

Mono County Community Development Department

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April 16, 2020

To: Mono County Planning Commission

From: Gerry Le Francois, Principal Planner
Wendy Sugimura, Planning Director
Michael Draper, Planning Analyst
Sandra Bauer, CEQA Consultant

Re: PUBLIC HEARING: Consideration of Tioga Inn Specific Plan Amendment #3 (Project) and Final Subsequent Environmental Impact Report (SEIR)

I. RECOMMENDATION

1. Hold the public hearing, receive public testimony, deliberate the project, and make any desired changes.
2. Adopt Resolution R20-01 making the following findings and recommending 1) adoption of Tioga Inn Specific Plan Amendment #3 and the Mitigation Monitoring and Reporting Program with any desired modifications as identified in Section One of R20-01, and 2) certification of the Final Subsequent Environmental Impact Report:
 - A. Having reviewed and considered all information and evidence presented to it including public testimony, written comments, the Final SEIR (Attachment 1), staff reports and presentations, the Planning Commission finds, as set forth in Section Two of Resolution R20-01 (Attachment 2), that:
 1. The proposed changes to the Tioga Inn Specific Plan are consistent with the text and maps of the General Plan,
 2. The proposed changes to the Tioga Inn Specific Plan are consistent with the goals and policies contained within any applicable area plan,
 3. The site of proposed change in the specific plan is suitable for any of the land uses permitted within the proposed specific plan,
 4. The proposed changes to the Tioga Inn Specific Plan are reasonable and beneficial at this time, and
 5. The proposed changes to the Tioga Inn Specific Plan will not have a substantial adverse effect on surrounding properties.
 - B. The Planning Commission finds that the Tioga Community Housing Project Final Subsequent EIR (FSEIR; Attachment 1) has been prepared for the Tioga Inn Specific Plan Amendment #3 in compliance with CEQA and that the FSEIR reflects the County's independent judgment and analysis. The Planning Commission further finds that the FSEIR has been presented to, and reviewed by, the Planning Commission and is adequate and complete for consideration by the Board of Supervisors in making a decision on the merits of Tioga Inn Specific Plan Amendment #3, and for making the findings substantially in the form set forth in Exhibit A of Resolution R20-01 (Attachment 2).
 - C. The Planning Commission recommends that the Board of Supervisors: 1) make the findings and statement required by 14 CCR §§ 15091 and §15093, substantially in the form set forth in Resolution

R20-01; 2) certify the Final SEIR; 3) adopt the Mitigation Monitoring and Reporting Program as modified; and 4) approve Tioga Inn Specific Plan Amendment #3 as modified.

Alternatively, if the Planning Commission chooses not to recommend Tioga Inn Specific Plan Amendment #3 for approval, either all or in part, and/or the FSEIR for certification, the Commission must articulate which findings listed in section A above, or in the CEQA findings attached as Exhibit A to Resolution R20-01, cannot be made. Any denial (i.e., decision not to recommend the project to the Board of Supervisors for approval) by the Planning Commission must specify the standards not met and be supported by substantial evidence in the record. In the event the Commission chooses not to recommend the project for Board approval, staff may request a short recess to assemble the findings for action by the Planning Commission.

II. REQUEST TO POSTPONE THE PROJECT

At its April 8, 2020, meeting, the Mono Basin Regional Planning Advisory Committee (MB RPAC) approved a letter (4 ayes, 1 nay, 1 recusal/abstention) to the Planning Commission requesting the public hearing on the Tioga Inn Specific Plan Amendment #3 (Project) and FSEIR be postponed to a later date due to the COVID-19 pandemic (Attachment 3). The MB RPAC engaged in a very thoughtful and honest discussion about the potential positives and negatives to delaying the hearing and recognized the many impacts of and uncertainties in taking such an action. The Planning Commission should consider this request and determine whether to postpone the hearing.

The County has no procedural or administrative basis to further delay the project and notes that the project has previously been delayed several times (and additional public meetings have been held) at the request of the public, including an extension to the Draft SEIR comment period, postponement of the release of the FSEIR until after the 2019 Christmas holidays, an advanced release of the FSEIR in late February 2020 to voluntarily provide review time, additional public meetings for both the DSEIR and FSEIR, and the original Planning Commission public hearing date of March 23 was delayed due to the fact that the COVID-19 pandemic was then just beginning in California and Mono County and procedures had not yet been established to enable video meetings.

In addition, Tioga Inn Specific Plan Amendment #3 is a housing project, and the California Governor's Executive Order N-33-20 identifies housing projects as "essential business" that should move forward during the COVID-19 pandemic.

Given the foregoing, the recommendation is to proceed with the public hearing. However, the Planning Commission could also determine that the unprecedented COVID-19 pandemic warrants changes to standard processing procedures. The Board of Supervisors has not given direction on this policy matter and staff will provide a verbal update if any direction becomes available.

III. DOCUMENT AVAILABILITY

The Tioga Inn Specific Plan Amendment #3 and corresponding Tioga Community Housing Project Subsequent Final Environmental Impact Report (FSEIR) are available on the Mono County website. The links are provided below:

<https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>

The document in the link above is broken down into the following sections for ease of viewing:

- 1 FSEIR, sections 1-5
- 2 FSEIR, sections 6-8
- 3 Appendix A
- 4 Appendix B, 1 of 3
- 4 Appendix B, 2 of 3

- 4 Appendix B, 3 of 3
- 5 Appendix C
- 6 Appendix D
- 7 Appendix E
- Tioga Inn Specific Plan Amendment #3
- Complete Specific Plan & DSEIR document
- DSEIR Table of Contents
- DSEIR Chapters ONLY
- DSEIR Appendices ONLY
- Exhibit 3-3. Project Site Plan
- Exhibit 4-1. Site Context Map
- Exhibit 5.1-2. Conceptual Grading Plan
- Exhibit 5.2-1. Conceptual Drainage Plan
- Exhibit 5.3-6. Open Space Plan
- Exhibit 5.5-5. Proposed Land Use Plan, Amendment #3

IV. PROJECT LOCATION, LAND USES & HISTORY

The proposed Tioga Inn Specific Plan Amendment #3 (Project) is located at 22 Vista Point Drive, close to the intersection of SR 120 and US 395 and about ½ mile south of Lee Vining. The Project is located in roughly the geographic center of Mono County, which covers an area of 3,132 square miles on the eastern slopes of the Sierra Nevada mountain range in east central California. The site is located in the southeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter of Section 14, Township 1 North, Range 26 East (MDBM). See Figure 1 for the subject property.

The subject property consists of four parcels and totals approximately 67 acres in size. The Tioga Inn Specific Plan land uses include residential, convenience store / gas station, restaurant, hotel / conference, open space preserve, open space facilities, and open space support.

Figure 1 Subject Property



SURROUNDING LAND USES

To the west of the project site is open space owned and managed by Southern California Edison (SCE). To the north, east, and south of the project site is open space land owned and managed by Los Angeles Department of Water and Power (LADWP).

EXISTING SPECIFIC PLAN & HISTORY

The Tioga Inn Specific Plan was originally adopted in 1993 on the basis of providing a full range of services and facilities for tourists. Current entitlements (i.e., uses that were approved in 1993) include a 120-room hotel, a 100-seat restaurant, a convenience store and gas station, up to 10 units of residential housing, and ancillary uses to operate the project. See Figure 2 for the original land uses approved in 1993.

AMENDMENT #1 in 1995

Tioga Inn Specific Plan Amendment #1, which was approved in 1995, shifted the location of the water storage tank, allowed a two-bedroom apartment above the convenience store, and revised phasing to allow construction of the convenience store before the hotel.

AMENDMENT #2 in 1997

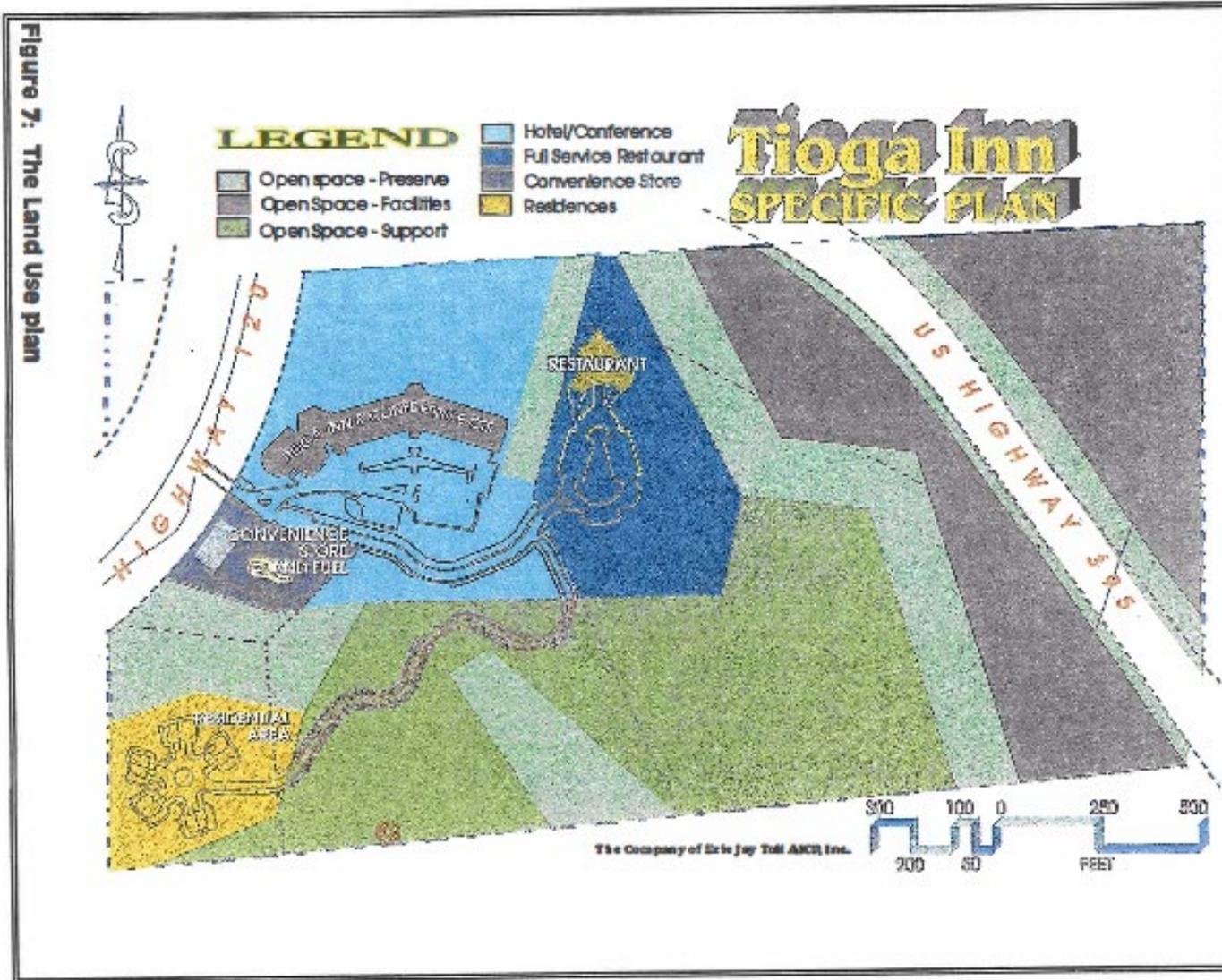
Tioga Inn Specific Plan Amendment #2, which was approved in 1997, included the following changes:

- Clarified the location of the full-service restaurant.
- Affirmed that water and sanitation services could not serve projects other than the Tioga Specific Plan.
- Prohibited project access onto US 395.
- Clarified Specific Plan financing.
- Included public restroom/shower/laundry facilities as allowed uses in the hotel.
- Established development standards for the hotel and for the full-service restaurant.
- Provided new details regarding the Master Sign Program.
- Provided new details regarding night lighting.

DIRECTOR REVIEW PERMIT in 2012

In 2012, a Director Review permit, DR 12-007, was approved to 1) recognize other modifications to the convenience store/deli and to allow for a 316-square foot expansion of the kitchen area; 2) require the expansion to match existing building material, colors, and roof height; 3) affirm that Chapter 23 Dark Sky Regulations apply to the project; and 4) mandate any future improvements and or expansions would be a specific plan amendment.

Figure 2 Tioga Inn Specific Plan land use plan approved in 1993



The Company of Eric Jay Toll AKR - 1000 East William, Suite 407 - Carson City, Nevada 89701 - 702.803.8987

May 24, 1993

**TIOGA INN SPECIFIC PLAN
AND FINAL ENVIRONMENTAL IMPACT REPORT**
Mono County, California

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V. TIOGA INN SPECIFIC PLAN AMENDMENT #3 PROJECT DESCRIPTION

PROJECT OBJECTIVE

The approved Tioga Inn Specific Plan objective is to provide central Mono County with an inclusive resort facility that can draw upon north-south traffic traveling through Mono County as well as Yosemite-oriented visitor traffic traveling over Tioga Pass. The facility is intended to provide a complete range of services for the Mono Basin visitor including accommodations, meals, vehicle fuel, supplies, meeting/banquet rooms, and business center facilities. The resort hotel is designed to serve both the transient traveler and those whose destination includes the Mono Lake Basin or Yosemite National Park. The project is also intended to serve local residents with meeting facilities, a swimming pool that can be used by school swim teams and area swim clubs, and a full-service restaurant.

The proposed Tioga Inn Specific Plan Amendment #3 (Project) objectives, if approved, will be added to the Specific Plan objectives described above. These Project objectives are to substantially increase workforce housing on the project site to provide housing for employees of onsite uses (hotel, full-service restaurant and other) as well as offsite land uses in the larger community; to achieve the development goals of the original 1993 Tioga Inn Specific Plan, adapted to current needs; to lower energy costs and increase the energy- and water-efficiency of existing and future uses on the project site; and to maintain onsite infrastructure in good condition and ensure that sizing is adequate to meet existing & future needs.

Implementation of the Specific Plan (as amended from its original iteration) is intended to add to the area's economy through increased employment opportunities, provision of additional needed motel rooms during peak months, and provision of additional rental housing. Visually, the objective of the project is to blend into the natural setting through careful structure siting, and architecture and landscaping complementing the environment.

PROPOSED PROJECT DESCRIPTION

The proposed Project presented for the Commission's consideration encompasses multiple elements which are more thoroughly outlined below. Note that the hotel, restaurant, and 10-unit residential components are existing entitlements (i.e., approved in 1993), and are not a part of Amendment #3. See Figure 3 for the proposed site plan for the preferred alternative (Alternative #6) under Amendment #3.

Tioga Inn Specific Plan Amendment #3 proposes the following modifications:

1. **WORKFORCE HOUSING:** Allow up to 150 new workforce housing bedrooms in up to 100 units (including one manager's unit with up to 4 bedrooms);
2. **GAS ISLAND:** Allow construction of a third gas pump island with 4 new fueling stations, one new underground gasoline storage tank and an overhead canopy and lighting;
3. **WATER STORAGE:** Allow demolition of the existing 300,000-gallon water storage tank and its replacement with a new 300,000-gallon water storage tank on a pad located in the same approximate location as the existing tank;
4. **PARKING:** Allow additional parking to serve oversize vehicles, park & ride vehicles, ESTA & Yosemite transit;
5. **INTERNAL ACCESS:** Realign the road providing access to the existing hilltop residential area and reconfigure lanes and turning areas near the main entry to eliminate conflict between the hotel and the gas station/convenience store;
6. **SANITATION & REUSE:** Replace the septic tank with a new package wastewater treatment facility including new subsurface irrigation facilities and retention of the existing leach field for disposal of surplus treated water;
7. **PARCEL BOUNDARIES:** Modify the acreage and boundaries of the four parcels;

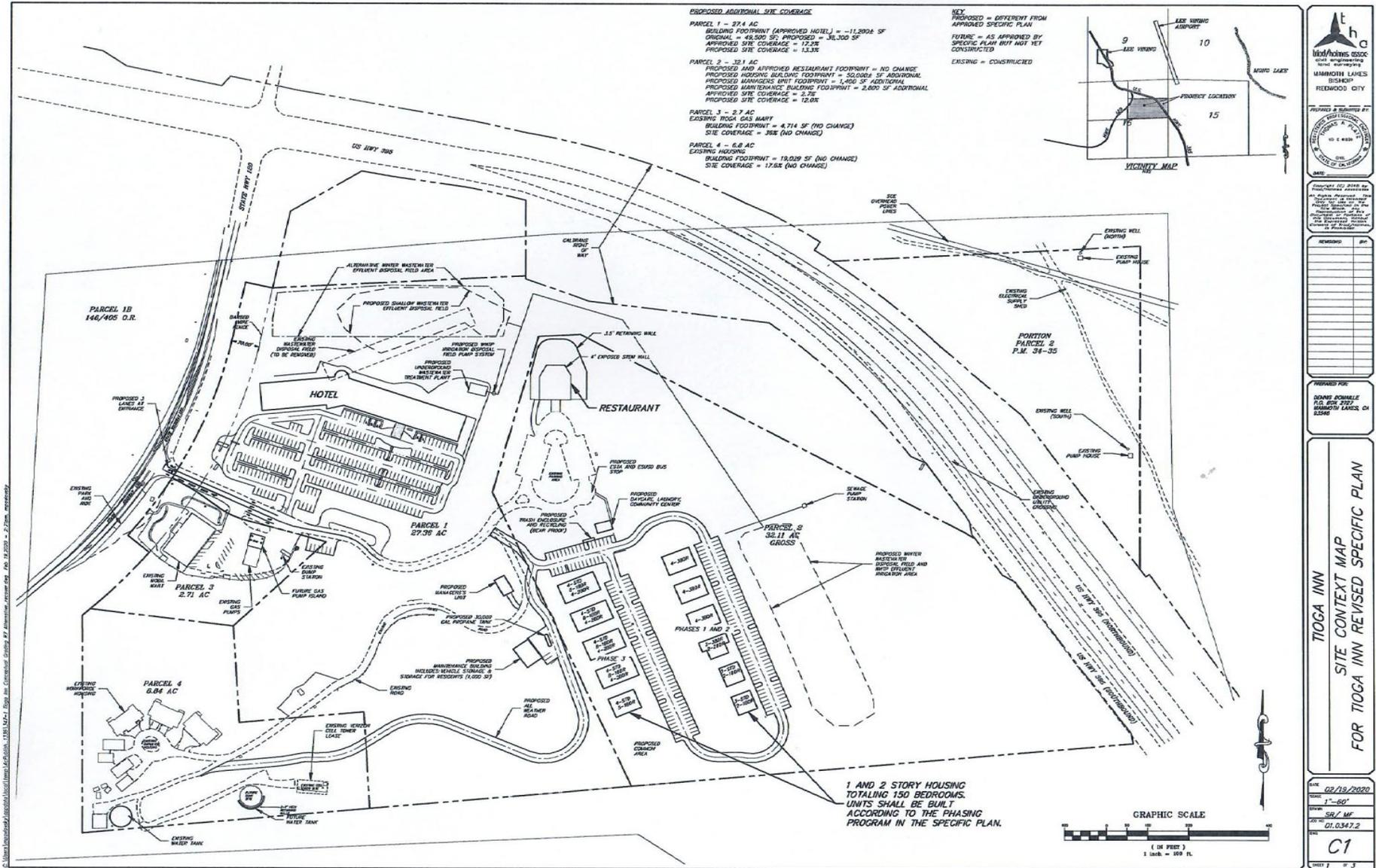
8. PROPANE: Replace the five existing propane tanks (combined 2,500-gallon capacity) with a new 30,000-gallon propane tank to meet demand for onsite heating and offer commercial propane sales to area residents and businesses;
9. EQUIPMENT & PERSONAL STORAGE: Construct a new building for storage of residents' items and maintenance vehicles and equipment.

PROPOSED PROJECT PHASING

With regard to the community housing component of Amendment #3, a phasing plan is proposed to allow a certain number of units for current employees and/or future housing for construction workers during hotel development. A total of 100 units are permitted subject to the phasing plan below:

- Phase 1 would permit up to 30 units once grading is complete for the whole community housing site. The 30 Phase 1 units would be available for use by construction workers during the hotel and restaurant construction process, and then available for rent.
- Phase 2 provides for the initiation of 40 units at the time that a building permit application is submitted to Mono County for construction of the hotel.
- Phase 3 would permit the remaining 30 units when units in Phases 1 and 2 reach a combined 80% occupancy rate (i.e., when 56 of the Phases 1 and 2 units are rented).

Figure 3. Preferred Alternative (#6) Site Plan



VI. ENVIRONMENTAL REVIEW

The County of Mono is the Lead Agency and has determined that proposed amendments to the 1993 Tioga Inn Specific Plan constitute a 'project' subject to CEQA as defined in the CEQA Guidelines §15060, and require the preparation of a Subsequent EIR (SEIR) consistent with the requirements of CEQA §15162 (see Draft SEIR for a full analysis on the applicability of CEQA §15162).

In compliance with CEQA, the SEIR focused on: (1) substantial changes in the proposed project that may involve new significant effects or substantially more severe environmental effects than were previously analyzed; (2) changes in the project circumstances that may involve new significant effects or substantially more severe environmental effects than were previously analyzed; (3) new information that was not, and could not have been, known in 1993 that shows one or more new significant environmental effects; or effects that are substantially more severe, or feasible alternatives and mitigations that were previously judged infeasible, or feasible alternatives and mitigations that would substantially reduce one or more significant effects.

This SEIR does not consider or analyze previously approved project elements (including the 120-room hotel and the full-service promontory restaurant) that have not changed since the 1993 approvals were granted except through the cumulative impact analysis.

The Tioga Community Housing Project Subsequent Environmental Impact Report (SEIR; Attachment 1) includes the following components:

1. Tioga Workforce Housing Draft SEIR and Tioga Inn Specific Plan Amendment #3 dated July 17, 2019.
2. Tioga Community Housing Project Final SEIR and Tioga Inn Specific Plan Amendment #3 dated February 28, 2020.

The Draft SEIR for the Tioga Inn Specific Plan Amendment was circulated locally for the maximum public comment of 60 days from June 14 through August 13, 2019, which coincided with the State Clearinghouse comment period. The public comment was subsequently extended to August 21, 2020, due to public requests and a technicality with the publication date. A total of 904 comment letters were received. Those comments, and responses to the comments, are contained in the FSEIR document.

SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT

The FSEIR proposes mitigation measures to reduce impacts to the lowest feasible levels. Nevertheless, five potentially significant unavoidable environmental effects that cannot be reduced to a less-than-significant level were identified as follows:

1. Hydrology: Exposure of people and structures to catastrophic mudflows resulting from a volcanic eruption.
2. Biological Resources: Cumulative impacts (only) to deer movement in the project region.
3. Public Services: Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining.
4. Traffic: Significant unavoidable impacts associated with turning movements from eastbound SR 120 onto northbound US 395 (with or without the project).
5. Aesthetics: Project impacts on scenic and visual resources and on light and glare.

CEQA guideline 15093 "requires the decision-making body 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" through a Statement of Overriding Considerations.

Based on the above, Mono County is required by CEQA to adopt a Statement of Overriding Considerations which is included as Exhibit A to Resolution R20-01 in Attachment 2.

MITIGATION MONITORING AND REPORTING PROGRAM

CEQA Guidelines §15091(d) requires lead agencies to adopt a program for reporting on monitoring the changes it has made in a project or made a condition of project approval to avoid or substantially lessen significant environmental effects. These “mitigation measures” must be fully enforceable, generally through permit conditions or agreements, and are contained in a project’s Mitigation Monitoring and Reporting Program (MMRP). Accordingly, an MMRP has been prepared for the project and is to be adopted concurrently with the requisite CEQA Findings and Statement of Overriding Considerations pursuant to Public Resources Code Section 21081(a)(1). The MMRP will be used by the County to track compliance with the project mitigation measures. The MMRP will remain available for public review during the compliance period, which includes pre-construction coordination, construction, and post-construction documentation.

For Tioga Inn Specific Plan Amendment #3, 45 mitigation measures are required to reduce potentially significant effects to less-than-significant levels on the following eight resources:

1. Geology and Soils
2. Hydrology and Water Quality
3. Biological Resources
4. Cultural Resources
5. Land Use and Recreation
6. Public Health and Safety
7. Public Services, Energy and Utilities
8. Traffic and Circulation

Mitigation measures also apply to the significant environmental effects identified above, but these effects could not be reduced to less than significant levels even with these measures.

All other impact areas are not potentially significant. Any mitigation measures required for these impact areas are proposed in the Final SEIR to reduce impacts to even lower levels.

VII. PUBLIC HEARING NOTICE & COMMENTS, AND TRIBAL CONSULTATION

PUBLIC HEARING NOTICE

Public hearing notices were published in The Sheet on April 4 and 11, 2020 (see Attachment 4). In addition, public hearing notices had been previously published for the March 23, 2020, meeting that was ultimately cancelled, providing additional notice that the Planning Commission would be considering this project.

TRIBAL CONSULTATION

Tribal consultation letters in compliance with SB 18 were originally sent in June 2019, and then courtesy updates specifying Planning Commission meeting dates and anticipated Board of Supervisors meeting dates were sent in early March 2020 and again in late March 2020 after the March 23 date was cancelled.

In addition, the Bridgeport Indian Colony raised concerns about the potential for Tribal Cultural Resources on the site and the Mono Lake Kutzedika’a Tribe requested consultation. The County and CEQA consultant exchanged phone calls and emails with the Kutzedika’a Tribe, and met in person to discuss concerns and potential solutions. Ultimately, voluntary mitigation measures offered by the applicant were accepted by the Kutzedika’a Tribe and included as Mitigation Measure CULT 5.4(a), which provides for, among other things, 50 hours of compensated

time for tribal monitors to train construction crews or monitor the site, with the allocation of time to be at the Tribe’s discretion.

ADDITIONAL PUBLIC COMMENTS

The Planning Division continued to receive comment letters after the DSEIR comment period ended. Since August 13, 2019, an additional 79 comments were received as of the drafting of this staff report (Attachment 5). Sixty of these were generated letters from the same platform described in the FSEIR, and 19 letters were unique. The table below provides a summary of the 60 generated letters. Commenters could select up to seven pre-written comments to include in their letter, shown in the right column. The left column contains a count of many times each comment was included.

#	Comment
51	I urge Mono County to make additional efforts to balance the needs of the project with the unique, wild, and beautiful nature of this special place. The current draft project does not include alternatives that mitigate the identified impacts so that a good project can go forward.
45	There are cumulative adverse impacts to migrating deer with this project, and there is no planned immediate, enforceable mitigation that will reduce additional vehicle impacts with deer and other wildlife.
44	The project’s visual impacts are significant, and the proponent has not considered sufficient mitigation to screen the Tioga Inn Workforce Housing Village.
42	Mono Lake, the Gateway of Yosemite National Park, the community of Lee Vining, and scenic Mono County deserve a better project design than the one currently proposed.
42	The previously approved hotel and restaurant already received special Mono County approval to create permanent adverse visual impacts. Now the proponent seeks to expand the project and create significant new visual impacts that will affect highway travelers and Mono Lake visitors every day. All visual impacts should be evaluated, and mitigated, at once—not in pieces.
42	The Final SEIR needs to include project alternatives that reduce the visual and aesthetic impacts to a less than significant level.
41	This project should not be visible from South Tufa or Hwy 395 south of the Tioga Pass junction.

Of the 18 unique letters, common concerns include aesthetics (13 letters) and the scale of the project being too large (7 letters). Other concerns raised include: increase of noise, increased population for the area (a negative), increased pressure on infrastructure, increased pressure on community services, effects on wildlife (negative), the desire for phased development and phased grading, and for the SEIR to include the approved components in their entirety and provide an alternative to the proposed addition as well as the previous approvals.

The concerns raised by these additional letters are addressed in the Final SEIR either by topic or through responses to individual letters.

VIII. ADDITIONAL RECOMMENDED MODIFICATION(S)

1. In further response to comments to reduce the aesthetic impact and in consultation with the applicant, it is proposed that mitigation measure AES 5.12 (c-2) be modified as follows to prohibit architectural uplighting that may be allowable under General Plan Land Use Element Chapter 23, Dark Sky Regulations (23.050.F.):

Outdoor Lighting Plan: An Outdoor Lighting Plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The

Plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:

- (a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted;
- (b) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and
- (c) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

Chapter 23 gives the Community Development Department discretion to require additional information following the initial Outdoor Lighting Plan review. Additional information requirements may include, but are not limited to:

- (a) A written narrative to demonstrate lighting objectives;
- (b) Photometric data;
- (c) Color Rendering Index (CRI) of all lamps and other descriptive information about proposed lighting fixtures;
- (d) A computer-generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines; and/or
- (e) Landscaping information to describe potential screening.

In addition to the above, the project shall include landscaping to shield offsite views of lighting and shall prohibit accent uplighting of architectural or landscape features and seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.

- 2. Based on comments from the Land Development Technical Advisory Committee (LDTAC; see below), the following clarification shall be added to the Tioga Inn Specific Plan: When a grading permit for the housing phase of the project is submitted, all necessary underground utilities and infrastructure improvements for the housing project shall be included and completed as a component of the grading permit.

IX. LDTAC REVIEW

The Land Development Technical Advisory Committee (LDTAC) has met to consider the project application and project revisions in 2015 and 2016. On March 16, 2020, LDTAC met to review the Mitigation Measures and Reporting Program (MMRP) and project conditions, and recommended clarifying the timing of infrastructure installation.

X. FINDINGS

If the Commission decides to recommend approval of the proposed Tioga Inn Specific Plan Amendment #3, the Commission must adopt the findings and recommendations, modified as desired, contained in Planning Commission Resolution R20-01 (Attachment 2).

XI. ATTACHMENTS & WEBLINKS TO DOCUMENTS

1. The Subsequent Final Environmental Impact Report (FSEIR) and Tioga Inn Specific Plan Amendment #3 is available on the Mono County website at: <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>
2. Resolution R20-01 with Exhibits A and B
3. Letter from the Mono Basin RPAC requesting the public hearing be postponed to a later date
4. Public Hearing Notices
5. Public comment letters received after the close of the Draft EIR public comment period
6. Tioga Community Housing Project Powerpoint Presentation