project, some of which was initially proposed to be constructed off site and as such would be required to undergo separate environmental review. Alternative C proposes Site 1, Site 2, and Site 3 to be developed the same as the Project, with the exception of the ~~2749~~ affordable housing rooms required by development ~~on Site 1~~ be constructed on site ~~Site 1~~ rather than off site. This would eliminate the need to find an off-site location and would ensure that the Project's affordable housing obligation would be met in a timely manner. Similar to the Project, Site 2 and Site 3 would accommodate on-site affordable housing rooms (Site 2, 45 rooms; Site 3, 21 rooms), which would be constructed when each site is developed. The inclusion of the ~~2728~~ affordable housing rooms on Site 1, and additional 10.5 rooms on Site 2 and 10.5 rooms on Site 3, would increase the permanent housing analyzed in this Draft EIR by ~~13,524.5~~ units (~~70,581.5~~ as opposed to 57) and would increase the permanent population analyzed in this Draft EIR by ~~3360~~ permanent residents (~~172199~~ as opposed to 139).

Similar to the Project, Alternative C would be organized so that it would be developed in several phases. Each phase would stand alone and operate successfully as a complete entity. Construction activities are proposed to be completed by 2020. The proposed Project would involve multiple buildings ranging in height from one to approximately seven stories. ~~Under Alternative C, all buildings heights would remain the same as the Project with the exception of The height of building on all three Sites would Site 1's northern most building, which would accommodate the construction of the required 27 affordable housing units. The inclusion of 28 rooms of affordable housing on Site 1, and additional affordable housing rooms on Site's 2 and 3 would necessitate an increase of height to this building to accommodate the additional rooms. Similar to the Project, building heights on Site 1 would be at or below 103 feet in height from above the underside of parking garage ceiling (8,035 elevation).~~

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the first paragraph under heading "Aesthetics" on page VI-20 has been revised as follows:

Similar to the Project, Alternative C would result in development on the site. Under Alternative C, more residential rooms would be constructed on ~~Site 1~~ each of the Project's three sites, necessitating an increase of height ~~to the northern most building on each of the three sites~~. Under Alternative C, building heights on Site 1 would be at or below 103 feet in height from above the underside of parking garage ceiling (8,035 elevation); building heights on Site 2 would

be three proposed tower structures (130, 120 and 118 feet), each above the underside of parking garage ceiling (8,040 elevation); and building on Site 3 would be three proposed tower structures; one located at the northeastern portion of the site, at 70 feet above the underside of the garage ceiling (7,990 elevation) one located in the north central portion of the site, at 75 feet above underside of parking garage ceiling (8,000 elevation), and the other located at the northwestern corner of the site, at 85 feet above underside of parking garage ceiling (8,000 elevation), same as the Project. However, due to the close proximity of this building to the Fireside Condominiums, shading impacts to adjacent residential land uses would be greater than those of the proposed Project.

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second paragraph under heading “Population and Housing” on page VI-22 (continued on page VI-23) of the Draft EIR has been revised as follows:

Under Alternative C, like the proposed Project, 18 existing residential units located on Site 2 in the North Village Inn ~~and~~ would be removed and would be replaced with up to 24 permanent year-round residential housing units, and ~~46.549~~ affordable housing units to realize a total of ~~70.581.5~~ permanent year-round on-site housing units. In addition, Alternative C would comply with Town Municipal Code 17.52 “Conversion of Existing Residential Facilities.”

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the second full paragraph on page VI-23 of the Draft EIR has been revised as follows:

With the inclusion of ~~2749~~ affordable housing ~~units~~rooms, overall impacts to population and housing would be the greater under Alternative C than as the Project.

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the last sentence under heading “Public Services – Police Service” on page VI-23 of the Draft EIR has been revised as follows:

With the inclusion of ~~2749~~ affordable housing ~~units~~rooms, overall impacts to police services would be the greater under Alternative C than as the Project.

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the last sentence under heading “Public Services – Fire Protection” on page VI-23 (continued on page VI-24) of the Draft EIR has been revised as follows:

With the inclusion of ~~2749~~ additional affordable housing ~~units~~rooms under Alternative C, overall impacts to fire services would be the greater than those of the proposed Project.

Alternative D, Existing North Village Specific Plan Build-Out Condominium Only Alternative

In response to Town comment, the first and second paragraph under heading “Description” on page VI-27 of the Draft EIR has been revised as follows:

Under the Existing North Village Specific Plan Build-Out Condominium Only Alternative (“Alternative D”) the Mammoth Crossing development would be constructed according the existing regulations in the Specific Plan. Under the current Specific Plan Alternative D would not exceed maximum allowed density (rooms per acre) ~~of 55 RPA, and the 48 RPA aggregate density~~ for the Resort General (RG) zone, and the 48 RPA for the Specialty Lodging (SL) zone. In addition, the proposed buildings heights and setbacks would not exceed those required in the existing Specific Plan. This alternative would not require a General Plan amendment.

Under Alternative D the Mammoth Crossing development would be comprised of 445 condominium rooms at 48 rooms per acre (RPA). This alternative would result in a similar building footprint as the proposed Project. Affordable housing, totaling ~~12,500~~49,500 square feet (approximately ~~5099~~ rooms), would be required to be provided as part of the Project, some of which could be constructed off site. The 445 condominium rooms together with the affordable housing rooms would result in ~~248~~255.5 ~~two-bedroom~~, permanent year-round housing units in the Town. ~~Similar to the Project, the fourth site proposes no new development as part of Alternative D. Site 4, located along Minaret Road, is currently part of the Lodestar Master Plan (“LMP”) area, and as part of Alternative D, is proposed to be incorporated as approved into the Specific Plan boundary and subsequently removed from the LMP.~~

In response to Town comment, the first paragraph under heading “Land Use” on page VI-30 of the Draft EIR has been revised as follows:

Unlike the proposed Project, Alternative D proposes that the development of the Project be within the guidelines of the Specific Plan. Therefore the Project would not exceed the required density, building heights or setbacks. Under Alternative D, density would be 48 RPA for the Resort General (RG) zone, and the 48 RPA for the Specialty Lodging (SL) zone. In addition, the Project’s proposed buildings heights would not exceed 50-feet measured from above the underside of the parking garage ceiling and setbacks would not exceed those of the Specific Plan. This alternative would not require an amendment to the General Plan to increase the amount of density assigned to the North Village Specific Plan Area.

As a result of Fulltime Equivalent Employee (FTEE) and Affordable Housing adjustments in the Draft EIR, the first paragraph under heading “Population and Housing” on page VI-30 of the Draft EIR has been revised as follows:

Alternative D would result in the construction of condominium rooms ~~units~~ only. Similar to the Project, construction of Alternative D would result in the creation of temporary construction jobs and the creation of permanent jobs. Under Alternative D, full-time employee equivalents (FTEE) would be reduced by approximately 54 14 percent (~~100198 FTEE as opposed to 185230 FTEE~~) and affordable housing would be reduced from ~~93115~~ rooms to 99 rooms.

Under Alternative D, like the proposed Project, 18 existing residential units located on Site 2 in the North Village Inn and would be removed and would be replaced with up to 222.5 permanent year-round condominium rooms and ~~2588.5~~ affordable housing units to realize a total of ~~248255.5~~ two-bedroom permanent year-round housing units. In addition, Alternative D would comply with Town Municipal Code 17.52 “Conversion of Existing Residential Facilities.”