RESOLUTION NO. 09-62

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS OF FACT, CERTIFYING THE MAMMOTH CROSSING PROJECT FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE MITIGATION MONITORING PROGRAM

WHEREAS, Mammoth Crossing Ventures, LLC. has requested approval of applications for the Mammoth Crossing North Village Specific Plan Amendments ("Project"), and the Environmental Impact Report (EIR) for the Project including the Draft EIR, Final EIR, and associated technical appendices (collectively, the "Final Environmental Impact Report" or "Final EIR") which was prepared to address the environmental effects, mitigation measures, and project alternatives associated with the Project and actions related thereto; and

WHEREAS, the Draft EIR for the Project (State Clearinghouse # 2007112002) was prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq, and State Guidelines for the Implementation of CEQA, 14 Cal. Code of Regulations Section 15000 et seq. (the "State CEQA Guidelines") and was transmitted to the State Clearinghouse and circulated from public review during a public comment period from August 1, 2008 to September 17, 2008; and

WHEREAS, the Final EIR for the Project was prepared pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines; and

WHEREAS, the Planning Commission conducted a duly Noticed Public Hearing on the application request on June 24, 2009 which was continued to July 8, 2009, at which times all those desiring to be heard were heard; and

WHEREAS, following the receipt of all oral and written testimony, the Planning Commission closed the public hearing on July 8, 2009 and adopted Resolution No. 2009-04 recommending certification of the Final EIR and approval of the Project to the Town Council, with conditions; and

WHEREAS, the Planning Commission considered, without limitation, the staff report to the Planning Commission with all attachments and exhibits, the 2007 General Plan, oral and written evidence submitted at the hearing, Final EIR, and all other items listed in Planning Commission Resolution 2009-04; and

WHEREAS, the Town Council conducted a Noticed Public Hearing on the application request on September 2, 2009, which was continued to September 16, 2009 at which times all those desiring to be heard were heard; and

WHEREAS, following the receipt of all oral and written testimony, the Town Council closed the public hearing on the application on September 16 2009; and

WHEREAS, the Town Council considered, without limitation, the agenda bills dated September 2 and September 16 with all attachments to the Town Council with exhibits, including the Final EIR; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mammoth Lakes, California, as follows:

1. That the Town Council finds the above recitations are true and correct.
2. That the Town Council incorporates by reference all exhibits and attachments cited in this Resolution.
3. Pursuant to the requirements of the CEQA, the Town Council has reviewed and hereby adopts the findings contained in Exhibit 1 to this Resolution, including but not limited to, the findings that the Final EIR was prepared in compliance with CEQA, that the Final EIR is complete and analyzes all impacts of the Project, and that the Final EIR provides for feasible mitigation measures, a range of reasonable alternatives, and discloses impacts that can and cannot be avoided or lessened to a less than significant level.
4. The Town Council has reviewed and hereby adopts the findings contained in Exhibit 2 to this Resolution, including but not limited to, the findings that the Town Council has reviewed and considered the Draft Environmental Impact Report (DEIR), Final EIR, and associated technical appendices for the Mammoth Crossing Project ("Final EIR") and all other oral and written evidence in the record prior to acting on the Project applications.
5. Based on the review of Exhibits 1 and 2 to this Resolution, along with a review of all evidence in the record of proceedings in this matter, and for purposes of taking action on the Project applications, the Town Council hereby certifies that the Final EIR was completed in compliance with the CEQA and the State CEQA Guidelines and that it adequately addresses the impacts and provides for appropriate mitigation measures for the Project applications and all other approvals necessary to carry out the Project.
6. That the Town Council has reviewed and hereby adopts the Findings of Fact and Statement of Overriding Considerations contained in Exhibit 3 of this Resolution. The Town Council specifically finds that in response to each significant impact identified in the Final EIR, changes or alterations are required in or incorporated into the Project, which avoid or substantially lessen the impacts identified. In addition, with respect to the impacts of the Project that are considered significant and unavoidable, and each Project alternative,

the Town Council adopts the specific determinations contained in Exhibit 3 to override the specific impacts and to conclude the Project alternatives are infeasible.

7. The Town Council has reviewed the Mitigation Monitoring Program along with the findings contained in Exhibit 4 and determines that the Mitigation Monitoring Program has been completed in compliance with CEQA. Based on these findings and all other evidence in the record of the proceedings in this matter, the Town Council hereby adopts the Mitigation Monitoring Program and hereby adopts each of the mitigation measures set forth therein and incorporates those measures into the Project.

8. The documents and other materials that constitute the record of proceedings upon which the Town Council's decision is based are located in the Town Offices of the Town of Mammoth Lakes, at 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546 and Anita Hatter, Town Clerk, is hereby designated as the custodian of these records.

APPROVED AND ADOPTED this 16th day of September, 2009.

NEIL MCCARROLL, Mayor

ATTEST:

ANITA HATTER, Town Clerk

EXHIBIT 1

Final EIR Findings Pursuant to CEQA Guidelines §15091

SECTION 1: INTRODUCTION

Findings for the Final Environmental Impact Report, State Clearinghouse # 2007112002, are being made pursuant to State CEQA Guidelines §15091.

1.1 Statutory Requirements for Findings

A. The Town Council, in its independent judgment, hereby finds the Final EIR consisting of the Draft and Final EIR is in compliance with State CEQA Guidelines Section 15132 with respect to the contents of the EIR, including but not limited to a table of contents, summary, environmental setting, the project description, a discussion of the affected environment and environmental consequences, mitigation measures, unavoidable adverse impacts, impacts found not to be significant, cumulative impacts, project alternatives and Mitigation and Monitoring Program. The custodian of records for all materials that constitute the record of proceedings on which approval of the Project and certification of the Final EIR are based is Anita Hatter, Town Clerk. Project files may be reviewed at 437 Old Mammoth Road, Suite R, Mammoth Lakes, CA 93546.

B. Further, the Town Council, in its independent judgment, hereby finds, in compliance with the requirements of CEQA and the Guidelines, that the Final EIR for the Mammoth Crossing Project identifies all potentially significant adverse environmental effects of the Project. The Final EIR also identifies mitigation measures, which will reduce or eliminate these potentially significant effects. The analysis contained in this Final EIR also concludes that after the incorporation of mitigation measures the Project would result in a significant and unavoidable direct impact in the following areas:

- Aesthetics - Public Views of Scenic Vistas.
- Aesthetics - Temporary Construction-Related Visual Character.
- Air Quality - Construction-related PM10 Emissions.
- Noise – Temporary Construction-related Noise.

In addition, the Final EIR provides that the Project will have a significant cumulative impact in the following areas:

- Aesthetics – Visual Character and Public Views.
- Air Quality – Construction-related PM10 Emissions.
- Noise – Construction-Related Noise.

Additionally, the Town Council, in its independent judgment, hereby makes the findings contained in the Findings of Fact and Statement of Overriding Considerations (Exhibit 3 of this Resolution), and is incorporated herein by this reference.

In making these findings, not all of the rationale and data contained in the Final EIR have been repeated. The Final EIR and other source documents referenced therein are incorporated herein by reference as if set forth in full in the Findings of Fact and Statement of Overriding Considerations. Except to the extent they conflict with the findings and determination set forth in this document, the analysis and conclusions of the Final EIR, including responses to comments and any supplemental responses provided by Town of Mammoth Lakes staff and consultants in connection with the proposed Project, are hereby adopted as findings by the Town Council of the Town of Mammoth Lakes. The Town Council further finds that each overriding benefit is severable from any other consideration should one or more consideration be shown or determined to be legally insufficient for any reason.

Exhibit 2

Certification of the Mammoth Crossing Project Final EIR

WHEREAS, the Environmental Impact Report (EIR) for the Mammoth Crossing Project was prepared to address the environmental effects, mitigation measures, and project alternatives associated with the Mammoth Crossing Project and actions related thereto; and,

WHEREAS, the EIR for the Mammoth Crossing Project (State Clearinghouse # 2007112002) was prepared pursuant to the California Environmental Quality Act and the State CEQA Guidelines; and,

NOW, THEREFORE, BE IT RESOLVED, that upon consideration of the information contained in the Final Environmental Impact Report ("Final Environmental Impact Report", "Final EIR" or "FEIR") prepared for the Mammoth Crossing Project, the Town Council certifies the Final Environmental Impact Report based upon the following findings:

A. Preparation of an Environmental Impact Report.

A Final EIR (FEIR) has been prepared to address the environmental impacts, mitigation measures, project alternatives, comments and responses to comments associated with the consideration of the Mammoth Crossing Project and related General Plan Amendment and District Zoning Amendment, pursuant to the requirements of the California Environmental Quality Act; and,

B. Review and Consideration by the Planning Commission and Town Council of the Town of Mammoth Lakes.

Prior to recommending certification of the FEIR, the Planning Commission and Town Council of the Town of Mammoth Lakes have reviewed and considered the above-mentioned FEIR. The Town Council hereby certifies that the FEIR for the Mammoth Crossing Project is complete and adequate in that the FEIR addresses all environmental impacts of the proposed project and fully complies with the requirements of CEQA and the state CEQA Guidelines. For the purposes of CEQA, the record of the proceedings for the certification is comprised of the following:

1. The Draft EIR and Technical Appendices for the Mammoth Crossing Project;

2. The Final EIR, for the Mammoth Crossing Project;

3. The proceedings before the Town of Mammoth Lakes Planning Commission and Town Council relating to the subject Project consideration and related actions, including testimony and documentary evidence introduced at the meetings; and,

4. All attachments, documents incorporated and references made in the documents specified in items (1) through (3) above, including the Mitigation Monitoring and Reporting Program for the Mammoth Crossing Project.

Exhibit 3

Findings of Fact and Statement of Overriding Considerations

The proposed action consists of the Town Council certifying the Mammoth Crossing Project EIR. Analysis in the EIR for this Project has concluded that the proposed Project will result in aesthetics, air quality, and noise impacts that cannot be mitigated to a less than significant level. All other potential significant adverse Project impacts have been mitigated to a less than significant level based on mitigation measures in the Final EIR.

The California Environmental Quality Act requires that a lead agency balance the benefits of a proposed Project against its unavoidable environmental risks in determining whether to approve the Project.

The Town Council of the Town of Mammoth Lakes finds that the significant unavoidable adverse Project impacts, which will remain significant after mitigation, are acceptable and are outweighed by social, economic, and other benefits of the Project.

The specific benefits of the Project are:

1. The Project would enhance the destination resort attributes of Mammoth Lakes and its existing mountain resort community, by increasing the amount of lodging, services and facilities for residents and visitors within an area intended for a concentration of such uses, the North Village.

2. The Project would create both jobs and housing for the residents of Mammoth Lakes. The applicant intends to develop the Project with a mix of uses, located and positioned to best enhance the visitor experience and preserve Mammoth Lakes' character of a village in the trees.

3. The Project would help to complete the Mammoth Lakes resort experience with destination resort and residential units in a pedestrian and transit-oriented visitor lodging and retail district that will offer an array of visitor amenities intended to attract longer year round stays with higher per visitor spending.

4. The Project would provide an opportunity for a signature development at the prominent intersection of Main Street and Minaret Road that would enhance and define the gateway qualities of this entry point to the North Village.

5. The Project would provide improvements to the vehicular and pedestrian circulation system within the North Village through the construction of new sidewalks, crosswalks, and pedestrian pathways, and bike lanes. These improvements, together with the Project's location near a concentration of transit stops, and to the Village Gondola and existing and proposed residential and resort development will enable residents and visitors in the

area to walk to and from the Project site, and to make extensive use of the existing and proposed future bus/shuttle shelters located at the North Village. The project would provide a suite of feet-first and transit-oriented features and amenities that would reduce visitors' dependence on private automobiles.

6. The project would help to address existing parking deficiencies in the North Village by providing a significant number of shared public parking spaces, over and above those required to serve its own need.

7. The Project would provide diverse recreational amenities to promote year-round recreational opportunities in the Town. 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.

8. The Project would provide guests of the hotel with access to hotel amenities. 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.

9. The Project would provide a variety of housing types, including affordable housing to meet the varying needs of socio-economic groups and lifestyle patterns. The Project would include permanent residences, condominium and rental units, and overnight facilities.

10.Consistent with the General Plan, the Project would increase employee-related residents to the Town through indirect population growth due to permanent jobs. In addition, the construction of the Project would create short-term and long-term construction jobs for local contractors during the roughly 10-year construction time period. The "multiplier effect" of the construction jobs and the new jobs in the area will generate additional economic activity that benefits other local businesses. Due to the Project's close proximity to existing bus/shuttle shelter locations, Project employees will be encouraged to use transit to travel to and from work.

Further, the Project alternatives that were considered in the EIR would not provide these Project benefits to the same extent as the proposed Project. In particular:

1. The Town of Mammoth Lakes finds that all feasible mitigation measures have been imposed to lessen Project impacts to less than significant levels; and furthermore, that alternatives to the Project are infeasible because while they have similar or less environmental impacts, they do not provide the benefits of the Project, or are otherwise socially or economically infeasible when compared to the Project, as described in the Statement of Facts and Findings.

2. Project implementation would contribute to long-range development goals identified by the Town of Mammoth Lakes.

Therefore, the Town Council of the Town of Mammoth Lakes, having reviewed and considered the information contained in the Final EIR, Technical Appendices and the public record, adopts the Findings of Fact and Statement of Overriding Considerations attached and incorporated herein by reference. In so doing, the Town Council finds that the Statement of Overriding Considerations has been balanced against the unavoidable adverse impacts in reaching a decision on this Project.

MAMMOTH CROSSING PROJECT
FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS

September 16, 2009

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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

I. INTRODUCTION

These Findings of Fact have been prepared for the proposed Mammoth Crossing Project, herein after referred to as the "Project." An Environmental Impact Report (EIR) for the Project was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The EIR in its entirety is comprised of the August 2008 Draft EIR and the April 2009 Final EIR. The EIR was subject to the review and approval by the Town of Mammoth Lakes Community Development Department. Accordingly, these Findings of Fact have been prepared in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091.

These Findings of Fact reflect changes directed by the Mammoth Lakes Town Council in its consideration of the proposed project, as reflected in the Conditions of Approval associated with adoption of the Mammoth Crossing North Village Specific Plan Amendment.

II. PROJECT DESCRIPTION

Project 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. 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 include June Lake to the northwest, Benton to the east, and Crowely Lake to the southeast. Regional access is provided by U.S. Highway 395 and California State Highway 203. Local roadways that provide access to the site include Minaret Road to the north, Main Street, Lake Mary Road and Canyon Boulevard.

Project Characteristics

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 ("Specific Plan") area, and includes a series of amendments to the Specific Plan as originally adopted in 2000 and amended in 2008, which would be required to accommodate the Project's proposed land uses as well as an amendment to the *Town*

of Mammoth Lakes General Plan ("General Plan"). The Project proposes setback, height, density, and policy amendments to the Specific Plan. The Project considered in the 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"). As identified, discussed, and analyzed in the 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 the EIR, as modified by the Town Council in its consideration and approval of the Specific Plan Amendment and General Plan Amendment. These modifications included reductions to the building heights analyzed in the EIR, as well as modifications to setbacks and the building envelope through required "stepbacks" of different parts of the buildings.

The Project's 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. As illustrated in Table 1, Project Site Land Uses, 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 57,500 square feet, would be required to be provided as part of the Project, some of which would be constructed off site.

Table 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	14,000	241
Site 2	4.5205	364	81	24,640	18,500	27,750	330
Site 3	2.9629	180	61	30,120	0	15,750	149
Total	**9.2773**	**742**	**80**	**69,150**	**40,500**	**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.
(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.

Source: Mammoth Crossing Ventures, LLC (May 2008).

Furthermore, proposed development at the three sites would involve multiple buildings ranging in height from 35 feet up to 75 or 80 feet. The following is a description of the components that would comprise the proposed Mammoth Crossing Project as they relate to the three Project sites.

Project Features

Hotel

The Site 1 hotel would be located fronting Canyon Boulevard, oriented around an inner courtyard. The hotel is proposed to include 198 rooms and 14,390 square feet of lobby/check-in space, and hotel amenities and operations space. Hotel amenities and operations space may include business and service offices, maintenance storage, food services and meeting rooms. Amenities associated with the hotel may include office and personal services such as real estate sales, reservations, beauty salon, and child care facilities. Additional amenities may include meeting/conference rooms, a pool/spa/fitness area, and a public plaza. Heights of up to 80 feet (plus appurtenances) would be permitted; heights over 70 feet (excluding appurtenances) would require additional design review, including review and approval by the Mammoth Lakes Town Council.

The proposed density for Site 1 would be approximately 110 rooms per acre ("RPA"), which exceeds the maximum allowed density of 55 RPA, and 48 RPA aggregate density for the Resort General zoning within the Specific Plan. Density over 48 rooms per acre would be subject to the Town's adopted "Community Benefits/Incentive Zoning" policy, which requires community and benefits to be provided in proportion to density increases.

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 and 24,640 square feet of lobby/check-in space, hotel operations space and may include other amenities. Hotel operations space may include business and service offices, maintenance storage, food services and meeting rooms. Amenities associated with the hotel may include office and personal services, such as real estate sales, reservations, beauty salon, and child care facilities. Additional amenities may include a restaurant/bar, meeting/conference rooms, and a pool/spa/fitness area. A terraced patio would be situated to the south of the hotel building and the area located further to the south would remain in the natural forest setting. As modified by the Town Council, maximum heights of up to 75 feet, plus appurtenances, would be permitted. Heights over 65 feet (excluding appurtenances) would require additional design review, including review and approval by the Mammoth Lakes Town Council.

The proposed density for Site 2 would amount to 81 rooms per acre ("RPA"), which exceeds the existing maximum allowed density of 48 RPA for the Specialty Lodging zoning within the Specific Plan. Density over 48 rooms per acre would be subject to the Town's adopted "Community Benefits/Incentive Zoning" policy, which requires community and benefits to be provided in proportion to density increases.

The family-style hotel on Site 3 would be located fronting an entry courtyard and short-term parking area north of a new undeveloped street right-of-way connecting to Minaret Road along the southern end of Site 3. The hotel is proposed to include 180 rooms with 30,120 square feet of lobby/check-in space, hotel operations space and may include amenities. Amenities associated with the hotel may include a courtyard common area, a restaurant/bar, a meeting/conference room, and a pool/spa/fitness area. Heights over 65 feet (excluding appurtenances) would require additional design review, including review and approval by the Mammoth Lakes Town Council.

The proposed density for Site 3 would amount to 61 rooms per acre ("RPA"), which exceeds the existing maximum allowed density of 48 RPA for the Specialty Lodging zoning within the Specific Plan. Density over 48 rooms per acre would be subject to the Town's adopted "Community Benefits/Incentive Zoning" policy, which requires community and benefits to be provided in proportion to density increases.

Affordable Housing

Site 1 would provide approximately 14,000 square feet of required affordable housing (up to 28 rooms) for up to 56 full-time employee equivalents ("FTEEs"). The required affordable housing would be provided off-site. Site 2 would provide approximately 27,750 square feet of required affordable housing (up to 55.5 rooms) on site for up to 111 FTEEs. Site 3 would provide approximately 15,750 square feet of required affordable housing (approximately 31.5 rooms) on site for up to 63 FTEEs.[1]

Retail

Retail development on Site 1 and Site 2 would be comprised of various visitor-serving retail businesses, which may include a restaurant/bar and gift shops (e.g., clothing, books, specialty food, sporting goods, luxury items, etc.). Approximately 22,000 square feet of retail on Site 1 would front the public plaza and Minaret Road to the east. The public plaza space would include outdoor seating and landscaping features. Site 2 would include approximately 18,500 square feet visitor-serving retail on the northeast of the hotel fronting Lake Mary Road. There would be no visitor-serving retail development on Site 3.

Recreation

The Project is designed to enhance and complement recreational amenities already available in the Town, specifically as provided for in the *North Village 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

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[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 and a minimum of 250 square feet of living space is required per one FTEE.*

units would be provided common open space and recreational amenities consistent with Town Municipal Code requirements.

Public Space

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. 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.

Roadways

The existing roadways that serve the Project site are Main Street, Lake Mary Road, Minaret Road and Canyon Boulevard. State Route 203 ("SR 203") continues through the Town on Main Street and on Minaret Road north of the Main Street-Lake Mary Road/Minaret Road intersection. The Project proposes various improvements to these roadways. Two lanes in each direction would be maintained on Lake Mary Road and a center median to provide left-turn stacking in both directions would also be provided. Traffic signals at the intersections with Minaret Road and Canyon Road are proposed to remain. A fourth lane will be added to the Canyon Boulevard intersection to serve as an access to Site 2. No additional improvements are planned for Canyon Boulevard and/or Minaret Road. As previously mentioned, a new paved public road (referred to as 7B Road) would be constructed off of Minaret Road at the southern end of Site 3 adjacent to the Sierra Star Golf Course. This new road is part of a previous project approval and is not a circulation requirement as part of this Project.[2] However, the Project would construct a roadway through-connection to the east. Although this roadway is not necessitated by the Project, nor does the Project have the ability to control the design, construction and maintenance of this road beyond portions that are located within the Project area, the Project Applicant is supportive of the Town's goals of increased connectivity, and is willing to make provisions for the Site 3 access road to ultimately connect to a future road across Sierra Star, to the extent that timing and other factors make this feasible. All Site 3 buildings would be serviced from internal driveways accessed from the proposed new 7B Road. Internal driveways, parking areas, service vehicle loading areas and emergency vehicle staging space would be privately owned and maintained. Project circulation and access is discussed in more detail in Section IV.M, Traffic and Circulation, of the Draft EIR.

Service Vehicles

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[2] *The new street right-of-way was required and approved by the Town in spring of 2007 as part of the Lodestar/Tanavista Tentative Tract Map (TTM) and Use Permit Application (UPA) located on the parcel directly to the south of Site 3. This street is commonly referred to as 7B Road.*

Service vehicles would be routed and managed with the intent of minimizing conflicts with the Project's visitor activities and uses, pedestrian uses and circulation, and local traffic. For Site 1 all buildings would be serviced from internal driveways on Canyon Boulevard, for Site 2 from Minaret Road, and for Site 3 from the proposed new road. Space for short-term service parking in centralized service bays will be provided for each site (see site specific details above). Each hotel would have designated central facilities to accommodate service delivery and waste management. All vehicles would share common entries to reduce curb cuts and driveways. Service areas would be designed to accommodate required service vehicle sizes. The Project Applicant would be required to submit a Service Delivery Management Plan ("SDMP") for approval by the Town. The SDMP is required to be submitted and approved prior to the issuance of building permits by the Town.

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. Two additional crosswalks would be added on Minaret Road at the new roadway intersection to link Site 2 with Site 3. 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.

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 pathways on the Project's development sites would be lit according to the Town's Outdoor Lighting ordinance. All proposed pedestrian crossings, sidewalks, pathways, trails and bike lanes would be compliant with the standards provided in the Americans with Disabilities Act ("ADA").

Emergency Vehicle Access & Staging Areas

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.

Emergency vehicle parking would be provided internally at an accessible location within each site. Emergency vehicle staging areas and standpipe systems[3] would be located within each site. Site 1 would have four emergency vehicle staging areas and two standpipe system locations. Site 2 would have six emergency vehicle staging areas and four standpipe system locations. Site 3 would have five emergency vehicle staging areas and four standpipe system locations.

Supplemental fire lanes would be developed in conjunction with the roadway system to provide looped secondary emergency vehicle access and egress. Fire lanes, turning radii and back up space around buildings would be designed in cooperation with local officials to ensure adequacy for emergency and fire equipment vehicles. Pavements would be designed to support loads created by emergency vehicle traffic. Standpipe and fire suppression systems connections would be incorporated into architectural and landscaping design elements where practical and in location accessible to fire equipment. All proposed building heights would be subject to Mammoth Lakes Fire Protection District (MLFPD) to ensure that relevant standards are met.

Bus/Shuttle Shelters

Currently, bus transit 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.[4] 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.

Phasing & Schedule

The Project has been organized so that it would be developed in several phases. Each phase would stand-alone and operate successfully as a complete entity. Most construction phases would last approximately 24 to 36 months. Some phases may be under construction simultaneously. All construction staging would occur within the Project boundaries. Construction activities are proposed to be complete by 2020. 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.

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[3] *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.*

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

During the use permit process for each construction phase, the Project Applicant would be required to develop a Construction Management Plan (CMP) which would include, among other things, a plan to keep construction traffic separate to the extent feasible. During the construction period, there would be temporary construction fencing to screen most activities from surrounding uses. Mitigation measures relating to reducing construction impacts from the approved Mitigation Monitoring Plan would be incorporated into each site CMP, if applicable. However, preliminary grading would begin upon approval of a preliminary grading plan that may occur prior to the issuance of a use permit for the first phase of construction.

General Plan Amendment

The amendment 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 North Village Specific Plan amendments with the 2007 General Plan, no other changes or amendments to the 2007 General Plan would be required.

Project Objectives

The objectives of the Project are:

- To create an intensely developed "Town Visitor Core" area and primary visitor oriented hub, with mixed uses proposed on the Town's eastside locations,
- To complete the development within the North Village to fulfill its role as a major public place, animated by diverse shopping opportunities, short-term accommodations and entertainment venues.
- To create the economic synergy to allow a sustainable visitor core.
- To meet the overall intent of the *North Village Specific Plan*; which is to facilitate the development of the area as a concentrated, pedestrian-oriented activity center with limited vehicular access.

- To produce a development design that is appropriate to the character of the Mammoth Lakes region.
- To enhance the Town to be comparable to other high-quality mountain resort destinations in North America.
- To develop additional affordable housing and visitor accommodations.
- To provide bicycle and pedestrian trails connections to existing trails and other town-wide circulation systems, so as to complement and enhance the town-wide trails network.
- To provide development that is responsive to the existing and expected future hotel demand within the Town.

Discretionary and Other Actions

The Town is the Lead Agency for purposes of complying with CEQA and is the primary public agency responsible for approving projects on these properties. However, this EIR may be used by various governmental decision-makers for discretionary permits and actions that are necessary or may be requested in connection with the Project, as well as any other discretionary permits and actions that may be identified during the environmental review and entitlement process. The primary discretionary action necessary for the Project is approval of the Mammoth Crossing Project.

The following approval actions are anticipated to be completed concurrently with approval of the Mammoth Crossing Project:

- General Plan Amendment as described above.
- North Village Specific Plan Amendment including all changes as described in the Final EIR to implement the Mammoth Crossing Project.
- Any other necessary discretionary or ministerial permits and approvals required for construction or operation of the Project.

The following approval actions will be done following the approval of the Mammoth Crossing Project:

- Vesting Tentative Tract Map or Tentative Tract Map for parcelization purposes
- Conditional Use Permits, Use Permits, and Administrative Permits
- Design Review
- Building Permits
- Grading Permit, including Landscape Plans.

- Any other necessary discretionary or ministerial permits and approvals required for the construction or operation of the Project

III. ENVIRONMENTAL DOCUMENTATION BACKGROUND

Pursuant to *CEQA Guidelines* Section 15063, the Town prepared a preliminary Initial Study which concluded that the Project could result in potentially significant environmental impacts and an Environmental Impact Report (EIR) would be required. The Town circulated a Notice of Preparation (NOP) of a Draft Environmental Impact Report (Draft EIR) for the 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.

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, pursuant to the California Environmental Quality Act of 1970, as amended (CEQA Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines (14 Code of Regulations 15000 et seq., "CEQA Guidelines"). A Planning Commission meeting was held on September 10, 2008 to gather public comments on the Draft EIR. The Draft EIR was circulated to state agencies for review through the State Clearinghouse of the Governor's Office of Planning and Research. Copies of a Notice of Availability (NOA) of the Draft EIR were also sent to citizens surrounding the Project site, interested groups and agencies. Copies of the Draft EIR were available for review at the Town Community Development Department, Mono County Library, and via internet at www.ci.mammoth-lakes.ca.us.

Upon the close of the public review period, written responses were prepared to comments received on the Draft EIR, and those comments and responses, together with a list of persons commenting, were included within a Final Environmental Impact Report ("Final EIR") prepared pursuant to said statutes and guidelines for the Project.

The Final EIR for the Mammoth Crossing Project was prepared pursuant to CEQA and the State and Agency CEQA Guidelines. The Final EIR incorporated the Draft EIR by reference and included additions and corrections and written responses to the comments made on the Draft EIR during the review period.

The Final EIR was certified as complete on September 16, 2009 by the Town as the CEQA Lead Agency.

IV. FINDINGS OF FACT REGARDING IMPACTS AND MITIGATION MEASURES

California Environmental Quality Act

The California Environmental Quality Act (CEQA) (Pub. Res. Code Sections 21000, et seq.) and the State *CEQA Guidelines* (14 Cal. Code Regs Section 15000, et seq) promulgated thereunder, require that

the environmental impacts of a project be examined before a project is approved. Specifically, regarding findings, CEQA *Guidelines* Section 15091 provides:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. 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 final EIR.

2. 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.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in CEQA *Guidelines* Section 15370, including:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

General Findings

After reviewing the Final EIR and the public record on the Project, the Town hereby makes the following General Findings as well as the Findings found in Section V, VI, VII, VIII, and IX of this document regarding the significant effects of the Project pursuant to Section 15091 of the State CEQA *Guidelines*.

- The Town is the "Lead Agency" for the proposed Project evaluated in the Final EIR;
- The Draft EIR and Final EIR were prepared in compliance with CEQA and the CEQA *Guidelines*;
- The Town has independently reviewed and analyzed the Draft EIR and the Final EIR, and these documents reflect the independent judgment of the Town Council;
- The Town of Mammoth Lakes review of the Draft EIR and the Final EIR is based upon CEQA and the CEQA *Guidelines*;
- A Mitigation Monitoring and Reporting Program (MMP) has been prepared for the proposed Project, which the Town has adopted or made a condition of approval of the proposed project. That MMP is incorporated herein by reference and is considered part of the record of proceedings for the proposed Project;
- The MMP designates responsibility and anticipated timing for the implementation of mitigation. The Town will serve as the MMP Coordinator;
- In determining whether the proposed Project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;

- The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the Final EIR;
- The Town reviewed the comments received on the Draft EIR and Final EIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR or Final EIR. The Town has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final EIR;
- The responses to the comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR;
- The Town has made no decisions that constitute an irretrievable commitment of resources toward the proposed Project prior to certification of the Final EIR, nor has the Town previously committed to a definite course of action with respect to the proposed Project;
- Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the Town of Mammoth Lakes, custodian of record for such documents or other materials; and
- Having received, reviewed, and considered all information and documents in the record, the Town hereby conditions the proposed Project and finds as stated in these Findings.

Except for the significant unmitigatable impacts on aesthetics (public views and scenic vistas), air quality (construction generated respirable particulate matter [PM_{10}] emissions), and noise (exposure to an increase in temporary construction noise) resources described below, all effects of the Project on the environment are hereby found to be not significant after mitigation. Cumulative impacts of the Project in conjunction with other related approved, proposed, or projects currently under construction have been addressed where applicable, and with the exception of aesthetics (scenic views and visual character) and air quality (construction generated PM_{10} emissions), and construction noise, would not be significant after mitigation.

V. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the Town in conjunction with the proposed project;
- The Final EIR for the proposed project;
- The Draft EIR;

- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed Project at which such testimony was taken;
- The Mitigation Monitoring Program (MMP);
- The reports and technical memoranda included or referenced in Responses to Comments in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR, and the Final EIR;
- Matters of common knowledge to the Town, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

Custodian of Records

The custodian of records for all materials that constitute the record of proceedings on which approval of the Project and certification of the EIR are based is Anita Hatter, Town Clerk. The documents are available at the Town Offices located at 437 Old Mammoth Road, Ste. R, Mammoth Lakes, California 93546 from 8:00 a.m. 12 p.m. and from 1:00 p.m. to 5:00 p.m. Monday through Friday (Town Offices are temporarily closed the second and fourth Friday of each month).

VI. ENVIRONMENTAL EFFECTS THAT CAN BE REDUCED TO LESS THAN SIGNIFICANT LEVELS AND ASSOCIATED MITIGATION MEASURES

The following discusses the environmental impacts of the proposed Project that exceed defined standards of significance, but can be eliminated or reduced to less than significant level through implementation of feasible mitigation measures. Environmental impacts of the proposed Project that cannot be reduced through mitigation to a less than significant level are discussed in Section VII of this document.

Aesthetics

Impact AES-5 Shading/Shadows: *Implementation of the Project would cause winter solstice shadows to* be cast onto a portion of the adjacent residential land use north of Project Site 1 in the morning and

throughout the afternoon. As such, the Project may have the potential to impact the visual setting, and to cause potentially hazardous conditions on nearby public sidewalks and roadways.

Findings: As noted in Mitigation Measure AES-5 Shading/Shadows, below changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR to less than significant levels.

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 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 (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.

Facts in Support of the Findings: As explained in the EIR, the potentially significant effects would be reduced to less than significant levels through implementation of Mitigation Measure AES-1 Public Views and Scenic Vistas and AES-5 Shading/Shadows. Mitigation Measure AES-1, Public Views and Scenic Vistas, reduces the maximum height of the project to 75 feet (Sites 2 and 3) and 80 feet on Site 1, therefore reducing the amount of potential winter solstice shadows. With regard to hazards created by shadows on roadways, the Project Applicant will 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. In addition, 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 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 (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.

Air Quality

Impact AQ-2 Operational Emissions: Implementation of the Project would result in operational emissions generated by both stationary and mobile sources resulting from normal day-to-day activities on the Project site after occupation. Stationary area source emissions would be generated by the

consumption of natural gas for space and water heating devices, cooking appliances, and fireplaces, the operation of landscape maintenance equipment, the use of consumer products, and the application of architectural coatings (paints). Mobile emissions would be generated by the motor vehicles traveling to and from the Project site. As such, the Project may have the potential to impact air quality. Other than the emission of PM_{10}, the Project's operational emissions will not result in a significant impact on air quality. The Mammoth Lakes portion of the Great Basin Valley Air Basin is designated as a nonattainment area for PM_{10} (State and Federal standards). According to the Town's Air Quality Management Plan, particulate matter that causes PM_{10} violations consists primarily of road dust and soot from wood combustion.

Findings: As noted below in Mitigation Measure AQ-2 Operational Emissions, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels. Furthermore, as noted in the EIR, the Project would comply with Policy R.10.H from the 2007 General Plan, which prohibits solid fuel burning appliances from being installed within any residential units within multi-unit developments. The Project would be limited to solid fuel-burning appliance in each of hotels and as a result, particulate emissions generated by wood combustion from the Project would not substantially contribute to Federal and State PM_{10} violations.

Additionally, the Project would further reduce operational PM_{10} emissions generated through the use of personal vehicles, both by being developed as a mixed-use, infill project within the North Village, a compact and pedestrian-oriented district of the town, and by implementing "Feet-First" transportation mode principles. This would include providing on-site visitor serving retail and enhancing the existing safe pedestrian activated signal crossings for pedestrians at the Main Street-Lake Mary Road/Minaret intersection and at the Lake Mary Road/Canyon Boulevard intersection by adding two additional crosswalks on Minaret Road at the new roadway intersection to link Site 2 with Site 3. Pedestrian and bicycle linkage from the Sierra Star Golf Course area and Main Street town core to the North Village would also be provided on Site 3. The pedestrian and bicycle connections from Site 3 would connect to adjacent trails either existing or proposed.

The Project would provide bicycle facilities, which 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.

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, thus further reducing Project operational impacts associated with PM_{10} emissions.

Mitigation Measure AQ-2 Operational Emissions

The Project Applicant shall require the following implementation measures to reduce PM_{10} operational emissions resulting from the Project:

a. The Project shall include a transportation demand management program to reduce overall vehicle miles traveled ("VMTs"), in order to demonstrate compliance with the federal PM_{10} standard of 150 micrograms per cubic meter ($\mu g/m^3$). The program shall include, but not be limited to, circulation system improvements, shuttles to and from parking areas, and the location of facilities to encourage pedestrian circulation;

b. The Project shall be linked to existing developed areas through existing road networks, public transit systems, open space systems, and bicycle and pedestrian systems;

c. The Project shall implement trip reduction measures particularly during PM (evening) peak traffic hours to disperse trips between parking areas and mountain portals to and from the ski area;

d. Residential condominium units shall enter into a transit fee agreement with the Town consistent with the Town's established Transit Fee Agreement Program; and

e. A maximum of one solid fuel burning appliance may be installed or only one solid fuel burning appliance may be allowed in each hotel. No other solid fuel burning appliances shall be installed on the Project site.

In addition, the Project Applicant will consider the use of geothermal heating for both heating and snow removal to reduce PM_{10} emissions resulting from crushed cinder and dirt.

Facts in Support of the Findings: As explained in the EIR, the potentially significant effects would be reduced to less than significant levels through implementation of Mitigation Measure AQ-2 Operational Emissions, and have been further reduced through the implementation of strategic "Feet-First" principles that foster non-vehicular modes of transportation. According to the Air Quality Management Plan (AQMP), particulate matter that causes PM_{10} violations consists primarily of road dust and soot from wood combustion. In other words, tailpipe emissions from heavy-duty diesel engines constitute a minor or negligible component of PM_{10} impacts in the Mammoth Lakes area. In addition, motor vehicle emissions such as those used in snow-removal equipment have been greatly reduced since the AQMP analysis was completed because State and federal programs now require the use of low-sulfur diesel fuel as of 2006. When fully implemented in 2020, heavy duty on road diesel engines will be up to 95 percent cleaner than today's models. As a result, CARB estimates a 90 percent reduction in particulate emissions for new on- and off-road engines. An analysis of winter daily operational emissions was prepared

utilizing the URBEMIS 2007 computer model. Default heating fuel use and ambient temperature were adjusted to account for the climate at the proposed Project. As discussed in the EIR, the Project would be divided into several phases. Each phase would operate successfully as a complete entity throughout the entire development. Some phases may be under construction simultaneously. Therefore, in order to accurately predict the emissions generated by activities at the Project site, the operational emissions from Site 1 and the construction emissions from Site 2 were combined. This was repeated for Site 3 until all sites of the Project were completed and the entire Project reached build-out. The results of the calculations are presented in Table IV.C-7, Estimated Winter Daily Operational Emissions, in Section IV.C, Air Quality, of the Draft EIR.

Biological Resources

Impact BIO-1 Special Status Species: Implementation of the Project would pose a potential environmental concern to special-status species. Based on results from the *Biological Site Assessment Report*, eight special-status wildlife species, including four bat and four bird species, have a moderate potential to occur within the Project site; these species and/or their potential habitat may be impacted by the Project. No special-status plants are present on-site. As such, the Project may have the potential to impact biological resources.

Findings: As noted below in Mitigation Measure BIO-1a through BIO-1b Special Status Species, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant. Additionally, the Project would be an infill/redevelopment project on sites that have already been subject to grading and significant disturbance. The proposed building footprints are mostly located on the flatter portions of those sites where existing disturbance has occurred, so as to minimize tree removal and other effects on habitat and species that may be present.

Mitigation Measure BIO-1a Special Status Species

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 are to take place outside of this time frame, a pre-construction bat survey 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 shall be established and maintained 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.

Mitigation Measure BIO-1b Special Status Species

To avoid impacting nesting birds and/or raptors, one of the following must be implemented:

- Conduct vegetation removal and other ground disturbance activities associated with construction during September through March, when birds are not nesting;

  -OR-

- Conduct pre-construction surveys for nesting birds if construction is to take place during the nesting season. A qualified wildlife biologist shall conduct a pre-construction raptor survey no more than 30 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity (at least 300 feet around the Project site). If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the CDFG and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. A minimum exclusion buffer of 25 feet is required by CDFG for songbird nests, and 200 to 500 feet for raptor nests, depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel restricted from the area. A survey report by the qualified biologist verifying that the young have fledged shall be submitted to the Town prior to initiation of grading in the nest-setback zone.

Facts in Support of the Findings: As explained in the EIR, the potentially significant effects would be reduced to less than significant levels through implementation of Mitigation Measure BIO-1a through BIO-1b Special Status Species.

Impact BIO-4 Conformance with Town Policies and Ordinances: The proposed development would have the potential to conflict with the intent of some of the policies of the Town Municipal Code regarding tree removal. A number of the trees on site are larger than 6 inches in diameter and would meet the criteria to require approval from the Town prior to removal. As such the project has the potential to conflict with Town Policies and Ordinances.

Findings: As noted below in Mitigation Measure BIO-4 Conformance with Town Policies and Ordinances, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant. Additionally, the Project would be an infill/redevelopment project on sites that have already been subject to tree removal, grading and significant disturbance. The proposed building footprints are mostly located on the flatter portions of those sites where existing disturbance has occurred, so as to minimize tree removal.

Mitigation Measure BIO-4 Conformance with Town Policies and Ordinances

Prior to the removal of any trees greater than six inches in diameter, a final analysis of the number and value of trees removed shall be prepared by a licensed forester or certified arborist. Prior to removal of any trees greater than six inches in diameter, a tree removal permit must be approved by the Town. Said tree replacement shall be within the Project area, or off site as may be approved by the Community Development Director.

Facts in Support of the Findings: As explained in the EIR, the potentially significant effects would be reduced to less than significant levels through implementation of Mitigation Measure BIO-4 Conformance with Town Polices and Ordinances.

Cultural Resources

Impact CULT-2 Impacts to Unknown Cultural Resources: Implementation of the Project would require grading of the topographic features of the Project site to the extent necessary for construction of the Project. As such, the Project may have the potential to impact unknown cultural resources (including archaeological, and paleontological resources, as well as human remains) that may exist within the Project site or have potential to be buried within the site. Thus, cultural resources could be encountered during grading and construction activities.

Findings: As noted below in Mitigation Measure CULT-2a through CULT-2f Impacts to unknown Cultural Resources, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels. Additionally, in accordance with California Senate Bill 18 requirements, a request for consultation was made to all local Native American tribes who may have an interest in the Project; no requests for consultation were received. As noted above, as an infill project with most of its development located on areas subject to significant disturbance, the potential for adverse effects on cultural resources is reduced.

Mitigation Measure CULT-2a Impacts to unknown Cultural Resources

If previously unrecorded archaeological materials are identified during construction grading, work in the area should be temporarily halted or redirected and a qualified archaeologist meeting the Secretary of the Interior's standards for Archaeology and a Native American monitor shall be notified to evaluate the cultural find. If the archeologist determines that the site should be capped, the archeologist and Native American Monitors shall be on site during any capping activities. The archeologist and Native American Monitors shall be compensated for their services by the Project Applicant. The procedure to select and designate the archeologist and Native American Monitors shall be selected and designated as described in the Mitigation Monitoring Program as identified in the Final EIR.

Mitigation Measure CULT-2b Impacts to Unknown Cultural Resources

A qualified archaeologist and Native American monitor as selected and as needed per requirements identified in Mitigation Measure CULT-2a shall monitor ground-disturbing activities. The monitors shall be supplied with maps and site records for the previously recorded cultural resources within the Project site. The monitors shall prepare daily monitoring logs recording the type of work monitored, soil conditions, discoveries, and general observations.

Mitigation Measure CULT-2c Impacts to Unknown Cultural Resources

Previously unknown cultural resources identified during Project construction shall be protected through temporary redirection of work and possibly other methods such as fencing until formally evaluated for significance under CEQA. In the event that previously unrecorded cultural resources are exposed during construction, the archaeologist and Native American monitors as selected and as needed per requirements identified in Mitigation Measure CULT-2a shall be empowered to temporarily halt construction in the immediate vicinity of the discovery while it is documented and evaluated for significance. The monitors shall provide consultation when resources are found to determine how the resources shall be handled. If the selected Native American monitor and the Project Applicant cannot agree upon the proper treatment, the qualified archeologist monitoring the ground disturbing activities shall make the decision. Construction activities may continue in other areas. If the discovery is evaluated as significant under CEQA, additional work such as data recovery excavation may be warranted to mitigate Project-related impacts to a less than significant level if preservation is not possible.

Mitigation Measure CULT-2d Impacts to Unknown Cultural Resources

Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Mono County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, re-intern the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

Mitigation Measure CULT-2e Impacts to Unknown Cultural Resources

A monitoring report shall be prepared upon completion of construction monitoring, summarizing the results of the monitoring effort by both the qualified archaeological monitor and the Native American

Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1. Site records for any newly recorded or updated cultural resources shall be appended to the monitoring report.

Mitigation Measure CULT-2f Impacts to Unknown Cultural Resources

Artifacts or samples collected during the course of construction monitoring and any testing or data recovery associated with newly discovered resources by the qualified archaeological monitor and Native American monitor as selected and as needed per requirements identified in Mitigation Measure CULT-2a shall be curated in perpetuity in an appropriate facility upon completion of analysis and processing.

Facts in Support of the Findings: As explained in the EIR, the Project site and immediate vicinity have been subjected to multiple cultural resources studies. Seven cultural resources have been previously recorded within a one-half mile radius of the Project. These resources include: two historic period refuse deposits (26-3575 and 29-4357), and four lithic scatters (26-3727, CA-MNO-2480, CA-MNO-2481, and CA-MNO-2482). No cultural resources have been previously recorded within the Project limits, nor were any prehistoric or historic archaeological resources identified within the Project area during the intensive-level pedestrian survey. In addition, all properties within the Project area were found to be ineligible for listing in the California Register, and at this time would not qualify for National Register of Historic Places listing; therefore, none are a historical resource under CEQA.

Based on the paucity of previously recorded cultural resources in the literature search area and lack of identified prehistoric and historic archaeological resources within the Project area, the Project is not sensitive for prehistoric and historic archaeological resources. While ground-disturbing construction associated with the Project has the potential to result in significant impacts to unrecorded buried archaeological deposits, it is unlikely that any such deposits occur and the potentially significant effects will be reduced to less than significant levels through implementation of Mitigation Measure CULT-2a through CULT-2f Impacts to unknown Cultural Resources.

Geology/Soils

Impact GEO-2 Strong Seismic Ground Shaking: The Project site is not located within either Earthquake Fault Zones or Alquist-Priolo Hazard Zones and the potential for fault rupture is considered to be low. However, implementation of the Project would expose people or structures to strong seismic ground shaking due to the very nature of development in California. 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.][5]As such, the Project impacts related to geology and soils could be significant.

Findings: As noted below in Mitigation Measures GEO-2a through GEO-2c Strong Seismic Ground Shaking, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels.

Mitigation Measure GEO-2a Strong Seismic Ground Shaking

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 Strong Seismic Ground Shaking

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 Strong Seismic Ground Shaking

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.

Facts in Support of the Findings: As explained in the EIR, 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. Therefore, while the Project is not located in an Earthquake Fault Zones or Alquist-Priolo Hazard Zones and the potential for fault rupture is considered to be low, it is located within Seismic Zone III. As noted above, as an infill development Project in an area zoned for year-round visitor lodging and associated commercial land uses and would be developed according to specific minimum seismic safety and structural requirements of the 2007 California Building Code. Accordingly, the potentially significant effects will be reduced to less than significant levels

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[5] *Town of Mammoth Lakes 2005 General Plan Update Final Program Environmental Impact Report, May 2007.*

through regulatory compliance and implementation of Mitigation Measures GEO-2a through GEO-2c Strong Seismic Ground Shaking.

Impact GEO-5 Soil Erosion/Loss of Topsoil: Implementation of the Project would require grading and earthwork and would be subject to soil erosion and loss of topsoil. Erosion and loss of topsoil is possible surrounding the structures if left unprotected during the snowmelt season. Without proper implementation of erosion control measures during construction and operation of the Project, the sites would be subject to soil erosion and loss of topsoil. As such, the Project impacts related to geology and soils could be significant.

Findings: As noted below in Mitigation Measures GEO-5 Soil Erosion/Loss of Topsoil, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels.

Mitigation Measure GEO-5 Soil Erosion/Loss of Topsoil

The following measures shall be implemented to prevent soil erosion and loss of topsoil:

a. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared with the grading plans to fulfill regulatory requirements.

b. Permanent erosion control measures shall be placed on all graded slopes. No graded areas shall be left unstabilized between October 15th and April 15th.

c. Permanent erosion control measures for construction identified in the Project's Storm Water Pollution Prevention Plan (SWPPP) per the requirements of the California State Water Resources Control Board (SWRCB) adopted in accordance with the General Construction Activity Storm Water Permit (General Permit) shall be implemented.

d. Finish grading for all building areas shall allow for all drainage water from the building area to drain away from building foundations (two percent minimum grade on soil or sod for a distance of five feet). Ponding of water shall not be permitted.

e. The required implementation of the Best Management Practices (BMPs) identified in the Project's SWPPP would ensure that Project construction activities within the Project area would not cause substantial erosion on or off site. Additionally, for post construction, erosion control measures designed to minimize soil loss from exposed areas of the Project's three sites shall be determined in consultation with the Town's Department of Public Works.

Facts in Support of the Findings: As explained in the EIR, the Project has been organized so that it would be developed in several phases. Each phase would stand-alone and operate successfully as a complete entity. Some phases may be under construction simultaneously. While most phases would last

approximately 24 to 36 months, due to the very nature of the climate in Mammoth Lakes, earthmoving construction activities are limited due to seasonal weather conditions and would not occur year round, naturally reducing the impacts associated with loss of topsoil and soil erosion. The potentially significant effects will be further reduced to less than significant levels through implementation of Mitigation Measures GEO-5 Soil Erosion/Loss of Topsoil.

Impact GEO-6 Volcanic Activity: The Project site is not located within either Earthquake Fault Zones or Alquist-Priolo Hazard Zones and the potential for fault rupture is considered to be low. However, implementation of the Project would expose people to the hazards resulting from subsequent volcanic activity as a volcanic eruption could occur somewhere along Mono-Inyo Craters volcanic chain producing pyroclastic flow and surges, as well as volcanic ash and pumice fallout, which could significantly impact the Project site. The odds, however, of such an eruption are roughly one in a thousand in a given year. Although risk is present throughout the Town and surrounding areas, the Project impacts related to geology and soils could be significant.

Findings: As noted below in Mitigation Measures GEO-6 Volcanic Activity, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels.

Mitigation Measure GEO-6 Volcanic Activity

The Project Applicant shall prepare an emergency evacuation plan in consultation with the Town in order to provide for the orderly evacuation of the Project site in case the potential for volcanic hazards increases and residents need to vacate the Project site.

Facts in Support of the Findings: As explained in the EIR, the odds of volcanic eruption are very small. The Project is an infill development project in an area zoned for year-round visitor lodging and associated commercial land uses. The Project is in a highly urban area located at the northwest, southwest and southeast corners of the Main Street-Lake Mary Road/Minaret Road intersection. Local and regional roadways that provide access to the Project site include Minaret Road, Main Street, Lake Mary Road and Canyon Boulevard, U.S. Highway 395 and California State Route 203 ("SR 203") provide the residents and guests of the Project with adequate evacuation routes. Accordingly, the potentially significant effects will be reduced to less than significant levels through implementation of Mitigation Measures GEO-6 Volcanic Activity.

Hazards & Hazardous Materials

Impact HAZ-1 Upset and Accidental Release of Hazardous Materials: Hazardous materials and risk of upset condition are largely site-specific. The Project would require demolition, renovation or relocation of existing structures and removal of paved surface areas on each of the three sites. Given the age of the buildings, there exists the potential for existing construction materials to contain either Asbestos-

Containing Materials ("ACM") or Lead-Based Paint ("LBP"). Therefore, the demolition of existing structures on the Project site could expose people to potential hazards and hazardous materials.

Findings: As noted below in Mitigation Measure HAZ-1a through HAZ-1c Upset and Accidental Release of Hazardous Materials changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels.

Mitigation Measure HAZ-1a Upset and Accidental Release of Hazardous Materials

The Project shall comply with California OSHA Construction Safety Orders, California Code of Regulations, Title 8, Section 1532.1 and with the California Health and Safety Code, Division 20, Chapter 6.5 for the evaluation, handling and transport of materials containing hazardous substances. 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. It is anticipated that this further assessment/investigation will determine if any additional potential environmental liabilities are present in the Project area, and the assessment recommendations will assure a reduction of potential impacts to a less than significant level.

Mitigation Measure HAZ-1b Upset and Accidental Release of Hazardous Materials

A licensed asbestos abatement consultant shall be retained to conduct a pre-construction assessment for asbestos and asbestos containing materials. Prior to the issuance of demolition or building relocation permits, the applicant shall provide a letter to the Community Development Department from the qualified asbestos abatement consultant that no Asbestos-Containing Materials (ACMs) are present in on-site buildings. If ACMs are found to be present, they will need to be abated in compliance with all State and federal rules and regulations (including, but not limited to California Health and Safety Code, Division 20, Chapter 6.5), consistent with the 1994 Federal Occupational Exposure to Asbestos Standards, Occupational Safety and Health Administration (OSHA), Chapter 29 Code of Federal Regulations (CFR), prior to demolition of any buildings in the Project area. The Project Applicant shall be required to comply with all applicable State and federal policies and procedures for removal of any ACMs determined to be present within any structures on the Project area. Adherence to procedures outlined in the laws will assure that there will be a less than significant impact from asbestos due to the demolition or removal of buildings or structures.

Mitigation Measure HAZ-1c Upset and Accidental Release of Hazardous Materials

A licensed lead-based paint abatement consultant shall be retained to conduct a pre-construction assessment of lead based paint and lead-based paint containing materials. Prior to the issuance of the demolition or building removal permits, the applicant shall provide a letter to the Community Development Department from a qualified lead-based paint abatement consultant that no lead paint is present in on-site buildings. If lead-based paint (LBP) is found to be present on buildings to be demolished or removed, it shall be abated in compliance with applicable State and federal rules and

regulations governing lead paint abatement, consistent with the 1994 Federal Occupational Exposure to Asbestos Standards, Occupational Safety and Health Administration (OSHA), Chapter 29 Code of Federal Regulations, prior to demolition of any buildings in the Project area. The Project Applicant shall be required to comply with all applicable State and federal policies and procedures for removal of any LBP containing materials determined to be present within any structures on the Project site. Adherence to procedures outlined in the laws will assure that there will be a less than significant impact from lead-based paint due to the demolition or removal of buildings or structures.

Facts in Support of the Findings: As explained in the EIR, comprehensive ACM and LBP surveys would be recommended prior to any demolition or removal activities that may be undertaken in association with future development under the Project. Demolition of the existing structures on the Project site must be conducted in accordance with all applicable regulations concerning the removal of ACMs and LBPs. In the event that potential environmental liabilities (e.g., contaminated soils, leaking underground tanks) in the Project area are identified, further investigation would be required before soil grading and excavation could occur. The potentially significant effects will be reduced to less than significant levels through implementation of Mitigation Measure HAZ-1a through HAZ-1c Upset and Accidental Release of Hazardous Materials.

Hydrology & Water Quality

Impact HYD-1 Water Quality Standards: Implementation of the Project may impact water quality if the project discharges water during both construction and operational phases that does not meet the quality standards of agencies which regulate surface water quality (in this case, the Lahontan Regional Water Quality Control Board (RWQCB). These regulations include compliance with the land development policies and guidelines applicable to the Mammoth Lakes area above 7,000 feet specified by the Lahontan RWQCB in their Basin Plan. As such, the Project impacts related to hydrology and water quality could be significant.

Findings: As noted below in Mitigation Measure HYD-1 Water Quality Standards, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels. Additionally, the Project is proposed on land that is currently developed with similar uses and served by existing drainage collection infrastructure, which reduces the potential for adverse effects on water quality.

Mitigation Measure HYD-1 Water Quality Standards

In consultation with the Town, the Project Applicant shall identify and implement a suite of stormwater quality BMPs designed to address the most likely sources of stormwater pollutants resulting from operation of the proposed development projects within the proposed Project area. Pollutant sources and pathways to be addressed by these BMPs include, but are not necessarily limited to, parking lots, maintenance areas, trash storage locations, rooftops, interior public and private roadways, and storm drain inlets. The design and location of these BMPs will be subject to review and comment by the Town.

Implementation of these BMPs shall be assured by the Community Development Director and Town Engineer prior to the issuance of Grading or Building Permits.

Facts in Support of the Findings: As explained in the EIR, impacts to water quality generated from Project operation can be reduced through the proposed implementation of Best Management Practices (BMPs) designed to be protective of receiving water quality. These BMPs, as proposed in the Drainage Reports prepared for proposed development within the Project area, include detention and sedimentation basins as well as *Rainstore 3* infiltration systems designed to filter runoff from paved areas on the Project site. BMPs require that storm drainage facilities be maintained to continue to work as designed. Particular items requiring maintenance include, but are not limited to, cleaning of the grates, removal of foreign materials from storm drainage pipes, maintenance as necessary to outlet facilities, and repairs as necessary to damaged facilities. Additionally, snow removal would be performed in a way so as not to restrict drainage collection in gutters, inlets, and flow paths and snow shall not be placed where it will melt across traveled surfaces. Additionally, the potentially significant effects will be further reduced to less than significant levels through implementation of Mitigation Measure HYD-1 Water Quality Standards.

Impact HYD-2 Groundwater Depletion or Recharge: A significant impact may occur if a project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. As noted in the EIR, recharge of regional groundwater is dependent upon annual precipitation and groundwater is a key source of water supply for the Town. Because implementation of the Project would increase the amount of impervious surface area, groundwater recharge impacts could be potentially significant. While development of the Project is not anticipated to deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, impacts to hydrology and water quality may occur.

Findings: As noted below in Mitigation Measure HYD-2a and -2b Groundwater Depletion or Recharge, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels. As noted above, as an infill project with most of its development located on areas with existing development and paved surfaces, reduces the potential for adverse effects on groundwater depletion or recharge.

Mitigation Measure HYD-2a Groundwater Depletion or Recharge

All underground structures shall be designed with exterior wall drain board to a footing drain system as well as underslab subdrains. Crawlspaces shall be protected with proper ventilation and subdrains. The system shall be designed such that subdrains shall be designed with outlet systems that have maximum water surface elevations lower than the bottom of the subdrains to ensure that subdrains would not be inundated with stormwater when retention basins reach capacity. Subdrain design shall be based on final

Project design and shall be adequately sized so that retention basin capacity is maintained for stormwater retention purposes.

Mitigation Measure HYD-2b Groundwater Depletion or Recharge

In consultation with the Town and in compliance with the Lahontan RWQCB, and subject to the Town approval, the Project Applicant shall identify and install infiltration BMPs to offset the loss of pervious surface as a result of Project development. Infiltration BMPs would be selected based on Final Development Plans and design considerations in accordance with the methodology contained in the California Stormwater Quality Association's New Development and Redevelopment Handbook. Infiltration BMPs that would be considered could include infiltration trenches, pervious pavements, vegetated buffer strips or swales, and bioretention. Final selection would be dependent upon site characteristics and Final Development Plans and design considerations.

Facts in Support of the Findings: As explained in the EIR, the potentially significant effects will be reduced to less than significant levels through implementation of Mitigation Measure HYD-2a and HYD-2b Groundwater Depletion or Recharge.

Impact HYD-4 Drainage System Capacity: The Project would create impervious surfaces consisting of roofs, drives, parking areas and other hard-scape areas. The Project would include both landscaped and natural areas. Overall, development of the proposed Project would decrease the impervious surface on Site 1 and increase the impervious surface for Sites 2 and 3. The Project site is served by existing storm drains that have the capacity to adequately serve the additional increase in runoff from the proposed development, however impacts to the Town's storm drain facilities farther downstream (i.e., in the neighborhood of the Sierra Valley Sites) as a result of development on Sites 2 and 3 would be potentially significant as these facilities are currently operating at capacity according to the Town.

Findings: As noted below in Mitigation Measure HYD-4a and HYD-4b Drainage System Capacity, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels. As noted above, as an infill project served by an existing drainage infrastructure with identified design and construction improvements in the 2005 Storm Drain Master Plan, reduces the potential for additional or unknown adverse effects on drainage system capacity.

Mitigation Measure HYD-4a Drainage System Capacity

The Project Applicant shall design and construct improvements identified in the 2005 Storm Drain Master Plan to the extent necessary, as determined by the Town's Public Works Department, to increase the capacity of the Town's drainage facilities including the downstream Sierra Valley Site if no such improvements have been made by the time occupancy of Site 2 and Site 3 of the Project occurs.

Mitigation Measure HYD-4b Drainage System Capacity

In consultation with the Town and Lahontan RWQCB, and subject to Town approval, the Project Applicant shall identify and implement a suite of storm drainage facilities designed to safely capture, treat, and convey runoff from the required design storms. In addition, a detailed set of maintenance procedures necessary to assure that these storm drain facilities continue to work as designed shall be established and approved by the Town, in consultation with the Lahontan RWQCB. Particular items requiring maintenance include, but are not limited to, cleaning of gates, removal of foreign materials from storm drainage pipes, maintenance as necessary for outlet facilities and retention basins, and repairs as necessary to damaged facilities.

Facts in Support of the Findings: As explained in the EIR, existing conditions further downstream are currently inadequate and any increase in development on the Project site would create similar adverse drainage system impacts. As proposed, development on Site 1 would not contribute to this existing deficiency because it would reduce impervious surface from what currently exists. Development on Site 2 and Site 3 would increase impervious surface; however, the potentially significant effects will be reduced to less than significant levels through implementation of HYD-4a and HYD-4b Drainage System Capacity.

Public Services

Impact PS-1 Police Services: Implementation of the Project in conjunction with projects approved, proposed, or currently under construction have to potential to increase the demand for police services and accelerate the need to build a new police station. As such, impacts to police services may be significant.

Findings: As noted below in Mitigation Measure PS-1a and PS-1b Police Services, below, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels.

Mitigation Measure PS-1a Police Services

During construction the Project shall implement crime prevention features subject to the approval of the Mammoth Lakes Police Department ("MLPD"). Crime prevention features may include on-site security staff, construction security fencing, control to proposed parking areas, security lighting, and landscape planning and minimization of "dead-space" to eliminate areas of concealment.

Mitigation Measure PS-1b Police Services

During the operation of the Project, crime prevention features shall be implemented in conjunction with the non-residential components associated with the Project development as approved by the Mammoth Lakes Police Department ("MLPD"). Crime prevention features shall include trained security personnel on site for bars and restaurants that cater to late night crowds and to patrol the non-residential components between the hours of between 6 p.m. to 2 a.m., if deemed necessary by the MLPD. All trained security personnel associated with the Project shall work in conjunction with the MLPD law enforcement to solve

crimes and crime problems as requested by the MLPD. Additional MLPD-approved crime prevention features may be requested as the final uses associate with the Projects visitor-serving amenities are established.

Facts in Support of the Findings: As explained in the EIR, the Mammoth Lakes Police Department (MLPD) is currently in the process of building a new police facility that will be available in the next two to three years. The Project would pay the required Developer Impact Fees, which would support the development of the new police facilities and would eliminate blighted urban areas, which have the potential to increase crimes associated with vacant buildings. The potentially significant effects to police services will be further reduced to less than significant levels through implementation of Mitigation Measure PS-1a and PS-1b Police Services.

Traffic/Circulation

Impact TRANS-2 Cumulative Plus Project Intersection LOS: Implementation of the Project would create a potentially significant impact at Center/Main Street intersection, all other intersection in the study area are forecasted to operate within or below the Town's threshold of significance

Findings: As noted below in Mitigation Measure TRANS-2 Cumulative Plus Project Intersection LOS, changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels.

Additionally, the Project would further reduce its contribution of increased traffic and related circulation impacts through the use of personal vehicles, both by being developed as a mixed-use, infill project within the North Village, a compact and pedestrian-oriented district of the town, and by implementing "Feet-First" transportation mode principles. This would include providing on-site visitor serving retail and enhancing the existing safe pedestrian activated signal crossings for pedestrians at the Main Street-Lake Mary Road/Minaret intersection and at the Lake Mary Road/Canyon Boulevard intersection by adding two additional crosswalks on Minaret Road at the new roadway intersection to link Site 2 with Site 3. Pedestrian and bicycle linkage from the Sierra Star Golf Course area and Main Street town core to the North Village would also be provided on Site 3. The pedestrian and bicycle connections from Site 3 would connect to adjacent trails either existing or proposed.

The Project would provide bicycle facilities, which 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.

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, thus further reducing Project operational impacts associated with increased traffic.

Mitigation Measure TRANS-2 Cumulative Plus Project Intersection LOS

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:

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

Facts in Support of the Findings: As explained in the EIR, the Project's contribution to this significant cumulative traffic impact would be reduced to less than significant levels through implementation of Mitigation Measure TRANS-2 Cumulative Plus Project Intersection LOS.

Utilities

Impact UTIL-4 Cumulative Wastewater Infrastructure: Implementation of the Project would increase the demand on existing wastewater facilities and infrastructure. The Mammoth Community Water District (MCWD) has identified deficiencies in the collection system that would be exacerbated by the Project and the related projects. MCWD conducted a *Connection Fee Study* in 2005 to evaluate the need for future wastewater facilities and the costs associate with the construction of these facilities. As part of the 2005

Connection Fee Study, a sewer model was created to develop projections for future wastewater demands. While the Project was included in the 2005 *Connection Fee Study* the increased densities associated with the Project were not taken into account in this *Connection Fee Study* or in the sewer model. As such, impacts to the MCWD wastewater infrastructure may be significant.

Findings: As noted below, in Mitigation Measure UTIL-4 Cumulative Wastewater changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels. As a result of these changes, the Project would result in a reduced level of impacts to wastewater infrastructure.

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 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 WTTP;

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

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

Facts in Support of the Findings: With regards to wastewater infrastructure, as explained in the EIR, the Project's contribution to potentially significant cumulative effects to wastewater infrastructure would be

reduced to less than significant levels through implementation of Mitigation Measure UTIL-4 Cumulative Wastewater Infrastructure.

Impact UTIL-6 Water Supply: Implementation of the Project would result in an increased demand for domestic water in the Town therefore creating a potential impact to existing water supply.

Findings: Based upon the existing amount of water available to the MCWD, and given the required consistency with General Plan Policy R.4.A at the time of future use permits, there is sufficient water supply at average and peak times in both normal and multiple dry years for the Project under existing and cumulative conditions. Thus, no Project impact would occur and no mitigation measures are required. However, to further reduce the Project's demand on the MCWD's water services, Mitigation Measure UTIL-6 Water Supply was recommended. As a result of these changes, the Project would result in a reduced level water consumption therefore reducing impacts to overall water supply.

Mitigation Measure UTIL-6 Water Supply

To further reduce the Project's demand on water services, the Project Applicant should:

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.

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

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.

Facts in Support of the Findings: With regards to the Project's impacts to existing water supply, based upon the existing amount of water available to the MCWD, and given the required consistency with General Plan Policy R.4.A at the time of future use permits, there is sufficient water supply at average and peak times in both normal and multiple dry years for the Project under existing and cumulative conditions. Thus no Project impact would occur and no mitigation measures are required. However, to further reduce the Project's demand on the MCWD's water services, Mitigation Measure UTIL-6 Water Supply was recommended.

VII. SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE REDUCED TO LESS THAN SIGNIFICANT LEVELS AND ASSOCIATED MITIGATION MEASURES

The following discusses the environmental impacts of the proposed Project that exceed defined standards of significance and cannot be eliminated or reduced to a less than significant level through implementation of feasible mitigation measures.

Aesthetics (Public Views and Scenic Vistas)

Impact AES-1 Public Views of Scenic Vistas: The Project would result in significant and unavoidable impacts relative to the aesthetics impacts associated with scenic vistas and views looking toward the Mammoth Knolls from public areas near the Project site.

Findings: As noted below in Mitigation Measure AES-1 Public Views of Scenic Vistas, changes or alterations have been required in, or incorporated into, the Project to avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels; however, impacts to public views are not eliminated via implementation of this mitigation measure. Furthermore, specific economic, environmental, legal, social, technological or other considerations make infeasible the mitigation measures or Project alternatives identified in the EIR that would mitigate aesthetic impacts, including considerations identified in Section IX (Statement of Overriding Considerations). Accordingly, aesthetic impacts, specifically those associated with public views and scenic vistas, would be significant and unavoidable. As described in the Statement of Overriding Considerations, the Town has determined that this impact is acceptable because of specific overriding considerations. Moreover, the Town of Mammoth Lakes finds as a matter of public policy that a proposed alternative that would reduce aesthetic impacts would be infeasible because doing so would introduce greater impacts with regards to preserving the maximum amount of open space, trees and natural features, which is an important public policy for the Town. In addition, implementation of those alternatives would result in loss of density that is needed to support and/or achieve the amenities and benefits proposed in the Project, which are also goals of the North Village Specific Plan.

Mitigation Measure AES-1 Public Views of Scenic Vistas

The maximum height of buildings exclusive of appurtenances on Site 1 shall be limited to 80 feet, and to 75 feet on Sites 2 and 3. Heights between 70 feet and 80 feet on Site 1, and between 65 feet and 75 feet on Site 2 and Site 3 shall only be permitted subject to special Town Council approval when the additional 10 feet would result in "extraordinary architectural design." The maximum height shall only be permitted within a limited portion of each sites total area.

Facts in Support of Finding: As explained in the EIR, a significant impact would occur if the Project substantially blocks public views of a scenic vista as established in the Town's 2007 General Plan. The General Plan sets forth policies and implementation measures to ensure the preservation of the visual resources and visual character of the Town. A consistency analysis of the Project with applicable policies contained within the General Plan and the North Village Specific Plan was prepared and the Project was found to be generally consistent. A view analysis was performed that showed the Project would not obscure public views and scenic vistas from viewpoints 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 13 and 14.

However, views of the scenic Mammoth Knolls from Views 6 and 8 would be partially obscured. Nonetheless, the Project would result in significant impacts to scenic vistas by slightly obstructing public views of the scenic Mammoth Knolls to viewers looking toward the Mammoth Knolls from public areas near the Project site; specifically, public viewpoints include looking west from Lake Mary Road east of the Project site and looking north from Minaret Road south of the Project site.

As discussed in Section VIII of this document, some of the proposed Project alternatives were rejected because they would have equivalent or greater impacts than the Project and/or would not meet the Project objectives intended to create an intensely developed "Town Visitor Core" by redeveloping the underdeveloped parcels within the Specific Plan area to complete development of the North Village, and would not meet the overall intent of the current Specific Plan. Furthermore, as required by CEQA and *CEQA Guidelines* Section 15126.4, the EIR 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 EIR's proposed mitigation measures do not alter the fundamental description of the Project analyzed. Mitigation measures which would result in changes to the proposed Project's density, or additional changes to the 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). Project density is needed to support and/or achieve the amenities and benefits proposed in the Project, including ground floor retail commercial space as well as public plazas and meeting/conference space.

Because there are no mitigation measures available to reduce these aesthetic impacts that are consistent with the Project objectives, including the creation of an intensely developed "Town Visitor Core", this impact would be significant and unavoidable. The Town finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this unavoidable impact of the Project for the reasons set forth in Section IX (Statement of Overriding Considerations) of these findings.

Aesthetics (Temporary Construction)

Impact AES-6: Temporary Construction: The Project would result in significant and unavoidable impacts relative to aesthetics impacts associated with the visual character of the Project site resulting from construction phase of the Project. The Project's three sites are surrounded by existing development and/or

disturbed areas and, thus, construction activities would be visible from the surrounding land uses, including adjacent residential uses.

Findings: As noted below in Mitigation Measure AES-6 Temporary Construction, changes or alterations have been required in, or incorporated into, the Project to avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels; however, impacts to visual character during the contraction of the Project are not eliminated via implementation of this mitigation measure. Furthermore, specific economic, environmental, legal, social, technological or other considerations make infeasible the mitigation measures or Project alternatives identified in the EIR that would mitigate aesthetic impacts, and considerations identified in Section IX (Statement of Overriding Considerations). Accordingly, aesthetic impacts, specifically those associated with visual character due to temporary construction, would be significant and unavoidable. As described in the Statement of Overriding Considerations, the Town as determined that this impact is acceptable because of specific overriding considerations.

Mitigation Measure AES-6 Temporary Construction

Construction equipment staging areas shall use appropriate screening (i.e., semi-permanent quality temporary fencing with solid 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.

Facts in Support of Finding: As explained in the Final EIR, the Project has been organized so that it would be developed in several phases. Each phase would stand-alone and operate successfully as a complete entity. 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. Most phases would last approximately 24 to 36 months. Some phases may be under construction simultaneously. All construction staging would occur within the Project boundaries. Construction activities are proposed to be complete by 2020.

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). 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. It is important to note that any redevelopment on the Project sites would result in a temporary construction aesthetic impact due to the very nature of the Project's location at the highly visible Lake Mary Road-Main Street/Minaret Road

intersection. Therefore, while the implementation of Mitigation Measure AES-6 Temporary Construction and standard temporary construction fencing would reduce impacts to the visual character of the Project site during construction, these alterations to the Project would not reduce the aesthetic impact to a less than significant level.

As discussed in Section VIII of this document, some of the proposed Project alternatives were rejected because they would have equivalent or greater impacts than the Project and/or would not meet the Project objectives intended to create an intensely developed "Town Visitor Core" by redeveloping the underdeveloped parcels within the Specific Plan area to complete development of the North Village, and would not meet the overall intent of the current Specific Plan. Furthermore, as required by CEQA and *CEQA Guidelines* Section 15126.4, the EIR 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 EIR's proposed mitigation measures do not alter the fundamental description of the Project analyzed. 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). Project density is needed to support and/or achieve the amenities and benefits proposed in the Project, including ground floor retail commercial space as well as public plazas and meeting/conference space and to achieve the General Plan Neighborhood and District Character Element specifications for the North Village District.

Because there are no mitigation measures available to reduce these aesthetic impacts that are consistent with the Project objectives, including the creation of an intensely developed "Town Visitor Core", this impact would be significant and unavoidable. The Town finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this unavoidable impact of the Project for the reasons set forth in Section IX (Statement of Overriding Considerations) of these findings.

Impact AES-7 Cumulative Aesthetic Impact: The Project, although consistent in character with surrounding development, would result in significant impacts to public views of the scenic Mammoth Knolls to the northeast of Town. As noted below in Mitigation Measure AES-1 Public Views of Scenic Vistas, changes or alterations have been required in, or incorporated into, the Project to avoid or

substantially lessen the significant environmental effects identified in the EIR; however, impacts to public views are not eliminated via implementation of this mitigation measure.

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. However, development of the Project in association with these cumulative projects 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. 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.

Finding: Changes or alterations have been required in, or incorporated into, the Project to avoid or substantially lessen the significant environmental effects identified in the EIR to less than significant levels; however, impacts to visual character from cumulative development are not eliminated via implementation of this mitigation measure. Furthermore, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR that would mitigate aesthetic impacts, including considerations identified in Section IX (Statement of Overriding Considerations). Moreover, as a matter of public policy, the Town of Mammoth Lakes has approved the North Village Specific Plan that directs that the uses and overall intensity of development envisioned in the cumulative development be implemented to accomplish the policy and economic development goals of the Town.

Mitigation Measure AES-1 Public Views of Scenic Vistas

The maximum height of buildings exclusive of appurtenances on Site 1 shall be limited to 80 feet, and to 75 feet on Sites 2 and 3. Heights between 70 feet and 80 feet on Site 1, and between 65 feet and 75 feet on Site 2 and Site 3 shall only be permitted subject to special Town Council approval when the additional 10 feet would result in "extraordinary architectural design." The maximum height shall only be permitted within a limited portion of each sites total area.

Facts in Support of Finding: As shown in EIR, the Project site is located in the North Village Specific Plan area of the Town and is surrounded by existing development. There are 40 related projects in the vicinity of the Project. Descriptions of the related projects are located in Table II, Related Projects, 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. Related projects that are close enough to the Project site to have a direct cumulative visual quality impact in combination with the Project include Related Project Numbers 5, 6, 8, 12, 19, and 27 north of Lake Mary Road and Main Street, and 15, 22, and 36 south of Lake Mary Road and Main Street (refer to

Figure II-11). Other related projects are scattered throughout the Town and consist of development ranging from ten unit residential projects to larger resort projects. According to the Town, the 40 related projects are generally consistent with respective land use and zoning designations. As described in FEIR section IV.B, the Project although consistent in character with surrounding development would result in significant impacts to public views of the scenic Mammoth Knolls to the northeast of Town. 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. These cumulative projects are planned and within the scope of the North Village Specific Plan. However, development of the Project in association with these related projects 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. 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

Air Quality (Construction Generated PM_{10} emissions)

Impact AQ-1 Construction Impacts: The Project would result in significant and unavoidable impacts relative to the construction (respirable particulate matter [PM_{10}]) air pollutant emissions. Additionally, the Project's cumulative (Project plus other related approved or proposed projects as well as projects currently under construction in the Town) construction impact on air quality would be significant and unavoidable.

Findings: As noted below in Mitigation Measure AQ-1, Construction Impacts, changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects identified in the EIR. Based on comments provided on the Draft EIR, the Town consulted with the Great Basin Unified Air Pollution District and expanded Mitigation Measure AQ-1 to include additional measures to reduce the effects of construction-related PM_{10}. However, air quality impacts as a result of the construction of the Project and in consideration of the other related approved, proposed, or projects currently under construction in the Town would remain significant after such changes or alterations. Specific economic, environmental, legal, social, technological or other considerations, including considerations identified in Section IX (Statement of Overriding Considerations) make infeasible additional mitigation measures or Project alternatives identified in the EIR.

Mitigation Measure AQ-1 Construction Impacts

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. Sweep streets daily (with mechanical sweepers) if visible soil material is carried onto adjacent public streets;

f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);

g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);

h. Install gravel-bags, cobble entries, or other Best Management Practices (BMPs) and erosion control measures to prevent silt runoff to public roadways;

i. Replant vegetation in disturbed areas as soon as possible;

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. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use;

n. All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications;

o. When feasible, alternative fueled or electrical construction equipment shall be used for the Project site;

p. Use the minimum practical engine size for construction equipment;

q. Gasoline-powered equipment shall be equipped with catalytic converters, where feasible; and

r. Incorporate BMP's during construction of the Project site.

s. 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.

t. 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. 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.

v. 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.

w. Install a windbreak or other dust control screening between the Project site and adjoining sites.

x. 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.

y. Except for concrete trucks, all construction vehicles shall be prohibited from idling in excess of five minutes, both on-site and off-site.

z. Use bedliners in bottom-dumping haul vehicles.

aa. 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.

bb. 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.

cc. 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.

dd. Install gravel pads at all access points to prevent tracking of mud on to public roads.

ee. 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.

ff. Provide barriers with 50 percent or less porosity located adjacent to roadways to reduce windblown material leaving a site.

Facts in Support of Finding: As explained in the Final EIR, even with the implementation of Mitigation Measure AQ-1, Construction Impacts (above), specifically PM_{10} air pollutant emission impacts, would remain significant and unavoidable. There are no other available mitigation measures consistent with project objectives to reduce these impacts to a level of less than significant. Foreseeable construction activities for the Project would include site preparation, grading, placement of utilities and other infrastructure, placement of foundations for structures, removal of existing structures, and fabrication of structures across the entire approximately 9-acre Project area. Construction activities typically require the use of heavy trucks, excavating and grading equipment, concrete breakers, concrete mixers, and other mobile and stationary construction equipment. Emissions during grading and construction would be caused by material handling, traffic on unpaved or unimproved surfaces, use of paving materials and architectural coatings, exhaust from construction worker vehicle trips, and exhaust from diesel-powered construction equipment. The Great Basin Unified Air Pollution Control District (GBUAPCD) does not currently have quantified thresholds for determining the level of significance for construction-related 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 were considered significant.

Furthermore, as previously discussed, 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). Project density is needed to support

and/or achieve the amenities and benefits proposed in the Project, including ground floor retail commercial space as well as public plazas and meeting/conference space, and to achieve the General Plan Neighborhood and District Character Element specifications for the North Village District.

Because, as described above, there are no mitigation measures available to reduce these air quality impacts that are consistent with the Project objectives, this impact would be significant and unavoidable. The Town finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this unavoidable impact of the Project for the reasons set forth in Section IX (Statement of Overriding Considerations) of these findings.

Noise (Exposure of Person to Excessive Noise Levels)

Impact NOISE-1a Exposure of Person to Excessive Noise Levels: The Project would result in significant and unavoidable impacts relative to the construction noise. Construction activities associated with the Project, particularly the use of heavy machinery, would generate temporary and intermittent ambient noise level increases in the project vicinity, and would expose people to temporary excessive noise levels. Some of these impacts would occur regardless of the nature of future redevelopment of these sites, due to the proximity of residential uses.

Findings: As noted below in Mitigation Measures NOISE-1a, -1b and -1c, Exposure of Person to Excessive Noise Levels, changes or alterations have been required in, or incorporated into, the Project to avoid or substantially lessen the significant environmental effects identified in the EIR. Additionally, based on comments on the Draft EIR, the Mitigation Measure was expanded to provide additional restrictions on construction during peak holiday periods and special events, to liaise with neighboring residents, and to allow for monitoring and complaints of noise exceedence. Nonetheless, impacts from temporary noise during the construction of the Project are not eliminated via implementation of this mitigation measure. Furthermore, specific economic, environmental, legal, social, technological or other considerations, including considerations identified in Section IX (Statement of Overriding Considerations) make infeasible additional mitigation measures or Project alternatives identified in the EIR. Accordingly, noise impacts, specifically those associated with noise due to temporary construction, would be significant and unavoidable.

Mitigation Measure NOISE-1a Exposure of Person 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.

Mitigation Measure NOISE-1b Exposure of Person 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 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.

Facts in Support of Finding: As explained in the EIR, the Project would comply with the construction hours of the Town Municipal Code and Noise Ordinance, which would ensure construction activities associated with the Project would only occur within the hours permitted for construction within the Town (i.e., 7 a.m. to 8 p.m., Monday through Saturday, and 9 a.m. to 5 p.m. on Sundays and Town recognized holidays with approval of the building official or designee), and outside the peak holiday periods and events specified in the Mitigation Measure. Nonetheless, 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.

The Project has been organized so that it would be developed in several phases. Each phase would stand-alone and operate successfully as a complete entity. 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. Most phases would last approximately 24 to 36 months. Some phases may be under construction simultaneously. All construction staging would occur within the Project boundaries. Construction activities are proposed to be complete by 2020.

During the construction period, construction activities would take place only during allowed construction times per the Town Code and as specified in Mitigation Measure NOISE-1c. However, it is likely that construction vehicles and activities would still exceed allowed noise levels due to the close proximity of sensitive receptors. Although implementation of Mitigation Measures NOISE-1a, -1b and -1c, Exposure of Person to Excessive Noise Levels would reduce impacts resulting from construction activities, surrounding residential areas would be exposed to the construction related noise impacts for an extended period of time. The analysis in the EIR concludes that any redevelopment on the Project sites would result in a temporary construction noise impact due to the very nature of the Project's location at the highly urban area at the Lake Mary Road-Main Street/Minaret Road intersection. Therefore, while the implementation of the listed mitigation measures and compliance with Town Code would reduce impacts to the construction noise of the Project site during this phase, these alterations to the Project would not reduce the noise impact to a less than significant level.

As discussed in Section VIII of this document, some of the proposed Project alternatives were rejected because they would have equivalent or greater impacts than the Project and/or would not meet the Project objectives intended to create an intensely developed "Town Visitor Core" by redeveloping the underdeveloped parcels within the Specific Plan area to complete development of the North Village, and would not meet the overall intent of the current Specific Plan.

Furthermore, as required by CEQA and *CEQA Guidelines* Section 15126.4, the EIR 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 EIR's proposed mitigation measures do not alter the fundamental description of the Project analyzed. 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). Project density is needed to support and/or achieve the amenities and benefits proposed in the Project, including ground floor retail commercial space as well as public plazas and meeting/conference space, and to achieve the General Plan Neighborhood and District Character Element specifications for the North Village District.

Because there are no mitigation measures available to reduce these construction noise impacts that are consistent with the Project objectives, including the creation of an intensely developed "Town Visitor Core", this impact would be significant and unavoidable. The Town finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this unavoidable impact of the Project for the reasons set forth in Section IX (Statement of Overriding Considerations) of these findings.

Impact NOISE-5 Cumulative Construction Noise Impact: Development of the Project in combination with the Town's 40 related projects would result in an increase in construction-related noise in the Project area. 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 located approximately 100 feet to the south of the proposed Project and the Holiday Haus Inn located approximately 100 feet to the east of the Project site. Due to the close proximity of these 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 locations.

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. As such, potentially significant cumulative construction noise impacts could result. Implementation of Mitigation Measures NOISE-1a and NOISE-1b as discussed above under Impact NOISE-1a, (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.

Findings: As noted above in Mitigation Measures NOISE-1a, -1b and -1c, Exposure of Person to Excessive Noise Levels, changes or alterations have been required in, or incorporated into, the Project to avoid or substantially lessen the significant environmental effects identified in the EIR. Additionally, based on comments on the Draft EIR, the Mitigation Measure was expanded to provide additional restrictions on construction during peak holiday periods and special events, to liaise with neighboring residents, and to allow for monitoring and complaints of noise exceedence. Nonetheless, impacts from cumulative temporary noise during the construction of the Project are not eliminated via implementation of this mitigation measure. Furthermore, specific economic, environmental, legal, social, technological or other considerations, including considerations identified in Section IX (Statement of Overriding Considerations) make infeasible additional mitigation measures or Project alternatives identified in the EIR. Accordingly, noise impacts, specifically those associated with cumulative noise due to temporary construction in association with the construction of nearby related projects, would be significant and unavoidable.

Facts in Support of Finding: As explained in the EIR, the Project would comply with the construction hours of the Town Municipal Code and Noise Ordinance, which would ensure construction activities associated with the Project would only occur within the hours permitted for construction within the Town (i.e., 7 a.m. to 8 p.m., Monday through Saturday, and 9 a.m. to 5 p.m. on Sundays and Town recognized holidays with approval of the building official or designee), and outside the peak holiday periods and events specified in the Mitigation Measure. Nonetheless, construction noise levels experienced by nearby off-site residential uses in the surrounding area in conjunction with noise produced by construction activities at nearby related projects 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 cumulative construction noise impacts could result.

The Project has been organized so that it would be developed in several phases. Each phase would stand-alone and operate successfully as a complete entity. 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. Most phases would last approximately 24 to 36 months. Some phases may be under construction simultaneously. All construction staging would occur within the Project boundaries. Construction activities are proposed to be complete by 2020.

During the construction period, construction activities would take place only during allowed construction times per the Town Code and as specified in Mitigation Measure NOISE-1c. However, it is likely that construction vehicles and activities would still exceed allowed noise levels due to the close proximity of sensitive receptors. Although implementation of Mitigation Measures NOISE-1a, -1b and -1c, Exposure

of Person to Excessive Noise Levels would reduce impacts resulting from construction activities, surrounding residential areas would be exposed to the construction related noise impacts for an extended period of time. The analysis in the EIR concludes that any redevelopment on the Project sites would result in a temporary construction noise impact due to the very nature of the Project's location at the highly urban area at the Lake Mary Road-Main Street/Minaret Road intersection. Therefore, while the implementation of the listed mitigation measures and compliance with Town Code would reduce impacts to the construction noise of the Project site during this phase, these alterations to the Project would not reduce the noise impact to a less than significant level. In addition to the Project, several related projects are located within close proximity to the Project sites. If construction of these related projects were to occur simultaneously with construction on the Project site, the resulting cumulative noise impact would also be considered to be significant and unavoidable.

As discussed in Section VIII of this document, some of the proposed Project alternatives were rejected because they would have equivalent or greater impacts than the Project and/or would not meet the Project objectives intended to create an intensely developed "Town Visitor Core" by redeveloping the underdeveloped parcels within the Specific Plan area to complete development of the North Village, and would not meet the overall intent of the current Specific Plan.

Furthermore, as required by CEQA and *CEQA Guidelines* Section 15126.4, the EIR 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 EIR's proposed mitigation measures do not alter the fundamental description of the Project analyzed. 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). Project density is needed to support and/or achieve the amenities and benefits proposed in the Project, including ground floor retail commercial space as well as public plazas and meeting/conference space, and to achieve the General Plan Neighborhood and District Character Element specifications for the North Village District.

Because there are no mitigation measures available to reduce these cumulative construction noise impacts that are consistent with the Project objectives, including the creation of an intensely developed "Town

Visitor Core", this impact would be significant and unavoidable. The Town finds this remaining significant impact to be acceptable because the benefits of the Project outweigh this unavoidable impact of the Project for the reasons set forth in Section IX (Statement of Overriding Considerations) of these findings.

VIII. FINDINGS REGARDING THE MITIGATION MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the lead agency approving a project to adopt a Mitigation Monitoring Program for the changes to the project that it has adopted or made a condition of project approval in order to ensure compliance during project implementation. The Mitigation Monitoring Program adopted by the Town Community Development Department requires the Town to monitor mitigation measures designed to reduce or eliminate significant impacts. The Mitigation Monitoring Program has been designed to ensure compliance during implementation of the Project. The Town hereby adopts the Mitigation Monitoring Program as described in full in the Mitigation Monitoring Report, included as a separate exhibit.

The Town finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the in the Mitigation Monitoring Program. The Mitigation Monitoring Program designates responsibility for the implementation of mitigation for conditions within the jurisdiction of the Town Community Development Department. Implementation of mitigation measures specified in the Mitigation Monitoring Program will be accomplished through Project planning and implementation, and monitoring and enforcement of these measures will be accomplished by periodic inspections by appropriate Town departments. The Town Community Development Department reserves the right to make amendments and/or substitutions of mitigation measures if, in the exercise of discretion of the Town Community Development Department, it is determined that the amended or substituted mitigation measures will mitigate the identified potential environmental impact to at least the same degree as the original mitigation measure, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

IX. FINDINGS REGARDING ALTERNATIVES TO THE PROPOSED PROJECT AND THE REASONS THAT SUCH ALTERNATIVES HAVE BEEN REJECTED

The State *CEQA Guidelines* require that EIRs include the identification and evaluation of a reasonable range of alternatives that is 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 that 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 Town 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. Furthermore, 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 were analyzed. Because the Project would generate significant impacts, considerations in Project design may afford the opportunity to avoid or reduce such impacts. As such, two additional reduced density alternatives were prepared resulting in a total of six alternatives. These alternatives to the proposed Project include: A) No Project Alternative, B) No Public Parking Alternative, C) On-site Affordable Housing Alternative, D) Existing North Village Specific Plan Build-Out Condominium Only Alternative, E) Reduced Density: 65 RPA Alternative, and F) Reduced Density: 48 RPA. The six alternatives are briefly described below. A description of each alternative and the rationale for why the alternative was rejected is presented below.

Of the four alternatives presented in Section VI, Alternatives to the Proposed Project, of the Draft EIR, three were determined to be consistent with the existing *North Village Specific Plan*: 1) Alternative A, No Project No Build; 2) Alternative D, Existing North Village Specific Plan Build-Out Condominium Only; and 3) Alternative F, Reduced Density 48 RPA. The existing *North Village Specific Plan* ("Specific Plan") does not restrict development to one type, but rather allows for a range of development scenarios.

Alternative A: No Project Alternative

As required by CEQA, this subsection analyzes a "No Project No Build" Alternative ("Alternative A"). Under Alternative A, the proposed Project would not be constructed, and the Project site would remain in its current condition. As previously described in this Draft EIR, Project Sites 1 through 3 include existing development as follows:

- Site 1 comprises approximately two acres, of which approximately .05 acres is a vacated right-of-way. In addition to the existing Whiskey Creek Restaurant, Site 1 contains several existing 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 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 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.

Relationship of Alternative A to the Project Objectives & Rationale for Rejection

Alternative A would not meet any of the Project objectives, as no development would occur. Alternative A was rejected because, while it does not generate greater environmental impacts than the Project, it would result in the continuation of the blighted conditions of the three corners of this highly visible gateway to the Village and would not be consistent with the overall intent of either the North Village Specific Plan or the North Village District as described in the General Plan Neighborhood and District Character Element.

Alternative B: No Public Parking Alternative

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.

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 affordable rooms associated with development on Site 1 would be constructed off site and the affordable rooms required by Site 1 and Site 2 development would be built on each site, respectively.

Similar to the Project, Alternative B 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.

Relationship of Alternative B to the Project Objectives & Rationale for Rejection

Alternative B would meet all of the Project objectives by creating an intensely developed "Town Visitor Core" through redevelopment of the underdeveloped parcels within the Specific Plan area, completing development of the North Village, and meeting the overall intent of the current Specific Plan and the North Village District as described in the General Plan Neighborhood and District Character Element. Alternative B 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 B the number of affordable housing and visitor accommodations would be the same as that of the proposed Project. However, the alternative would not provide additional public parking, which the Town has identified as a priority for the North Village area. The Town has determined that the negligible improvement in environmental impacts associated with this alternative does not outweigh the community benefits offered by inclusion of the proposed public parking, which is intended to offset an existing deficiency in the North Village. On these bases, this Alternative was rejected.

Alternative C: On-site Affordable Housing Alternative

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.

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 affordable housing rooms required by development on Site 1 to be constructed on-site 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, which would be constructed when each site is developed.

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 35 to up to 80 feet. Under Alternative C, all buildings heights would remain the same as the Project with the exception of Site 1's northern-most building, which would accommodate the construction of the required affordable housing units. The inclusion of affordable housing on Site 1 would necessitate an increase of height to a portion of this building in order to accommodate the additional rooms. Similar to the Project, maximum building heights on Site 1 would be at or below 80 feet in height from above the underside of parking garage ceiling (8,035 elevation).

Relationship of Alternative C to the Project Objectives & Rationale for Rejection

Alternative C would meet most of the Project objectives by creating an intensely developed "Town Visitor Core" through redevelopment of the underdeveloped parcels within the Specific Plan area, completing development of the North Village, and meeting the overall intent of the current Specific Plan. Development under Alternative C 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 C, all required affordable housing would be accommodated on site. However, Alternative C was rejected because the increased amount of development would worsen conditions in a number of key areas including traffic, air quality, aesthetics, and public services.

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

Under the Existing North Village Specific Plan Build-Out Condominium Only Alternative ("Alternative D"), the Mammoth Crossing development would be constructed according to 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 building heights and setbacks would not exceed those required in the existing Specific Plan.

Under Alternative D the Mammoth Crossing development would be comprised of 445 condominium rooms at 48 rooms per acre (RPA). Affordable housing, totaling 12,500 square feet (approximately 50 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 two-bedroom, permanent year-round housing units in the Town. Alternative D would not provide any commercial, plaza or conference space, compared to the Project.

Alternative D would constitute an overall reduction in residential density as compared to the Project, with approximately 40 percent fewer residential rooms (445 as opposed to 742). As stated above, building heights in Alternative D 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 D 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. Alternative D would require the demolition of existing structures and proposes to include understructure parking, and new pedestrian and bike pathways as well as, connections to existing pedestrian and bike pathways. Except as described above, other characteristics (e.g., lighting, landscaping, and utility connections) are assumed to be generally similar to those of the proposed Project.

Relationship of Alternative D to the Project Objectives & Rationale for Rejection

Development under Alternative D 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. However, Alternative D was rejected because it would not meet most of the Project objectives intended to create an intensely developed "Town Visitor Core" by redeveloping the underdeveloped parcels within the Specific Plan area to complete development of the North Village, and would not meet the overall intent of the current Specific Plan or the North Village District as described in the General Plan Neighborhood and District Character Element. Under Alternative D, there would be no retail or visitor serving amenities, affordable housing would be reduced, and no retail, conference, public plaza space or additional public parking would be developed. Alternative D would also not provide development that is responsive to the existing and expected future hotel demand within the Town, an important objective in meeting the Town's community vision of becoming a premier resort.

Alternative E: Reduced Density: 65 RPA Alternative

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.

Relationship of Alternative E to the Project Objectives & Rationale for Rejection

Alternative E would partially meet 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 or the North Village District as described in the General Plan Neighborhood and District Character Element. 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. However, Alternative E was rejected because the number of affordable housing and visitor accommodations would be reduced from

those of the proposed Project, the retail and visitor serving amenities and affordable housing would be reduced, and no public plaza space would be developed. Alternative E would also not provide development that is responsive to the existing and expected future hotel demand within the Town. The Project program includes a level of density that is necessary to support and achieve the range of amenities and benefits proposed in the Project, including the amount of ground floor retail commercial space, as well as public plazas and meeting/conference space, to achieve the overall project objectives, which correspond to those of the NVSP and General Plan Neighborhood and District Character Element specifications for the North Village District.

Alternative F: Reduced Density: 48 RPA Alternative

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 F 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.

Relationship of Alternative F to the Project Objectives & Rationale for Rejection

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. However, Alternative F was rejected because the number of affordable housing and visitor accommodations would be significantly reduced from those of the proposed Project, the retail and visitor serving amenities and affordable housing would be reduced, and no public plaza space would be developed. Alternative F would also not provide development that is responsive to the existing and expected future hotel demand within the Town. The Project program includes a level of density that is necessary to support and achieve the range of amenities and benefits proposed in the Project, including the amount of ground floor retail commercial space, as well as public plazas and meeting/conference space, to achieve the overall project objectives, which correspond to those of the NVSP and General Plan Neighborhood and District Character Element specifications for the North Village District.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

Section 15093 of the CEQA Guidelines provides that:

> *CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*
>
> *When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*
>
> *If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of*

determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Project benefits are defined as those improvements or gains to the community that would not occur without the Project.

In accordance with CEQA Guidelines Section 15093, the Town has, in determining whether or not to approve the Project, balanced the economic, social, technological and other benefits of the Project against its unavoidable environmental risks, and has found that the benefits of the Project outweigh the significant adverse environmental effects that are not mitigated to less than significant levels, for the reasons set forth below. This statement of overriding considerations is based on the Town review of the Final EIR and other information in the administration record, including but not limited to the Draft EIR and the Technical Appendix.

Impacts from Proposed Project

As stated in Section VI above, and the EIR, the Project would result in a significant and unavoidable impact relative to the following:

- **Aesthetics.** The Project would result in significant unavoidable impacts to public views and scenic vistas from the Project individually as well as cumulatively. The Project would result in significant impacts to scenic vistas by altering the visual character of the site and would slightly obstruct views of the Mammoth Knolls, which would be apparent to viewers looking south toward the Mammoth Knolls from public areas near the Project site. The Project would also cause significant and unavoidable aesthetic impacts due to the visual appearance of the project sites during construction, because it would not be possible to fully shield or screen construction activities from public viewpoints.

- **Air Quality.** The Project would result in significant unavoidable impacts to air quality from Project construction generated PM_{10} emissions as well as cumulative impacts from construction generated PM_{10} emissions. Because the GBUAPCD does not have a specific threshold for construction-related PM10, any increase in PM_{10} is considered to be significant. Therefore, because construction PM_{10} emissions cannot be reduced to zero even with the implementation of the recommended mitigation measures, the impact is considered to be significant and unavoidable.

- **Noise.** The Project would create a significant and unavoidable impact resulting from a temporary increase in noise due to construction activities. This construction related noise would expose nearby sensitive uses to excessive noise levels for the duration of construction activities due to the extent of construction and the proximity of those uses.

Project Benefits

Despite having significant unavoidable environmental impacts, the Project is being proposed to allow the construction of previously proposed and planned for land uses, to provide these land uses in the smallest environmental footprint and with the greatest amount of open space area, to provide needed housing and employment opportunities to Town residents, to support and expand the visitor-oriented resort area that constitutes the North Village as envisioned in the North Village Specific Plan, and to provide recreational and resort amenities to Town residents and visitors.

The Town finds that the following substantial benefits will occur as a result of approval of the Mammoth Crossing Project:

1. The Project is intended to enhance the a destination resort attributes of Mammoth Lakes and its existing mountain resort community by providing lodging, services and facilities for residents and visitors within an area intended for a concentration of such uses, the North Village.

2. The Project will create both jobs and housing for the residents of Mammoth Lakes. The applicant intends to develop the Project with a mix of uses, located and positioned to best enhance the visitor experience and preserve Mammoth Lakes' character of a village in the forest.

3. The Project will help to complete the Mammoth Lakes resort experience with a destination resort and residential units in a pedestrian and transit-oriented visitor lodging and retail district that will offer an array of visitor amenities intended to attract longer year round stays with higher per visitor spending.

4. The Project would provide an opportunity for a signature development at the prominent intersection of Main Street and Minaret that would enhance and define the gateway qualities of this entry point to the North Village.

5. The Project would provide improvements to the vehicular and pedestrian circulation system within the North Village through the construction of new sidewalks, crosswalks, pedestrian pathways through each of its sites, and bike lanes. These improvements, together with the Project's location near a concentration of transit stops, and its proximity to the Village Gondola and existing and proposed residential and resort development will enable residents and visitors in the area to walk to and from the Project site, and to make extensive use of the existing and proposed future bus/shuttle shelters located at the North Village. The project would provide a suite of feet-first and transit-oriented features and amenities that would reduce visitors' dependence on private automobiles.

6. The project would help to address existing parking deficiencies in the North Village by providing a significant number of shared public parking spaces, over and above those required to serve its own need.

7. The Project would provide diverse recreational amenities to promote year-round recreational opportunities in the Town. 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. 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.

8. The Project would provide a variety of housing types, including affordable housing to meet the varying needs of socio-economic groups and lifestyle patterns. The Project would include permanent residences, condominium and rental units, and overnight facilities.

9. Consistent with the 2007 General Plan, the Project would increase employee-related residents to the Town through indirect population growth due to permanent jobs. In addition, the construction of the Project would create short-term and long-term construction jobs for local contractors during the roughly 10-year construction time period. The "multiplier effect" of the construction jobs and the new jobs in the area will generate additional economic activity that benefits other local businesses. Due to the Project's close proximity to existing bus/shuttle shelter locations, Project employees will be encouraged to use transit to travel to and from work.

Statement of Overriding Considerations

The Town hereby finds that approval of the Mammoth Crossing Project could result in significant and unavoidable impacts relative to aesthetics (public views, scenic vistas, and cumulative impacts), and air quality (construction generated PM_{10} emissions), and noise (exposure of persons to excessive noise levels. The Town finds these unmitigable impacts are outweighed by the Project benefits described above and, therefore, are acceptable. Furthermore, while the Project alternatives would reduce some of the adverse impacts associated with the Project and meet some of the objectives of the Project, the amount of benefits provided by the alternatives would be less than the Project and/or would increase adverse impacts associated with other environmental issues areas. Therefore, on balance, the benefits provided by each of the alternatives would be less than those provided by the Project. The Town further finds that to the extent that the identified adverse or potentially adverse impacts have not been mitigated to less than significant levels, there are specific economic, social, planning, land use, and other considerations that support approval of the Project. Moreover, the Town finds that where more than one reason exists for any findings, the Town finds that each reason independently supports these findings, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

Record of Proceedings

Various documents and other materials, including the Final EIR, constitute the record of proceedings upon which the Town bases its findings and decisions contained herein. Most documents related to this Project are located at the Town Community Development Department, 437 Old Mammoth Road, Suite R, Mammoth Lakes, CA 93546.

Independent Judgment

Third party consultants hired by the Town prepared the Draft EIR, Final EIR and technical reports. These documents and all materials related thereto were extensively reviewed and, where appropriate, modified by the Town. As such, the EIR reflects the independent judgment and analysis of the lead agency.

Project Conditions of Approval

Each of the Project features and mitigation measures referenced herein shall be conditions of Project approval to be monitored and enforced by the Town pursuant to the building permit process and the Mitigation Monitoring Program. To the extent applicable, each of the other findings and conditions of approval made by or adopted by the Town in connection with its approval of the Project is also incorporated herein by this reference.

Summary

1. Based on the foregoing Findings and the information contained in the record, the Town has made one or more of the following findings with respect to significant environmental effects identified in the Final EIR:

    a. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects on the environment.

    b. Implementation of the mitigation measures identified in the EIR would reduce impacts to relative to aesthetics (public views and scenic vistas, construction-related), air quality (construction generated PM_{10} emissions), and construction-related noise. However, impacts would not be reduced to less than significant levels.

    c. Furthermore, specific economic considerations and environmental impacts with respect to aesthetics, air quality, and noise make infeasible the Project alternatives identified in the Draft EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the Project.

2. Based on the foregoing findings and the information contained in the record, it is hereby determined that:

a. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible.

b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations, above.

3. The Town finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, and in the record of proceedings in the matter.

XI. APPROVALS

The Town Council of the Town of Mammoth Lakes hereby takes the following actions:

A. The Town Council hereby certifies the Final EIR.

B. The Town Council hereby certifies: (1) it was provided with the Draft EIR, Final EIR and technical reports; (2) it reviewed and considered the information in the EIR; (3) the EIR was completed in compliance with CEQA; and (4) the EIR reflects its independent judgment and analysis.

C. The Town Council hereby adopts as conditions of approval of the Project each of the Project features referenced in the Final EIR and all mitigation measures within the responsibility and jurisdiction of the Town set forth in the findings.

D. The Town Council hereby adopts the Mitigation Monitoring Program for the Project as set forth above.

E. The Town Council hereby incorporates by reference and adopts these findings and determinations contained in "Findings of Fact and Statement of Overriding Considerations" in their entirety as its findings and determinations for these actions and approvals.

F. The Town Council hereby incorporates by reference and adopts the statement of overriding considerations included with its findings and determinations contained in "Findings of Fact and Statement of Overriding Considerations".

G. The Town Council hereby authorizes the Town Community Development Department to make amendments and/or substitutions of mitigation measures if, in the exercise of discretion of the Town Community Development Department, it is determined that the amended or substituted mitigation measures will mitigate the identified potential environmental impact to at least the same degree as the original mitigation measure, and

where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

H. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, incorporated mitigation measures into the Project, and adopted findings and a statement of overriding considerations.

Exhibit 4

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

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 and Reporting Program ("MMP").

An Environmental Impact Report ("EIR") has been prepared to address the potential environmental impacts of the Project. Where appropriate, this environmental document identified project design features or recommended mitigation measures to avoid or to mitigate potential impacts identified to a level where no significant impact on the environment would occur. There are occasions that feasible mitigation is not available. CEQA Code 15126.4 (5) states: If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination. This MMP is designed to monitor implementation of the required and recommended mitigation measures and conditions set forth for project approval for the Project as identified in the Draft Environmental Impact Report ("Draft EIR") and the Final Environmental Impact Report ("Final EIR"). The required and recommended mitigation measures as well as the conditions set forth for project approval are listed and categorized by impact area, with an accompanying identification of the following:

- Monitoring Phase, the phase of the project during which the mitigation measure shall be monitored. These phases include:
    - Pre-Construction, including the design phase.
    - Construction.
    - Operation (post-construction)
- Implementing Party, the party responsible for implementing the mitigation measure.
- The Enforcement Agency, the agency with the power to enforce the mitigation measure.
- The Monitoring Agency, the agency to which reports involving feasibility, compliance, implementation, and development are made.

The MMP for the Project will be in place throughout all phases of the Project. The Project Applicant shall be responsible for implementing all mitigation measures unless otherwise noted. The Project Applicant shall also be obligated to provide certification, as identified below, to the appropriate

monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented. The Town will be used as the basic foundation for the MMP procedures and will also serve to provide the documentation for the reporting program.

Generally, each certification report will be submitted to the Town in a timely manner following completion/implementation of the applicable mitigation measure and shall include sufficient information to reasonably determine whether the intent of the measure has been satisfied. The Town shall assure that project construction occurs in accordance with the MMP. Departments listed below are all departments of the Town unless otherwise noted.

AESTHETICS

Mitigation Measure AES-1 Public Views of Scenic Vistas

The maximum height of buildings exclusive of appurtenances on Site 1 shall be limited to 80 feet, and to 75 feet on Sites 2 and 3. Heights between 70 feet and 80 feet on Site 1, and between 65 feet and 75 feet on Site 2 and Site 3 shall only be permitted subject to special Town Council approval when the additional 10 feet would result in "extraordinary architectural design." The maximum height shall only be permitted within a limited portion of each sites total area.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

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 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 (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.

Monitoring Phase	Pre-Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Department of Public Works
Monitoring Agency	Department of Public Works

Mitigation Measure AES-6 Temporary Construction

Construction equipment staging areas shall use appropriate screening (i.e., semi-permanent quality temporary fencing with solid 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.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

AIR QUALITY

Mitigation Measure AQ-1 Construction Impacts

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. Sweep streets daily (with mechanical sweepers) if visible soil material is carried onto adjacent public streets;

f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);

g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);

h. Install gravel-bags, cobble entries, or other Best Management Practices (BMPs) and erosion control measures to prevent silt runoff to public roadways;

i. Replant vegetation in disturbed areas as soon as possible;

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. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use;

n. All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications;

o. When feasible, alternative fueled or electrical construction equipment shall be used for the Project site;

p. Use the minimum practical engine size for construction equipment;

q. Gasoline-powered equipment shall be equipped with catalytic converters, where feasible; and

r. Incorporate BMP's during construction of the Project site.

s. 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.

t. 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. 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.

v. 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.

w. Install a windbreak or other dust control screening between the Project site and adjoining sites.

x. 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.

y. Except for concrete trucks, all construction vehicles shall be prohibited from idling in excess of five minutes, both on-site and off-site.

z. Use bedliners in bottom-dumping haul vehicles.

aa. 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.

bb. 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.

cc. 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.

dd. Install gravel pads at all access points to prevent tracking of mud on to public roads.

ee. 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.

ff. Provide barriers with 50 percent or less porosity located adjacent to roadways to reduce windblown material leaving a site.

Monitoring Phase Construction
Implementing Party Applicant

Enforcement Agency	Community Development Department
Monitoring Agency	GBUAPCD

Mitigation Measure AQ-2 Operational Emissions

The Project Applicant shall require the following implementation measures to reduce PM_{10} operational emissions resulting from the Project:

a. The Project shall include a transportation demand management program to reduce overall vehicle miles traveled ("VMTs"), in order to demonstrate compliance with the federal PM_{10} standard of 150 µg/m3. The program shall include, but not be limited to, circulation system improvements, shuttles to and from parking areas, and the location of facilities to encourage pedestrian circulation;

b. The Project shall be linked to existing developed areas through existing road networks, public transit systems, open space systems, and bicycle and pedestrian systems;

c. The Project shall implement trip reduction measures particularly during PM peak traffic hours to disperse trips between parking areas and mountain portals to and from the ski area;

d. Residential condominium units shall enter into a transit fee agreement with the Town consistent with the Town's established Transit Fee Agreement Program; and

e. A maximum of one solid fuel burning appliance may be installed or only one solid fuel burning appliance may be allowed in each hotel. No other solid fuel burning appliances shall be installed on the Project site.

In addition, the Project Applicant will consider the use of geothermal heating for both heating and snow removal to reduce PM_{10} emissions resulting from crushed cinder and dirt.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Community Development Department/Department of Public Works
Monitoring Agency	GBUAPCD

BIOLOGICAL RESOURCES

Mitigation Measure BIO-1a Special Status Species

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 are to take place outside of this time frame, a

pre-construction bat survey 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 shall be established and maintained 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.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division and CDFG

Mitigation Measure BIO-1b Special Status Species

To avoid impacting nesting birds and/or raptors, one of the following must be implemented:

- Conduct vegetation removal and other ground disturbance activities associated with construction during September through March, when birds are not nesting;

-OR-

- Conduct pre-construction surveys for nesting birds if construction is to take place during the nesting season. A qualified wildlife biologist shall conduct a pre-construction raptor survey no more than 30 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity (at least 300 feet around the Project site). If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the CDFG and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. A minimum exclusion buffer of 25 feet is required by CDFG for songbird nests, and 200 to 500 feet for raptor nests, depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel restricted from the area. A survey report by the qualified biologist verifying that the young have fledged shall be submitted to the Town prior to initiation of grading in the nest-setback zone.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division and CDFG

Mitigation Measure BIO-4 Conformance with Town Policies and Ordinances

Prior to the removal of any trees greater than six inches in diameter, a final analysis of the number and value of trees removed shall be prepared by a licensed forester or certified arborist. Prior to removal of any trees greater than six inches in diameter a tree removal permit must be approved by the Town. Said tree replacement shall be within the Project area, or off site; as may be approved by the Community Development Director.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

CULTURAL RESOURCES

Mitigation Measure CULT-2a Impacts to Unknown Cultural Resources

If previously unrecorded archaeological materials are identified during construction grading, work in the area should be temporarily halted or redirected and a qualified archaeologist meeting the Secretary of the Interior's standards for Archaeology and a Native American monitor shall be notified to evaluate the cultural find. If the archeologist determines that the site should be capped, the archeologist and Native American Monitors shall be on site during any capping activities. The archeologist and Native American Monitors shall be compensated for their services by the Project Applicant. The procedure to select and designate the archeologist and Native American Monitors shall be selected and designated as described in the Mitigation Monitoring Program as identified in the Final EIR.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2b Impacts to Unknown Cultural Resources

A qualified archaeologist and Native American monitor as selected and as needed per requirements identified in Mitigation Measure CULT-2a shall monitor ground-disturbing activities. The monitors shall be supplied with maps and site records for the previously recorded cultural resources within the Project site. The monitors shall prepare daily monitoring logs recording the type of work monitored, soil conditions, discoveries, and general observations.

Monitoring Phase	Pre-Construction and Construction
Implementing Party	Applicant

Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2c Impacts to Unknown Cultural Resources

Previously unknown cultural resources identified during Project construction shall be protected through temporary redirection of work and possibly other methods such as fencing until formally evaluated for significance under CEQA. In the event that previously unrecorded cultural resources are exposed during construction, the archaeologist and Native American monitors as selected and as needed per requirements identified in Mitigation Measure CULT-2a shall be empowered to temporarily halt construction in the immediate vicinity of the discovery while it is documented and evaluated for significance. The monitors shall provide consultation when resources are found to determine how the resources shall be handled. If the selected Native American monitor and the Project Applicant cannot agree upon the proper treatment, the qualified archeologist monitoring the ground disturbing activities shall make the decision. Construction activities may continue in other areas. If the discovery is evaluated as significant under CEQA, additional work such as data recovery excavation may be warranted to mitigate Project-related impacts to a less-than-significant level if preservation is not possible.

Monitoring Phase	Pre-Construction and Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2d Impacts to Unknown Cultural Resources

Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Mono County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, re-intern the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

Monitoring Phase	Construction

Implementing Party	Applicant/Mono County Coroner
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2e Impacts to Unknown Cultural Resources

A monitoring report shall be prepared upon completion of construction monitoring, summarizing the results of the monitoring effort by the qualified archaeological monitor as selected and as needed per requirements in Mitigation Measure CULT-2a. Site records for any newly recorded or updated cultural resources shall be appended to the monitoring report.

Monitoring Phase	Operation
Implementing Party	Applicant/Archaeologist
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2f Impacts to Unknown Cultural Resources

Artifacts or samples collected during the course of construction monitoring and any testing or data recovery associated with newly discovered resources by the qualified archaeological monitor and Native American monitor as selected and as needed per requirements identified in Mitigation Measure CULT-2a shall be curated in perpetuity in an appropriate facility upon completion of analysis and processing.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

GEOLOGY/SOILS

Mitigation Measure GEO-2a Strong Seismic Ground Shaking

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.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure GEO-2b Strong Seismic Ground Shaking

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.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure GEO-2c Strong Seismic Ground Shaking

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.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure GEO-5 Soil Erosion/Loss of Topsoil

The following measures shall be implemented to prevent soil erosion and loss of topsoil:

a. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared with the grading plans to fulfill regulatory requirements.

b. Permanent erosion control measures shall be placed on all graded slopes. No graded areas shall be left unstabilized between October 15th and April 15th.

c. Permanent erosion control measures for construction identified in the Project's Storm Water Pollution Prevention Plan (SWPPP) per the requirements of the California State Water Resources Control Board (SWRCB) adopted in accordance with the General Construction Activity Storm Water Permit (General Permit) shall be implemented.

d. Finish grading for all building areas shall allow for all drainage water from the building area to drain away from building foundations (two percent minimum grade on soil or sod for a distance of five feet). Ponding of water shall not be permitted.

e. The required implementation of the Best Management Practices (BMPs) identified in the Project's SWPPP would ensure that Project construction activities within the Project area would not cause substantial erosion on or off site. Additionally, for post construction, erosion control measures designed to minimize soil loss from exposed areas of the Project's three sites shall be determined in consultation with the Town's Department of Public Works.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure GEO-6 Volcanic Activity

The Project Applicant shall prepare an emergency evacuation plan in consultation with the Town in order to provide for the orderly evacuation of the Project site in case the potential for volcanic hazards increases and residents need to vacate the Project site.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Mammoth Lakes Fire Protection District

HAZARDS AND HAZARDOUS MATERIALS

Mitigation Measure HAZ-1a Upset and Accidental Release of Hazardous Materials

The Project shall comply with California OSHA Construction Safety Orders, California Code of Regulations, Title 8, Section 1532.1 and with the California Health and Safety Code, Division 20, Chapter 6.5 for the evaluation, handling and transport of materials containing hazardous substances. 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. It is anticipated that this further assessment/investigation will determine if any additional potential environmental liabilities are present in the Project area, and the assessment recommendations will assure a reduction of potential impacts to a less-than-significant level.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure HAZ-1b Upset and Accidental Release of Hazardous Materials

A licensed asbestos abatement consultant shall be retained to conduct a pre-construction assessment for asbestos and asbestos containing materials. Prior to the issuance of demolition or building relocation permits, the applicant shall provide a letter to the Community Development Department from the qualified asbestos abatement consultant that no Asbestos-Containing Materials (ACMs) are present in on-site buildings. If ACMs are found to be present, they will need to be abated in compliance with all State and federal rules and regulations (including, but not limited to California Health and Safety Code, Division 20, Chapter 6.5), consistent with the 1994 Federal Occupational Exposure to Asbestos Standards, Occupational Safety and Health Administration (OSHA), Chapter 29 Code of Federal Regulations (CFR), prior to demolition of any buildings in the Project area. The Project Applicant shall be required to comply with all applicable State and federal policies and procedures for removal of any ACMs determined to be present within any structures on the Project area. Adherence to procedures outlined in the laws will assure that there will be a less-than-significant impact from asbestos due to the demolition or removal of buildings or structures.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure HAZ-1c Upset and Accidental Release of Hazardous Materials

A licensed lead-based paint abatement consultant shall be retained to conduct a pre-construction assessment of lead based paint and lead-based paint containing materials. Prior to the issuance of the demolition or building removal permits, the applicant shall provide a letter to the Community Development Department from a qualified lead-based paint abatement consultant that no lead paint is present in on-site buildings. If lead-based paint (LBP) is found to be present on buildings to be demolished or removed, it shall be abated in compliance with applicable State and federal rules and regulations governing lead paint abatement, consistent with the 1994 Federal Occupational Exposure to Asbestos Standards, Occupational Safety and Health Administration (OSHA), Chapter 29 Code of Federal Regulations, prior to demolition of any buildings in the Project area. The Project Applicant shall be required to comply with all applicable State and federal policies and procedures for removal of any LBP containing materials determined to be present within any structures on the Project site. Adherence to procedures outlined in the laws will assure that there will be a less-than-significant impact from lead-based paint due to the demolition or removal of buildings or structures.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

HYDROLOGY & WATER QUALITY

Mitigation Measure HYD-1 Water Quality Standards

In consultation with the Town, the Project Applicant shall identify and implement a suite of stormwater quality BMPs designed to address the most likely sources of stormwater pollutants resulting from operation of the proposed development projects within the proposed Project area. Pollutant sources and pathways to be addressed by these BMPs include, but are not necessarily limited to, parking lots, maintenance areas, trash storage locations, rooftops, interior public and private roadways, and storm drain inlets. The design and location of these BMPs will be subject to review and comment by the Town. Implementation of these BMPs shall be assured by the Community Development Director and Town Engineer prior to the issuance of Grading or Building Permits.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department/Department of Public Works
Monitoring Agency	Community Development Department/Department of Public Works

Mitigation Measure HYD-2a Groundwater Depletion or Recharge

All underground structures shall be designed with exterior wall drain board to a footing drain system as well as underslab subdrains. Crawlspaces shall be protected with proper ventilation and subdrains. The system shall be designed such that subdrains shall be designed with outlet systems that have maximum water surface elevations lower than the bottom of the subdrains to ensure that subdrains would not be inundated with stormwater when retention basins reach capacity. Subdrain design shall be based on final Project design and shall be adequately sized so that retention basin capacity is maintained for stormwater retention purposes.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure HYD-2b Groundwater Depletion or Recharge

In consultation with the Town and in compliance with the Lahontan RWQCB, and subject to the Town approval, the Project Applicant shall identify and install infiltration BMPs to offset the loss of pervious surface as a result of Project development. Infiltration BMPs would be selected based on Final Development Plans and design considerations in accordance with the methodology contained in the California Stormwater Quality Association's New Development and Redevelopment Handbook. Infiltration BMPs that would be considered could include infiltration trenches, pervious pavements,

vegetated buffer strips or swales, and bioretention. Final selection would be dependent upon site characteristics and Final Development Plans and design considerations

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Lahontan RWQCB

Mitigation Measure HYD-4a Drainage System Capacity

The Project Applicant shall design and construct improvements identified in the 2005 Storm Drain Master Plan to the extent necessary, as determined by the Town's Public Works Department, to increase the capacity of the Town's drainage facilities including the downstream Sierra Valley Site if no such improvements have been made by the time occupancy of Site 2 and Site 3 of the Project occurs.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Department of Public Works/Lahontan RWQCB
Monitoring Agency	Department of Public Works

Mitigation Measure HYD-4b Drainage System Capacity

In consultation with the Town and Lahontan RWQCB, and subject to Town approval, the Project Applicant shall identify and implement a suite of storm drainage facilities designed to safely capture, treat, and convey runoff from the required design storms. In addition, a detailed set of maintenance procedures necessary to assure that these storm drain facilities continue to work as designed shall be established and approved by the Town, in consultation with the Lahontan RWQCB. Particular items requiring maintenance include, but are not limited to, cleaning of gates, removal of foreign materials from storm drainage pipes, maintenance as necessary for outlet facilities and retention basins, and repairs as necessary to damaged facilities.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Department of Public Works/Lahontan RWQCB
Monitoring Agency	Department of Public Works

NOISE

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.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant/Contractor
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

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 reasonably practicable (i.e., not along the border of the sensitive noise receptors adjacent to the Project sites).

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

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.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Inforcement Agency	Planning Division
Monitoring Agency	Planning Division

PUBLIC SERVICES

Mitigation Measure PS-1a Police Services

During construction the Project shall implement crime prevention features subject to the approval of the Mammoth Lakes Police Department ("MLPD"). Crime prevention features may include on-site security staff, construction security fencing, control to proposed parking areas, security lighting, and landscape planning and minimization of "dead-space" to eliminate areas of concealment.

Monitoring Phase	Construction
Implementing Party	Applicant

Enforcement Agency	Planning Division/MLPD
Monitoring Agency	Planning Division/MLPD

Mitigation Measure PS-1b Police Services

During the operation of the Project, crime prevention features shall be implemented in conjunction with the non-residential components associated with the Project development as approved by the Mammoth Lakes Police Department ("MLPD"). Crime prevention features shall include trained security personnel on site for bars and restaurants that cater to late night crowds and to patrol the non-residential components between the hours of between 6 p.m. to 2 a.m., if deemed necessary by the MLPD. All trained security personnel associated with the Project shall work in conjunction with the MLPD law enforcement to solve crimes and crime problems as requested by the MLPD. Additional MLPD-approved crime prevention features may be requested as the final uses associate with the Projects visitor-serving amenities are established.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division/MLPD
Monitoring Agency	Planning Division/MLPD

TRAFFIC/CIRCULATION

Mitigation Measure TRANS-2 Cumulative Plus Project Intersection LOS

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.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Department of Public Works/Planning Division
Monitoring Agency	Department of Public Works/Planning Division

UTILITIES

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 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 WTTP;

(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 occupancy of the Mammoth Crossing Project, an equivalent sewer upgrade project to increase the capacity of sewer lines along Manzanita Road between Dorrance Road and 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.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Public Works/Planning Division/Building Division/MCWD
Monitoring Agency	Public Works/Planning Division/Building Division/MCWD

Mitigation Measure UTIL-6 Water Supply

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

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.

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

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.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Department of Public Works/Planning Division
Monitoring Agency	Department of Public Works/Planning Division

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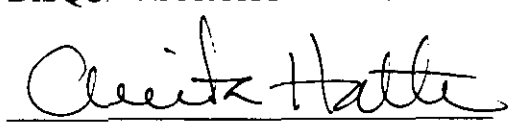
STATE OF CALIFORNIA)
COUNTY OF MONO) ss.
TOWN OF MAMMOTH LAKES)

I, ANITA HATTER, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 09-62 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 16th day of September, 2009, by the following vote:

AYES:	Councilmembers Bacon, Harvey, Sugimura, Mayor Pro Tem Eastman, and Mayor McCarroll
NOES:	None
ABSENT:	None
ABSTAIN:	None
DISQUALIFICATION:	None



ANITA HATTER, Town Clerk