

**From:** Santiago Escruceria  
**To:** Wendy Sugimura  
**Subject:** LVFD comments on Tioga Inn Hearing  
**Date:** Monday, April 19, 2021 11:52:43 AM

[EXTERNAL EMAIL]

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Come Bird and Photo with Us!

It has recently come to the attention of our Fire Protection District that the development proposal for the Tioga Inn is once again slated to come before the Board of Supervisors for review.

We wanted to ensure you had the opportunity to hear directly from our Fire Protection District prior to the upcoming project hearing.

Founded in 1947, the Lee Vining Fire Protection District provides fire and BLS medical first response to the community of Lee Vining and adjacent public lands and communities. We are a small special district staffed by approximately 12 volunteer fire fighters, two certificated EMTs, operating on a budget of approximately \$60,000 per year governed by a volunteer Commission of three local citizens. On average, the Department responds to 70 calls per year; half of these calls are requests for medical assistance with the remaining half split between traffic accidents and fire response.

The District has repeatedly stated we do not believe it is our role to oppose or support the proposed project but rather to engage in the process to ensure protection of public safety and preservation of the existing emergency response capacity of the Department.

Sadly, we feel, and the record indicates, that the District's oft repeated concerns and suggestions for meaningful mitigation have not generated support from the developer or his consultants. Since the beginning of the Tioga Inn project, from initial public meetings and field trips in 2018 and 2019 to the Planning Commission hearing in April 2020 to the succession of Board hearings beginning in June 2020, the Lee Vining Fire Protection District has provided written comments, oral testimony and met with the developer, consultants and county staff.

A selection of these past comments is included in this letter as a testament to our consistent engagement.

We feel our ongoing concerns and constructive mitigation suggestions are best expressed in the District's 29 July 2020 letter to Project Consultant, Sandra Bauer, and proponent, Dennis Domaille, in follow up to their appearance at the Lee Vining Fire District Commissioner's meeting. This letter is included below and provides a clear window into the solutions-based approach the District has taken from the beginning.

Also attached are the District's initial comment letter on the DSEIR from August 2019, as well as our most recent comment from October 2020.

We firmly believe that approval of this project as presented sets a negative precedent for planning in Mono County and would represent a major setback to the ability of Special Districts to meaningfully engage in future planning process and preserve their level of service and organizational sustainability. We continue to believe a more open, honest and collaborative approach to a development of this size and impact could have (should have) yielded creative solutions which balanced the desires of the developer with the needs of the public, our community and our Fire Protection District.

Thank you again for your service to our County, and please do not hesitate to contact us with any questions or requests for additional information.

Sincerely,

Santiago M. Escruceria, Chair  
Lee Vining Fire Protection District

*District Email follow up to July 2020 Fire Protection District Commissioners meeting presentation by Ms. Bauer and Mr. Domaille. This email was shared with all Supervisors and staff prior to the August 6<sup>th</sup> Board hearing.*

Santiago Escruceria <[guadualito@me.com](mailto:guadualito@me.com)>  
To: Sandra Bauer <[Sandra@bpesinc.com](mailto:Sandra@bpesinc.com)>

Wed, Jul 29, 2020 at 1:01 PM

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July 29, 2020

Dear Sandra and Dennis

Thank you for taking the time to discuss the Fire District's concerns and proposed mitigations in regard to the Tioga Inn project by joining our District's Commissioner meeting on 9 July 2020 via Zoom.

We appreciate the communication with our District but continue to wish the developer had provided concrete mitigations to address project impacts on public safety and our small District.

We are here beyond the deadline still wondering what real mitigations will result from the years of public comment, review and planning that were required to fully disclose, thoughtfully analyze and mitigate this proposed project's impact.

As of July 26, we have not seen specific plans for project configuration and particulars on building height, layout, access and egress.

As we have stated from the start, this project presents very real impacts to the financial, technical and human capacity of our small District.

The following responses follow the outline of the document "Response to LVFPD Concerns for Discussion during 9 July 2020 LVFPD Board Meeting."

As a general comment, we must reiterate our main unease that the document identified the responses from the proponent to our concerns as "Mono County Responses." This is not the County's project; the burden of responding, collaborative discussion and project modification and mitigation is the responsibility of the developer.

Time and again, in each written document produced for this project we remain concerned that rather than acknowledge concerns raised more emphasis is given to diminishing the importance of a given concern, such as public safety or capacity impacts while simultaneously attempting to justify why the project doesn't need to address an issue. This approach is backward and has engendered unneeded conflict and mistrust of the public process.

**Connectivity Between Tioga Site and Lee Vining** - We appreciate the sentiment that "the community, County and proponent are committed to work collaboratively through barriers" to address public safety concerns with a trail connecting the project site and town. As stated on our call of 9 July 2020, the importance of protecting public safety requires assurances of action. We strongly state that this mitigation must be in place before the department will support the project. What language will be included in the updated project document to assure connectivity will happen under a fair-share cost agreement?

**Traffic Improvements at SR120/US395** - This project will increase the hazards at the junction of 395/120. Give the volume of incidents that we respond to at this intersection, we do not support a project that does not ensure mitigations for traffic safety. We remain concern that the project still fails to include any assurance for mitigations for traffic safety.

**Public-Related Financial Impacts on LVFPD** - Your response notes that "no fees for the building plan check or building inspections will be charged to the Fire District." Please demonstrate how this statement is enforced in the existing project document.

As your response notes, the proposed project will not result in the \$75,000 in one-time fees as noted in the FSEIR. This original figure was **based on the project as a whole - the housing, restaurant and hotel**. Why if we are told the hotel/restaurant isn't a discussable part of this project was a misleading mitigation fee amount included in the FSEIR?

As your response details, the project will result in a maximum of \$36,225 in fire mitigation fees only if and when it is built to completion. This will be a one-time inflow of restricted funding. While the Department does need capital funding to replace aging or broken infrastructure and equipment, as we said on the 9th call, what we need much more is **ongoing annual funding to train and equip current and new volunteers and annual funding for maintenance, medical supplies, medical equipment and compliance.**

With regard to ongoing income from property tax, the Mono County Treasurer-Tax Collector "calculated that LVFPD would receive about \$250/yr from property taxes at full build out of the Tioga Specific Plan (all uses)."

While we appreciate the offer to cover a fee study if it is applied to future impact fees, the District does not feel this sort of loan would benefit the District or our community in the long term. Additionally, your response indicates the County undertakes the fee study through consultants. We have learned from County Counsel that, in fact, the Fire Districts themselves contract to generate these studies. We are working to undertake said study and move this process forward.

We request that the capacity impacts of this project be met through the following:

1. Commitment to adhere to an updated impact fee structure for all construction even if the new structure is not in place at the time initial building permits are pulled.
2. Commitment to an annual mitigation fee paid to the District by the developer or subsequent owner to offset the ongoing, non-capital impacts of the project of an amount to be calculated by dividing the actual property tax disbursement to the District for the most recent complete year when permits are pulled by the actual in-District in-population multiplied by the number of residents added to the District. This fair calculation sets forth a per person cost for the residents potentially added to the District.

**Project-Related Capacity Impacts on LVPUD** - Your response states "the complexity and size of the individual units is comparable to the existing housing units being served." Which newly constructed multi-family housing units in Lee Vining would this response be based on?

How can we know if these units will be similar to what we have since we have seen architectural renderings of this constantly morphing project?

As stated on the 9 July call, the impacts on our capacity are misrepresented when it is reduced to just needing new volunteers. Volunteers are not easily found and retaining them requires ongoing annual funding to train, equip and manage. These ongoing impacts and costs are why we have repeatedly proposed since our original letter an ongoing, annual mitigation fee detailed above.

**Fire Safety Access** - We appreciate the recent communication that the access route along Gibbs Siphon to Highway 120, will contain a maintenance plan and will actually be recorded prior to occupancy. This is a solid mitigation that should have been welcomed and included from the beginning.

As we stated in response to your email regarding a non-conforming access route to 395 "LVFPD feels that we need a fully functional evacuation route...one where your future residents and hotel guests are able to escape a catastrophic emergency, while at the same time LVFD can come in to help."

The Lee Vining Fire Protection District appreciates the communication that has happened since the Board of Supervisors July consideration and postponement of a project decision. Moving forward requires a commitment to concrete assurances on safety impacts to pedestrians and traffic safety will be addressed, and that the capacity needs of the LVFD be supported.

Sincerely,

Santiago M. Escruceria

Commissioner LVFD

## Lee Vining Fire Protection District

Post Office Box 246 Lee Vining, California 39541

20 August 2019

Michael Draper

Mono County Community Development Department

PO Box 347

Mammoth Lakes, California 93546

RE: *Tioga Inn DSEIR Comments from the Lee Vining Fire Protection District*

Dear Michael and Company,

First, thank you for taking the time to meet August 20<sup>th</sup> on the project site. Thank you also for providing the printed plat maps as requested.

As noted in Table 3.7 – *Use of this Subsequent EIR by Other Agencies* the Lee Vining Fire Protection District is shown as a local public agency tasked with the "Inspection or review of plans for conformance with fire safety regulations." This requirement presents a major burden for a small, volunteer Fire District. That being said, the Lee Vining Fire Protection District welcomes inclusion into the review of this proposed project. The following comments reflect the District's review of the DSEIR as presented.

To begin, we must reiterate our concern as expressed in our letter of 1 August 2019 that the document as written does not adequately reflect or convey the concerns of our Fire District. In particular, our Chief does not feel that the attributed statements presented in the document as substantive conclusions accurately reflect what he considered a cursory and somewhat informal consultation in July of 2018. References to required fire flows attributed to the District should be taken as advisory only as the project must comply with actual Fire Code regulations. Pre-construction compliance, as well as ongoing monitoring compliance with these regulations is discussed below.

The District's Chief does not recall being shown maps or documents in the reported July 2018 meeting that match the 100-unit housing complex as displayed in the current document. The ongoing flexibility of the project description and elements has made it difficult to fully comment on potential impacts and applicable mitigations.

**Fire Infrastructure Review, Subsequent Permitting and Phasing** – As discussed at our August 20<sup>th</sup> project visit, we request the County require experienced professional review of any and all project components prior to issuance of any subsequent project documents and permits<sup>[1]</sup>.

As written (see Section 4.4.4.2 Polices 2b(1-4)), the document places the burden of compliance assurance and monitoring with California Fire Code onto a small volunteer Fire District. As described this project is nearly as large or larger than the current population served by the District. Placement of such a regulatory burden on a small, volunteer District is both unreasonable, as well as an unfair burden to the taxpayers who support and rely on our small cadre of volunteer firefighters. The burden for compliance review and monitoring must be borne by the project beneficiary – i.e. the project proponent. To address this need, the DSEIR and subsequent documents should require a public safety mitigation fund be established and funded annually by the proponent to cover the costs of retaining adequately licensed and experienced professionals to aid the District and County in project review and regular (at least annual) compliance monitoring. Creation, funding and utilization of such a public safety mitigation fund should be included as a project implementation measure in Section 4.4.4.2 at *Policy 2 – Ensure that there is an adequate fire prevention management program*. An adequate fire prevention management program requires adequate professional capacity; meaningful professional capacity requires ongoing funding.

As noted in 3.15.13, "project elements are required to have an operational water system before building permits are granted...[and] new project elements will be required to meet all current CalFire and LVFPD standards." For the Lee Vining Fire Protection District, Mono County, other agencies and the general public to be assured that a legally-compliant operational water system and other project public safety and fire elements are constructed as envisioned and approved a project condition should be included requiring construction of these fire and safety elements, as approved by a licensed professional funded via a public-safety mitigation fund, as the initial Phase 1 of any new construction. While the document states at 3.8 that "infrastructure will be constructed to meet the development sequence of approved uses," given the project's history of deviation from approved phasing in past iterations, requiring public-safety and fire related compliance elements to be constructed first, prior to any additional building, will provide assurance that these elements will be constructed as envisioned.

We do not feel waiting for an overall professional review of project design until a building permit is pulled adequately ensures the safest, most-up-to date project design. We encourage a review of the project in *its envisioned totality* be funded and conducted at this stage – prior to legal-acceptance of the final SEIR. Once the SEIR is accepted and deemed adequate changes to project design would trigger additional CEQA review. To ensure the project is designed as best as possible now, before the 'ship has sailed' so to speak, is in the best interest of the proponent, the public and the authorizing agencies who will be signing off on and legally-certifying this project as presented in the current DSEIR.

**Emergency Plan** – Mitigation SFTY 5.7(d) refers to the creation of a public safety evacuation plan. Given the complexity of the project and its departure from the usual scope of

projects locally and County-wide, we believe a project condition should be included to ensure this evacuation plan is created, reviewed and approved collectively by the various public safety agencies for the project as envisioned at full build out and full occupancy prior to any issuance of subsequent documents and permits.

**Evacuation Route** – According to District review of project plans there appears to be only one road in and one road out of the project – the main access road onto Highway 120. We feel a secondary emergency access road in and out of the project designed to handle the projected traffic volume at full build-out should be required as a project implementation condition. If this route was constructed to access Highway 395 it could be constructed within the footprint of the proponent-owned parcel. Regardless of the location, a real solution to this emergency access problem should be articulated at this junction in the project planning. While the document makes note that “an informal dirt road links the site to SR120 through the southwestern-most corner of the property; this road is not owned by the applicant or approved for general use but would be available under emergency conditions” (DSEIR at 5.7.21), this dirt road, and a similar dirt road 200 yards to the north which previously accessed the project site, are both blocked with large boulders as reviewed and confirmed on 20 August 2019. As such, they are unavailable for use as emergency routes. Additionally, a one-lane dirt road cannot be considered adequate for an evacuation route of a project that may contain upward of 600 people at one time.

**Emergency Medical Services** – While the document at Chapter 5.7 reviews existing emergency medical capability and resources within Mono County, it does not disclose, review, analyze or attempt to articulate the potential impact of placing potentially upward of 600 additional people into housing, hotel rooms and a restaurant into “3,132 square miles [of] mountainous terrain, [where] fire and EMS providers are challenged to deliver timely fire protection and emergency medical services. All fire departments outside of the Town of Mammoth Lakes have volunteer staffing; the availability of first responders has an impact on Mono County Paramedics if medical first response is unavailable or committed to other activities” (DSEIR 5.7.3.3).

Meaningful disclosure, analysis and creation of potential mitigation measures needs to be included in the DSEIR and any subsequent documents and permit conditions for a project that envisions a potential new community with more than double the current population. This project will stretch not only our own volunteer first responder medical capacity, but also that of the professional EMS funded by Mono County. Taken logically, doubling the current population with a District – as the housing component alone could do - would, foreseeably, double the call for service volume in that District. This increase in calls for service and potential impact on emergency medical services must also be reviewed through the lens of reality, where in the winter months, response time from Mono County EMS can be upwards of one hour or more given the location of ambulances and road conditions. Given that the housing component alone could mirror or exceed the current size of the community of Lee Vining, we believe it vital that this project contain meaningful, funded, and required provisions to ensure sustained public safety and medical response at least at the level enjoyed now across today’s developed landscape in the Mono Basin.

Contrary to the proponent’s recent statement to the effect that Transient Occupancy Tax (TOT) would offset impacts to EMS by providing increased TOT receipts, it should be noted that TOT revenue would only be generated by the proposed hotel, not the housing which is proposed to be built first. The hotel was approved over two decades ago and remains unconstructed.

**Onsite Equipment and Personnel** – Given the placement of this development outside the existing community of Lee Vining and the extended response time from our volunteer department and staffed EMS personnel, we believe the interest of public safety could be best served by enhancing project conditions designed to enhance public safety. At a minimum project conditions should require each complex of housing, the restaurant, and each floor of the proposed hotel to be equipped with an Automatic External Defibrillator with personnel trained in its use onsite at all times.

Additionally, project conditions should be included to require onsite personnel onsite 24-hrs a day who possess adequate training and authorization in the operation (and emergency shut down) of all facilities infrastructure, especially the water and other utility systems. These onsite facilities managers should provide an annual walk-through and training, as necessary, to the District’s firefighters.

Thank you again for your thoughtful consideration of the District’s input, and we stand ready to continue this ongoing discussion.

Respectfully,

Santiago M. Escruceria

Chair, Lee Vining Fire Protection District

## *Lee Vining Fire Protection District*

PO Box 264

Lee Vining, California 93541

9 October 2020

Dear Honorable Mono County Supervisors,

We write to you again on behalf of the commissioners and firefighters of the Lee Vining Fire Protection District in response to the recently released “Alternative 7” for the proposed Tioga Inn Specific Plan.

The Fire District has provided comments and been engaged at every stage in this planning process. Our concerns with this large, complex and constantly morphing project have been clearly and repeatedly expressed in writing and oral comment. We have consistently followed a path of not simply pointing out concerns but offering concrete solutions that would address the very real impacts to public safety and our Fire District’s own capacity.

Despite this extensive engagement and comment history, the project before you and the process that has led us here, has invested more time in diminishing and dismissing the concerns of our District than demonstrating a commitment to make this project work for all involved.

Once again, the District’s standing concerns can be characterized by these four areas:

**1. Improving Traffic, Cyclist and Pedestrian Safety** - The District feels strongly that clear and enforceable mitigations must be adopted to remove the significant adverse impacts to pedestrian and cyclist safety and to mitigate vehicle hazards at the Hwy 120/395 intersection. The current mitigation measure to protect public safety with a tangible trail connection to town is little more than a wish and a prayer. It lacks any meaningful mechanism to ensure an outcome that will protect employees and their families walking from the proposed project to town. What good are mitigations if they have no implementation deadline?

**2. Offsetting Project-related Financial Impacts on the District** – The FSEIR, after repeated requests for disclosure, demonstrated that this project, when complete at build out, would generate approximately \$250/year to the Fire District and a total of \$35,225 in restricted development impact fees. We are starting the process to update our development fees, but the fact remains that this project – which seeks to add 100 new housing units to our small community – will only return to the District \$250/year. The imbalance of the impact to our limited fiscal and human capacity is clear. Our requests for mitigation of this impact have been diminished and dismissed. In fact, the impacts have grown larger throughout this process as the FSEIR now proposes to shift the burden of performing CEQA for requested mitigations – i.e. emergency access to 395 – onto our small District.

**3. Mitigating Project-related Capacity Impacts to the District** – As we have repeatedly stated, our District has never served a project of this size and complexity. It is also clear that adding 300 new residents to our small community of 170 residents (Despite the confusion in county documents, we do know how many people actually live here because we counted them at the start of the COVID-19 pandemic.) will create a large increase in demand on our small, volunteer District.

**4. Fire safety access** – The District has repeatedly requested an emergency access route to the west – away from the most likely direction of wildlife – onto the southbound lanes of 395. Given the whole-town evacuations of recent memory, we feel the need to maximize evacuation potential is clear. Plus, given this year’s catastrophic wildfires raging throughout California, the chronic inadequacy of evacuation routes is a very real problem across the state. We don’t want Lee Vining to join that list.

In closing we must note there has been no attempt by the proponent or the County to include the Fire Department in any discussions following the August Board of Supervisors meeting. We firmly believe that approval of this project as presented sets a negative precedent for planning in Mono County and would represent a major setback to the ability of Special Districts to meaningfully engage in future planning process and preserve their level of service and organizational sustainability.

Sincerely,

Santiago M. Escruceria  
Chair, Lee Vining Fire Protection District

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[\[1\]](#) Language requiring experienced professional review and regular (at least annual) compliance monitoring of fire and public safety related infrastructure paid for through a mitigation fund should be added to Policies 2b(1) and 2b(2),(3) and (4) in section 4.4.4.2