



R20-96

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
FOR TIOGA INN SPECIFIC PLAN AMENDMENT #3**

WHEREAS, the Tioga Inn Specific Plan was originally approved and adopted in 1993, amended in 1995 and 1997, and modified pursuant to a Director Review approval in 2012; and

WHEREAS, the 1993 Specific Plan includes a hotel (two stories, 120 rooms), full-service restaurant, 10 hilltop residential units, gas station with two gas pump islands, convenience store (4,800 square feet), infrastructure, convenience store deli, two-bedroom apartment above the convenience store, and clarifications regarding infrastructure, access, financing, phasing, signage and development standards; and

WHEREAS, in late 2016, a Notice of Preparation (NOP) was distributed and a meeting was held to discuss the scope of the environmental analysis for Tioga Inn Specific Plan Amendment #3 which, as originally proposed, included 80 residential units, an increase in the height of the 120-room hotel, and an increase in the size of the promontory restaurant, among other features; and

WHEREAS, due to scoping comments, the project was modified to its current iteration, which modifications comprise the proposed Tioga Inn Specific Plan Amendment #3, and include up to 100 housing units, a daycare facility, an increase in Open-Space Preserve acreage, a decrease in Open Space-Support and Open Space-Facilities acreage, three new gas pump islands under one new canopy, the replacement of the existing water tank with a new tank in a different location, the addition of a new 30,000 gallon propane tank, and an onsite wastewater treatment plant with recycled water irrigation; and

WHEREAS, the previously-approved components of the Tioga Inn Specific Plan, which were removed from the project scope after the NOP period, specifically the 120-room hotel and restaurant, are not part of Amendment #3 nor currently subject to modification; and

WHEREAS, a Subsequent Environmental Impact Report (SEIR) was prepared in compliance with the California Environmental Quality Act (CEQA) and a Draft SEIR (DSEIR), titled the Tioga Workforce Housing Project, was released on June 14, 2019, initiating the maximum 60-day public comment period provided by CEQA until August 13, 2019, which comment period was subsequently extended at the request of the public and due to a publishing date technicality to August 21, 2019; and

WHEREAS, public workshops were held on the DSEIR with the Planning Commission in June 2019 and the community in late July 2019; and

WHEREAS, a total of 904 comment letters were received during the comment period and responded to in the Final Subsequent Environmental Impact Report (FSEIR), and an additional 79 comment letters were received after the comment period ended and were responded to as part of the public hearing held before the Planning Commission; and

WHEREAS, the FSEIR was released on February 29, 2020, and, in response to public comment and suggestions, was re-titled as the Tioga Community Housing Project, and included the new Alternative

1 #6, which was accepted by the applicant and determined to be the new preferred alternative due to reduced
2 visual and other impacts, and included other project changes; and

3 **WHEREAS**, at the June 29-30, 2020, meeting, the Board of Supervisors directed another
4 alternative be developed that consisted of elements previously analyzed as Alternative 6 and the Cluster
5 Alternative, which was accepted by the applicant and presented as Alternative 7-Hybrid Plan for
6 consideration at the August 6, 2020, Board meeting corrections to an error within the visual analysis for
7 Alternative 6; and

8 **WHEREAS**, the Board of Supervisors provided additional direction for refinements to the
9 Alternative 7-Hybrid Plan at the August 6, 2020, meeting; and

10 **WHEREAS**, none of the project changes require recirculation of the DSEIR under CEQA
11 Guidelines §15088.5(a); and

12 **WHEREAS**, the applicant voluntarily held a community meeting on the FSEIR in Lee Vining in
13 March 2020, at which meeting there were approximately 50 attendees; and

14 **WHEREAS**, on April 16, 2020, the Planning Commission held a duly noticed public hearing
15 regarding Tioga Inn Specific Plan Amendment #3 and the Final SEIR, received approximately seven hours of
16 public testimony and approximately 150 written comments, and recommended the adoption of the preferred
17 alternative (now Alternative #6) Tioga Inn Specific Plan Amendment by Resolution R20-01 to the Board of
18 Supervisors; and

19 **WHEREAS**, on June 29 & 30, August 6 and October 13, 2020, the Board of Supervisors held duly
20 noticed public hearings regarding Tioga Inn Specific Plan Amendment #3 and the Final SEIR and determined
21 to certify the FSEIR; and

22 **NOW, THEREFORE, THE MONO COUNTY BOARD OF SUPERVISORS DOES HEREBY
23 FIND AND RESOLVE AS FOLLOWS:**

24 **SECTION ONE:** Having reviewed and considered the analysis in the staff report, all information and evidence
25 in the record and testimony provided in the public hearings, the Board of Supervisors directs that the following
26 refinements are hereby incorporated into the Tioga Inn Specific Plan Amendment #3, FSEIR, and Findings of
27 Fact (**Exhibit A**). The Tioga Inn Specific Plan Amendment #3 and the FSEIR are included as **Exhibit B** and
28 incorporated herein by this reference. The 1993 Tioga Inn Specific Plan and FEIR is available on the
29 Community Development page of the Mono County website at
30 <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir> and incorporated by this
reference.

SECTION TWO: Staff is authorized to make corrections to the SEIR that do not affect project
substance or meaning, such as grammatical and typographical errors, numbering corrections, formatting
changes, etc. and is directed to make the following changes to the SEIR:

- A. Add: The description, analysis, and plan sheets (full site concept plan, housing concept plan, and landscaping concept plan) of the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of the staff report for the 13 October 2020 Board of Supervisors meeting as the preferred alternative.

- 1 B. Add: Each housing phase and building permit application (if filed separately from a complete phase) shall
 2 receive a separate will serve letter from the applicable fire protection jurisdiction.
- 3 C. Add: The property owner voluntarily proposed and agrees to prefund an update to the Lee Vining Fire
 4 Protection District (LVFPD) development impact fee structure (nexus study) in response to currently
 5 unquantified LVFPD capital improvement needs. The cost associated with this development impact fee
 6 structure update (nexus study) will be credited back to any outstanding LVFPD impact fees imposed on
 7 the project as a result of this updated study. This obligation shall inure to any future property owner.
- 8 D. Add: The property owner voluntarily proposed and agrees to host a fundraising and recruiting event to
 9 encourage donations and volunteers to support LVFPD. This obligation shall inure to any future property
 10 owner.
- 11 E. Add: Mitigation monitoring and reporting is a project requirement under CEQA. The County requires that
 12 costs associated with the implementation, monitoring and/or compliance with the Tioga Inn Community
 13 Housing Specific Plan, which may be performed by staff or County contractors, shall be paid for by the
 14 property owner.
- 15 F. Add the following species to the Plant Palette:

Tree	White Birch	<i>Betula Pendula</i>
Tree	Limber Pine	<i>Pinus Flexilis</i>
Tree	Ponderosa Pine	<i>Pinus Nigra</i>
Tree	Austrian Pine	<i>Pinus Ponderosa</i>
Tree	Colorado Spruce	<i>Picea P 'Dark Green & Blue'</i>
Tree	Colorado Spruce	<i>Picea Pungens 'Fat Albert'</i>
shrub	Red Twig Dogwood	<i>Cornus Sericea 'Bailey'</i>
groundcover	Hancock	<i>Symphoricarpos x Chenaultii</i>

- 18 G. Add Secondary Fire Access map:
 19 ([https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/tioga_in
 20 n_secondary_fire_120_access.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/tioga_in_n_secondary_fire_120_access.pdf)).
- 21 H. Add: The Open Space-Support designation shall also permit construction and maintenance of a permanent
 22 secondary emergency access road, to be located in the southwest quadrant of the Tioga site.
- 23 I. Eliminate the commercial propane service and relocate the propane tank to the Tioga sub-parcel east
 24 of US 395, near the two existing Tioga wells. Screening of the propane tank will be provided, consistent
 25 with the conceptual landscaping standards, which requires that screening trees and shrubs be planted to
 26 provide a visual break of facility views as seen from the scenic highways.
- 27 J. Add: Onsite employees shall have first priority for vacant housing units, and rental practices shall
 28 comply with the California Fair Employment and Housing Act (FEHA) and the federal Fair Housing
 29 Act (FHA). In the event of a conflict with FEHA/FHA or a future grant award for project
 30 implementation, the grant requirements and FEHA/FHA shall take precedence.
- K. Add: Automated External Defibrillator (AED) units shall be provided on the community housing site
 in compliance with standards established by the American Heart Association, including use of a 3-

1 minute maximum response time to determine the required number of AED units and where the units
2 should be located on the project site.¹

3 L. Add: The property owner shall provide Mono County Public Health Department with monthly
4 measurements and recordings of static water levels, pumping water levels, pumping rates and pumped
5 volumes for the onsite wells. The monthly measurements shall be provided to the County for at least the
6 first year to establish a baseline; monitoring shall continue on at least a quarterly basis thereafter and results
7 provided to Mono County Public Health.

8 M. Add: If an emergency access road to US 395 is required by another agency with the authority to do so
9 and the necessary permitting and CEQA analysis has been completed by that entity, then the Specific
10 Plan may be modified by discretionary action of the Board to allow the road and to state: “other than
11 access to an emergency egress route and for authorized personnel to the parcels adjacent to US 395,
12 there shall be no access to the project from US 395.”

13 N. Incorporate the environmental impact analysis of Alternative 6 and Alternative 7 (as applicable to the
14 refined Alternative 7) from Attachment 5 to the staff report for the 6 August 2020 Board of Supervisors
15 meeting, including the Lines of Sight and Visibility Cones from Navy Beach and South Tufa Parking Lot
16 (Exhibits 3 and 4), and the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of
17 the staff report for the 13 October 2020 Board of Supervisors meeting.

18 O. Add: Mitigation Measure BIO 5.3(a-6) (Signage): Signage stating “Do Not Feed the Wildlife” shall be
19 posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access
20 points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.

21 P. Refine Mitigation Measure BIO 5.3(a-4) (Badger and Fox Survey): A pre-disturbance denning badger
22 and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-
23 disturbing project activities. The survey will be performed by a qualified biologist. The survey will include
24 the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results
25 will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of
26 survey completion, in order to formulate avoidance measures. Unless modified in consultation with
27 CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist
28 finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by
29 Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation
30 with CDFW regarding buffering and avoidance.

Q. Refine Mitigation Measure POP 5.6(a-1) (Phasing Plan)

Mitigation Measure 5.6(a-1) (Phasing Plan). Development of the Tioga Community Housing Project shall be phased in accordance with the schedule below.		
Phase	# Units	Schedule
1	70	The 70 Phase I units, childcare facility, and grading for all three phases are authorized for construction upon submittal of a complete building permit application for the hotel to the Mono County Community Development Department.
2	30	Construction of the 30 Phase 2 units would begin when the phase 1 units reach an 80% occupancy rate (i.e., when 56 of the Phase 1

¹ American Heart Assn. pamphlet, *Implementing an AED Program*, 2/12/2012

		units are rented) and building permits have been issued for Phase 1. All Phase 2 units will be in the westernmost row of units.
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- R. Add: Mitigation Measure SFTY 5.7(e-3) (Emergency Access to SR 120): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-foot irrevocable easement from SCE to the property owner, shall be bladed annually to maintain full easement width, and shall be maintained to be passable by vehicles year round, to be recorded prior to issuance of project building permits.
- S. Add: Mitigation Measure SVCS 5.8(a-2) (Shuttle Service): A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase 1 units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin the operating season, at minimum, each year no later than July 4, and end the operating season each year no sooner than Labor Day. The operating season may be expanded for additional periods as needed based on an annual survey of the Lee Vining community and Tioga Housing residents conducted by the property owner. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.
- T. Refine Mitigation Measure SVCS 5.8(a-4)(Pedestrian Safety): The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for conflicts with high-speed vehicles); requirement for action by other parties over whom the County and the property owner lack legal control (i.e., SCE and Caltrans) and which, until recently, were unwilling to cooperate; and for other reasons including uncertainty of funding costs not attributable to the project and ultimate implementation. Infeasible mitigation measures need not be analyzed under CEQA and may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In addition, a pedestrian trail has been documented as an existing need and the proposed project may only be held responsible for its proportional and incremental contribution.

The property owner and County shall work collaboratively with SCE, Caltrans, and the local community to pursue future options for a pedestrian/bicycle connection to Lee Vining which include, but are not limited to, a safe crossing of SR 120 combined with (1) a trail across SCE property; and (2) an on-system sidewalk connector along SR 120 and US 395. If a feasible option is identified, a “fair share” cost attributable to the project will be calculated by the County and contributed by the property owner, to be held in an account by Mono County, toward the design, CEQA analysis, and construction of the trail project. If the trail project is not approved by any public agency (including the County) with jurisdiction, then such funds shall be reimbursed to the property owner. The feasibility analysis of the connectivity trail project shall commence within six months of the Board of Supervisors’ approval of the Tioga Inn Specific Plan Amendment #3.

- U. Add: Mitigation Measure AES 5.12(a,b) (Design Criteria): To be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria:

1. **Limits of Construction:** All Community Housing residential structures, whether attached or detached units, must be located within the building envelope indicated on the Alternative 7 Concept Site Plan except for the manager's unit, which is located outside the building envelope to the west.
2. **Maximum Heights:** All Community Housing residential structures shall be of single-story construction with a maximum roof height not to exceed 16 feet.
3. **Number of Units and Bedrooms:** As previously stated in the project description, the Community Housing complex shall not contain more than 100 residential units and 150 bedrooms, including the manager's unit, and shall conform to the phasing plan.
4. **Screening Landscaping:** Screening landscaping shall be provided consistent with the Landscape Concept Plan developed by Weiland Design Group, Inc., dated 9-8-20. The Landscape Concept Plan was developed to be consistent with (a) Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping) and (b) the Conceptual Landscaping standards outlined in Specific Plan Table 4-12.
5. **Visibility of Residential Units and Structures:** All structures and units within the Community Housing complex shall be within the sight lines and visibility cones depicted in the CEQA visual analysis.

- V. Add: Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping): All landscaping shall be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading is complete. A landscaping or restoration specialist approved by the County shall monitor tree health, screening efficacy and replacement requirements for the first 5-years of growth. The landscape/restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan.

None of the housing structures or housing parking areas shall be visible from public vantage points including (1) the shore of Mono Lake at South Tufa, (2) Navy Beach, (3) US 395 between the junction of Hwy 120 W and Test Station Rd. A housing structure or parking area is "visible" if any part of the buildings or parked vehicles or any reflection, glare, or other direct light from the housing or parked vehicles in the housing area at any time are clearly identifiable to the naked eye or with a high-quality 400 mm telephoto lens as used in the visual analysis.

Compliance with this mitigation measure shall be monitored by conducting visual inspections from each of the public vantage points listed above at least once each year for five years after certificate of occupancy is issued for Phase 1. The monitoring inspection shall be conducted during winter with at least one conducted after dark and one in the two hours after dawn from each vantage point.

The goal of the monitoring inspections shall be to develop a record of compliance with this standard from each vantage point and at varying times of potential high visibility including dawn, nighttime, and daytime. Documented observations of noncompliance with this standard from the public should be sent to the Code Enforcement Division for a response.

- W. Refine Mitigation Measure AES 5.12(c) (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. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit

1 safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such
2 lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded,
3 down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.² Kelvin color temperature
4 should be approximately 2300K, and temperatures over 3000K are prohibited. Safety lighting shall be
5 permitted only during the hours between 30 minutes following sunset, and 30 minutes prior to sunrise;
6 (b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light
7 impacts to the least necessary for public health and safety. Kelvin color temperatures over 3000K are
8 prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart³ on pedestrian pathways. The
9 height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded
10 and not exceed 125 bollards at 1,000 lumens⁴;
11 (c) accent lighting shall be limited to residential lighting required by the building code for safety, and
12 any up-lighting shall be prohibited;
13 (d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and
14 (e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to
15 be illuminated, the illuminance level of the elevations, and the aiming point for any remote light
16 fixture.
17 (f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and
18 landscaping to screen project structures and lighting, subject to the five-year monitoring plan and tree
19 replacement as needed, to screen direct light glare from offsite.

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

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

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

25 **SECTION THREE:** The Tioga Community Housing Project Final Subsequent EIR (FSEIR) has
26 been prepared for the Tioga Inn Specific Plan Amendment #3 in compliance with CEQA and the FSEIR
27 reflects the County's independent judgment and analysis. The Board of Supervisors further finds that the
28 FSEIR has been presented to, and reviewed by, both the Board and Planning Commission and, with the
29 refinements described in Section One of this Resolution, is adequate and complete for consideration by the
30 Board of Supervisors in making a decision on the merits of the Tioga Inn Specific Plan Amendment #3.

² Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (<http://www.darksksociety.org/>), 2009: <http://www.darksky.org/handouts/LightingPlanGuidelines.pdf>.

³ Access Fixtures, *Bollard Light Spacing*, 2020: https://www.accessfixtures.com/bollard_light_spacing/

⁴ Yosemite National Park Lighting Guidelines, May 2011: <https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidelines-05062011.pdf>

CEQA FINDINGS OF FACT
*For the proposed Tioga Community Housing/
 Tioga Inn Specific Plan Amendment #3 Project*

I. INTRODUCTION

The requirement for preparing Findings is outlined in CEQA Guidelines §15091, as provided below:

- (a) "No Lead 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 opportunities 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 material 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.

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II. FSEIR BACKGROUND AND PROCESS

Preparation of the *Tioga Community Housing Project, Tioga Inn Specific Plan Amendment #3 Final Subsequent EIR* ('FSEIR') began with the distribution of a Notice of EIR Preparation (NOP) and scoping meeting during October 2016. Following review of the 33 NOP comment letters, the project proposal was modified to eliminate proposed changes to the previously-approved

hotel and full-service promontory restaurant, increase the proposed number of housing units, incorporate day care facilities, and change the distribution and acreage of open space areas.

The Draft Subsequent EIR ('DSEIR') was subsequently distributed for a two-month public review period that began on 14 June 2019 and closed on 13 August 2019, which was then extended to 21 August 2019. The DSEIR contained a description of the proposed project and proposed amendments to the Tioga Inn Specific Plan, as well as a description of the environmental setting, identification of project impacts, mitigation measures for impacts found to be significant, an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts.

Following close of the DSEIR public review period, the project was further modified in response to changes requested in the DSEIR comment letters.¹ Project modifications included a new Preferred Alternative 7 that was developed with the intent to lessen project impacts on scenic and visual resources, and to lessen project impacts associated with light and glare. The *Tioga Community Housing/ Tioga Inn Specific Plan Amendment #3 FSEIR* describes all project changes made since the DSEIR public review period ended, including the new Preferred Alternative 7.

The completed FSEIR was posted on the Mono County website on 28 February 2020. On 3 March, a workshop was held with the Lee Vining community to review the project changes and overall FSEIR schedule. Comments and questions raised during the 3 March 2020 workshop have been addressed in a Staff Report prepared for the Planning Commission meeting on 16 April 2020.

III. SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS OF THE PROJECT

Analyses provided in the *Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3 FSEIR* indicate that approval and implementation of the project may result in five significant and unavoidable adverse environmental effects. The significant and unavoidable adverse effects of the *Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3* project are identified as follows:

Significant Unavoidable Adverse Effects of the Tioga Community Housing Project
HYDROLOGY: Exposure of people and structures to catastrophic mudflows resulting from a volcanic eruption
BIOLOGICAL RESOURCES: Cumulative impacts (only) to deer movement in the project region; direct project impacts on biological resources are less than significant.
PUBLIC SERVICES: Impacts on public services associated with increased foot traffic between the Tioga site and Lee Vining.
TRAFFIC: Significant unavoidable impacts associated with turning movements from eastbound SR 120 onto northbound US 395 (this significant impact would occur with or without the proposed housing project)
AESTHETICS: Project impacts on light and glare

The new preferred Alternative 7-Hybrid Plan, in combination with other new project mitigation measures and requirements, will substantively lessen project impacts on aesthetic resources. Additional substantive efforts were made to lessen the significant cumulative project impacts on deer movement, the significant direct and cumulative project impacts associated with impacts on public services associated with unsafe pedestrian/cycling travel conditions between the project site and Lee Vining, and the significant unavoidable and adverse direct and cumulative impacts associated with vehicle turning movements at the SR 120/US 395 junction. However, despite concerted efforts, it was infeasible to reduce any of the significant project impacts to less than significant levels. Findings of Fact have been prepared to address each of the significant unavoidable adverse impacts identified above.

¹ In total, 983 comment letters were received including 226 individual letters submitted by agencies, organizations and citizens and 757 'generated' comment letters that utilized a 'generated format' provided by the Mono Lake Committee. Seventy-nine of the 983 comment letters were received too late to include in the FSEIR, but all have been summarized and responded to in the Staff Report and it has been determined that no significant new issues were raised.

IV. ADMINISTRATIVE RECORD OF PROCEEDINGS

The Administrative Record serves as the basis on which the Mono County Board of Supervisors determines whether to certify an environmental document, and whether to approve or disapprove a proposed project. California Public Resources Code §21167.6(e) requires that the record of proceedings shall include, but is not limited to, all of the following materials:

CONTENTS OF THE ADMINISTRATIVE RECORD
<p>(1) All project application materials.</p> <p>(2) All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.</p> <p>(3) All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this division.</p> <p>(4) Any transcript or minutes of the proceedings at which the decision-making body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project.</p> <p>(5) All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.</p> <p>(6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.</p> <p>(7) All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.</p> <p>(8) Any proposed decisions or findings submitted to the decision-making body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.</p> <p>(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.</p> <p>(10) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.</p> <p>(11) The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation.</p>

CEQA Guidelines §15074(c) requires that Findings must also specify the location and custodian of the administrative record. The administrative record of the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project shall be maintained and shall be available for public review at 1290 Tavern Road, Mammoth Lakes, California. Project files shall also be available at the Bridgeport CDD office at 74 N. School Street, Bridgeport, California.

V. CONSIDERATION OF THE ADMINISTRATIVE RECORD

In adopting these Findings, Mono County as Lead Agency finds that the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR* was presented to the Board of Supervisors, as the decision-making body of the County. The Board of Supervisors reviewed and considered the information in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR* prior to certifying the *Tioga Community Housing Project, Tioga Inn Specific Plan Amendment #3 FSEIR*. By these Findings, the Board of Supervisors ratifies, adopts, and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the Final Subsequent EIR. The Board of Supervisors finds that the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR* was completed in compliance with the California Environmental Quality Act. The information and

conclusions contained in the Findings and in the Final Subsequent EIR reflect Mono County's independent judgment and analysis.

VI. PROJECT IMPACTS THAT ARE LESS THAN SIGNIFICANT

VI.A Impacts that are Less than Significant and do not require mitigation. Project impacts have been found to be less than significant, with no mitigation requirements, for the three CEQA environmental factors listed below:

1. **POPULATION, HOUSING, EMPLOYMENT.** No significant adverse impacts are foreseen for potential project impacts on Population, Housing or Employment. The project will not induce substantial unplanned population growth in an area, or adversely impact employment or living conditions, in Lee Vining, in the Mono Basin, or in Mono County as a whole, or displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. No Findings or Statement of Overriding Effects are required for these environmental factors.
2. **ENERGY AND UTILITIES.** No significant adverse impacts are foreseen for potential project impacts on Public Services, Energy and Utilities. The project will not create a need for new or modified governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services (police protection, schools, other public facilities, services and utilities). Further, the project will not result in a wasteful, inefficient, and/or unnecessary consumption of energy; or be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and fail to comply with federal, state, and local statutes and regulations related to solid waste, as discussed on DSEIR pages 5.8-7 through 5.7-13. Please see discussion in §VII for discussion of the significant and unavoidable adverse impacts on public services associated with increased foot traffic between the project site and Lee Vining.
3. **AIR QUALITY AND GREENHOUSE GASES.** No significant adverse impacts are foreseen for potential project impacts on Air Quality & Greenhouse Gases. The project will not conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable increase of a criteria pollutant for which the project region is non-attainment, will not expose sensitive receptors to substantial pollutant concentrations, will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people, will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and will not conflict with an applicable plan, policy or regulation adopted to reduce greenhouse gas emissions. No Findings or Statement of Overriding Effects are required for these environmental factors.
4. **NOISE.** No significant adverse impacts are foreseen for potential project impacts on Noise. The project will not expose persons to or cause a permanent or temporary significant increase in ambient noise levels or result in noise levels exceeding adopted standards, will not expose persons to or generate excessive groundborne vibration or groundborne noise levels, and will not expose people residing or working in the project area to excessive noise levels for a project located in an airport land use plan or (where such a plan has not been adopted) within two miles of a public airport or public-use airport or a private airstrip. No Findings or Statement of Overriding Effects are required for these environmental factors.

VI.B Impacts that are Less than Significant with Mitigation. Project impacts have been determined to be less than significant, with mitigation requirements, for impacts associated with the environmental factors listed in this section.

1. **GEOLOGY AND SOILS.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly cause potential substantial adverse effects involving rupture of a known Alquist-Priolo earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, and/or landslides, as discussed on DSEIR pages 5.1-7 through 5.1-11.
 - *Mitigation Measure GEO 5.1(a-1) (Soils): Site specific soils reports with appropriate recommendations for proposed improvements shall be made at the time that improvements are being designed.*

- *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*
- *Mitigation Measure GEO 5.1(a-3) (Seismicity): Due to the project location in a zone of known active faulting, further geotechnical investigations shall be undertaken if soil removal and/or grading expose fault traces. This possibility shall be considered throughout the initial construction planning and earthwork phases.*
- *Mitigation Measure GEO 5.1(b) (Low Impact Development): The Low Impact Development Best Stormwater Management Practices Program outlined in Mitigation HYDRO 5.2(a-6) shall be implemented through the life of the Tioga Specific Plan.*
- *Mitigation Measure GEO 5.1(c) (Supplemental Geotechnical Studies): Additional geotechnical studies shall be prepared, prior to Grading and/or Building Permits approval, to examine subsurface soil and groundwater conditions on all project areas that were not analyzed as part of the 1993 Final EIR. Areas to be studied shall at a minimum include land underlying the workforce housing project, the propane tank storage area, the proposed site of the new water storage tank, and all areas that would be newly impacted by the proposed septic and wastewater treatment system.*

2. HYDROLOGY AND WATER QUALITY. With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly violate water quality standards or a water quality control plan, or sustainable groundwater management plan, or otherwise substantially degrade surface or groundwater quality; violate any wastewater treatment or discharge requirements or require new wastewater treatment facilities; substantially decrease 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 that would impact the production rate of nearby wells, or jeopardize the sufficiency of water supplies to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or substantially alter drainage patterns in a manner that would result in substantial erosion, siltation, flooding or runoff or exceed existing or planned drainage systems; or place housing or structures in a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or impede flood flows; or expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as discussed on DSEIR pages 5.2-15 through 5.2-30. No Findings or Statement of Overriding Effects are required for these impacts. Please see §VII for discussion of the significant and unavoidable adverse impacts associated with the potential for the project to expose people or structures to inundation by mudflow.

- *Mitigation Measure HYDRO 5.2(a-1) (Slope Restoration and Monitoring): The Shrubland Revegetation Plan requirements outlined in Mitigation BIO 5.3(a-1) shall be included as a condition of approval in the building permit issued by Mono County. Purposes of the revegetation plan are to control erosion, reduce offsite runoff flow, control weeds, sequester carbon, enhance aesthetic values and to provide forage and shelter for wildlife.*
- *Mitigation Measure HYDRO 5.2(a-2) (Buffer Zone and Exclusion Fencing): Buffer areas shall be identified and exclusion fencing shall be installed to protect surface water resources outside of the project area, and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters outside the project area. Construction equipment shall be required to use existing roadways to the extent possible.*
- *Mitigation Measure HYDRO 5.2(a-3) (Minimal Vegetation Clearing): Vegetation clearing shall be kept to a minimum. Where feasible, existing vegetation shall be mowed so that after construction, the vegetation can reestablish more quickly and thereby help mitigate the potential for storm water impacts.*
- *Mitigation Measure HYDRO 5.2(a-4) (Spill Prevention and Response): Mitigation Measure HYDRO 5.2(a-7), which is detailed in Section VI.B.2 below, is designed to protect surface and groundwater quality through spill prevention and response measures features that will effectively reduce the surface and groundwater contamination. The County therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in DSEIR §5.2.*
- *Mitigation Measure HYDRO 5.2(a-5) (Onsite Storm Flow Retention): A comprehensive drainage study shall be developed which includes all phases of the project and implements the Low Impact Development Standards outlined in GEO 5.2(b). The project shall incorporate features to remove sediment from stormwater before it is discharged from the site. The project shall retain runoff from new impervious surfaces, and surfaces disturbed during construction. Retention shall be achieved by*

directing runoff to drywells or landscaped areas that provide infiltration. Sediment removal and retention systems shall be designed to accommodate all runoff resulting from a 20-year storm event of 1-hour duration. It must be demonstrated that the stormwater system is designed in such a way that when the retention capacity is exceeded, runoff leaves the site in keeping with pre-project drainage patterns, and will not cause the design capacities of any downstream drainage facilities to be exceeded.

- Mitigation Measure HYDRO 5.2(a-6) (Stormwater BMPs): In compliance with Mono County General Plan Appendix §25.010, the Low Impact Development Best Stormwater Management Practices Program (LID BMPP) provided herein shall be implemented throughout the life of the Tioga Specific Plan. Purposes of LID implementation are to keep polluted runoff water out of the rivers and lakes, use the chemical properties of soil and plants to remove pollutants from water, design subdivisions to clean their own stormwater rather than dumping it into streams or lakes, and preserve the natural water flow of the site beyond required codes and 'business-as-usual'. The measures to be implemented are shown below:

Low Impact Development Features of the Tioga Community Housing Project	
NATURAL DRAINAGE CONTROLS	Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.
RUNOFF COLLECTION AND TREATMENT	Stormwater runoff will be collected into the new stormwater retention system, which is sized to accommodate a conservative infiltration rate of 5 minutes per inch. Treatment will be provided by bioswales located in the landscaped areas of the parking lot. Additional treatment facilities may be provided including placement of oil removal inserts in the inlets, or a separate oil treatment unit.
ONSITE FLOW RETENTION	Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.
INFILTRATION	Use of rock swales & collection features to enhance filtration of pollutants.
RUNOFF SEPARATION	Channels and/or swales will be used to create a separate between roads and pedestrian paths.
ROAD DESIGN	Road improvements will be the minimum required for public safety and emergency access, and will continue to feature traffic calming features including curvilinear design, low speed limits, posted turn restrictions, high visibility internal signage.
CLUSTER DESIGN	Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.
VEGETATION RETENTION	Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.
SCREENING	The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.
WATER USE FOR LANDSCAPING	The project will comply with provisions of the Department of Water Resources Model Water Efficient Landscape Ordinance.

- Mitigation Measure HYDRO 5.2(a-7) (Spill and Leak BMP Plan): The Spill and Leak BMP Plan below shall be incorporated into and approved as part of the Board Order for the package wastewater treatment plant (WWTP). The plan shall comply with all applicable requirements of the Lahontan Regional Water Quality Control Board, as stipulated in the Board Order, to ensure that onsite facilities have containment and other controls in place to prevent oil from reaching navigable waters and adjoining shorelines, and to contain and treat oil discharges onsite should a spill occur.

Spill and Leak Best Management Practices of the Tioga Community Housing Project	
SPIILLS	Ground surfaces at the gas station and housing area shall be regularly maintained in a clean and dry condition, including snow removal during winter months.
	Drip pans & funnels shall at all times be readily available to gas station customers & staff for use when draining or pouring fluids.
	At least 2 spill containment and cleaning kits shall at all times be readily available and properly labeled, with instructions, at all times for use by gas station customers and staff
	Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff & customers, with instructions that the absorbent material is to be poured onto spill areas, and then placed in covered waste containers for disposal. Wash down of spills shall be strictly prohibited.
LEAK CONTROLS	Drip pans & funnels shall at all times be accessible and readily available for use with stored vehicles.
	Drip pans shall be placed under the spouts of liquid storage containers.

TRAINING	<i>All gas station employees, as well as the housing manager, shall be trained on spill & leak prevention practices annually.</i>
	<i>Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.</i>
FUELING	<i>Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.</i>
	<i>Signs shall at all times be posted advising gas station customers not to overfill or top-off gas tanks, and all gas pumps shall be outfitted with automatic shutoff fuel dispensing nozzles.</i>
	<i>Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.</i>
	<i>Rags and absorbents shall at all times be readily available for use by gas station staff & customers in case of leaks and spills.</i>
	<i>Outdoor waste receptacles and air/water supply areas shall be checked by gas station employees on a daily basis to ensure that receptacles are watertight and lids are closed.</i>
WASTE TREATMENT PLANT	<i>WWTP BMPs shall at a minimum include (a) work areas, walkways and stairwells shall be maintained clear of loose materials and trash. (b) Spills such as grease, oil or chemicals shall be cleaned up immediately, (c) Combustible trash (such as paper, wood and oily rags) shall not be allowed to accumulate, (d) All chemicals and combustible liquids shall be stored in approved containers and away from sources of ignition and other combustible materials, (e) Oily rags shall be placed in metal containers with lids, (f) Adequate clearances shall be maintained around electrical panels, and extension cords shall be maintained in good conditions. Remote security scans shall be conducted on a daily basis, with weekly walk-through inspections, bi-annual site reviews, annual BMP plan oversight inspections, and reevaluation of the WWTP BMP plan no less than once every 5 years.</i>
WASHING	<i>No vehicle washing shall be permitted at the gas station or housing area unless a properly designed wash area is provided & designated on the project site.</i>
	<i>If a wash area is provided on the project site, it shall be located near a clarifier or floor sump, properly designed, paved and well-marked. Gas station employees (as well as the housing manager, if relevant) shall be trained in use and maintenance of the designated wash area. Washwaters shall be contained, cleaned and recycled.</i>
	<i>Detergents sold & used at the gas station shall be biodegradable and free of phosphates.</i>

- *Mitigation Measure HYDRO 5.2(b-1) (Wastewater Treatment): Upon installation of the new wastewater treatment system the existing septic tank will be properly decommissioned, and the existing leachfield will be used only for disposal of treated effluent during the winter months when effluent flows are at a minimum and the subsurface irrigation system is suspended due to freezing conditions. Leach field size will be determined by LRWQCB requirements, based on the application rate for the treated wastewater effluent.*
- *Mitigation Measure HYDRO 5.2(b-2) (Leachfield Percolation Standards): Percolation rates for the new leachfield shall be determined in accordance with procedures prescribed by LRWQCB. Where the percolation rates are faster than 5 MPI, the minimum distance to anticipated high groundwater shall be no less than 40 feet, based on information provided by the well logs drilled within 600' of the anticipated disposal location. Note that the criteria for achieving a minimum 40' distance to groundwater with percolation rates faster than 5 MPI was developed for effluent from septic systems, whereas project effluent from the wastewater treatment plant will be secondary treated and denitrified. Thus the required depth to groundwater may be modified during LRWQCB permitting.*
- *Mitigation Measure HYDRO 5.2(b-3) (Effluent Treatment Standards): The package plant shall be designed to produce a treated secondary denitrified effluent achieving a total nitrogen concentration of 10 mg/L. The treatment plant's performance goals for BOD, TSS, T-N, coliform, etc. shall meet the US EPA secondary treatment standards.*
- *Mitigation Measure HYDRO 5.2(b-4) (Title 22 Compliance): Operation of the proposed subsurface drip irrigation system will require either an approved Title 22 engineering report from Division of Drinking Water (DDW), or a letter from DDW stating that the project does not need to satisfy Title 22 criteria; the alternative leach field location shown on the Tioga Workforce Housing Concept Plan shall replace the proposed leachfield location if required for Title 22 Compliance.*
- *Mitigation Measure HYDRO 5.2(b-5) (Groundwater Quality Monitoring): At a minimum, the project will provide 1 upgradient and 2 downgradient monitoring wells, in locations and at depths to be established by the Lahontan Board during the*

Wastewater Treatment Plant permit approval process. Monitoring well locations and depths of well construction will be as proposed by a licensed hydrogeologist as part of a Work Plan for permitting of the WWTP, as reviewed and accepted by the Board.

- *Mitigation Measure HYDRO 5.2(b-6) (Nitrogen Removal): In the event that data from the groundwater monitoring wells show a sustained increase in groundwater salinity levels, nitrogen removal systems will be added to the package wastewater treatment system as needed to maintain baseline salinity levels in the underlying groundwater aquifer.*

3. BIOLOGICAL RESOURCES. With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS; or have a substantial adverse effect on any riparian habitat or other sensitive natural plant community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; or have a substantial adverse effect on a state or federally protected wetlands; or conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as discussed on DSEIR pages 5.3-17 through 5.3-26. Please see §VII for discussion of the significant adverse impacts associated with the project potential to interfere substantially with the movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors.

- *Mitigation Measure BIO 5.3(a-1) (Shrubland Vegetation): Proponent shall prepare a Revegetation Plan for the purpose of returning all areas that are temporarily disturbed by the project to a condition of predominantly native vegetation. Mono County will review this plan for approval within 60 days of the start of project construction. The revegetation plan will, at a minimum, include locally derived seed or plants from the following list of species, in order to emulate remaining Great Basin Mixed Scrub on-site: Jeffrey pine, single-leaf pinyon, antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses. The Plan must also include methods and timing for planting, supplemental inputs including plant protection and irrigation using treated sewage effluent, success criteria that include a return to at least 50% of pre-project native vegetation cover within five years, and a monitoring and reporting program that includes annually collected revegetation progress data, data and trends summary, and photographs for transmittal to Mono County prior to December 1 of each of the first five years following project construction (or until all success criteria are attained). Monitoring data collection and reporting shall be performed by a qualified botanist who has been approved by Mono County. A map shall be included with the Revegetation Plan that shows the location of all areas that will be temporarily disturbed during grading and earthwork.*
- *Mitigation Measure BIO 5.3(a-2) (Rockcress Avoidance): The construction contractor shall be required to install temporary fencing along the western edge of the existing roadway where it approaches the Masonic rockcress population, in order to prevent accidental damage due to incursion by equipment. Fencing shall remain in place through the completion of all construction phases.*
- *Mitigation Measure BIO 5.3(a-3) (Nesting Bird Survey): A pre-disturbance nesting bird survey shall be conducted within seven days prior to the start of vegetation and ground-disturbing project activities, by a qualified biologist, if construction is scheduled to begin during the period March 15 – August 15. All potential nesting habitat within 200 feet (passerine birds) or 600 feet (raptors) from the project-related disturbance limits will be included in the survey. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Appropriate measures (at a minimum including nest buffering and monitoring) will be decided in consultation with CDFW on a nest-by-nest basis.*
- *Mitigation Measure BIO 5.3(a-4) (Badger and Denning Fox Survey): A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has*

ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.

- *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance):* Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.
- *Mitigation Measure BIO 5.3(a-6) (Revegetation of Temporarily Disturbed Areas):* The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:
 - (a) *TOPSOILS:* During earthwork, topsoil that must be disturbed in relatively weed-free habitats will be removed to a depth of 12" and stockpiled at the margins of temporarily disturbed areas for reuse during replanting. Stockpiles will be used within one year of the completion of construction. During storage, topsoil will be armored to (a) minimize dust emissions, and (b) optimize survival of native seeds during replanting.
 - (b) *SCREENING:* Trees to be planted onsite for screening include native single leaf pinyon, Jeffrey pine, quaking aspen, and seeded mountain mahogany. Non-native Italian poplar sterile male transplants may be used in areas where rapid screening growth is desired. Screening trees will be planted densely to compensate for up to 50% mortality prior to maturation. Irrigation and plant protection will be provided as needed to attain optimal tree growth, tree health, and screening efficacy.
 - (c) *BITTERBRUSH:* Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 7-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250' of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.
 - (d) *SEED MIX ADJACENT TO ROADS:* The seed mix to be used adjacent to roads (including the protected corridor along US 395) shall consist of 1) curl-leaf rabbitbrush (*Chrysothamnus viscidiflorus*, 1-2 ft. maximum ht.) and 2) desert peach (*Prunus andersonii*, 2 ft.), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.
 - (e) *WEED CONTROL:* Weed control will be practiced in all temporarily disturbed habitats. Soil stockpiles will be included in weed controls. As the most invasive weeds in the project area are annual species, annual control scheduling will include at least one control application prior to flowering and seed production. If an herbicide is used, it will be done by a licensed applicator. Weed control efficacy will be evaluated for the first five years following the completion of construction-related disturbance, during annual monitoring in fall.
 - (f) *MONITORING:* Landscape plantings shall be monitored over a period of 5 years by a qualified biologist. The progress of revegetation will be evaluated at the end of each growing season and reported with regard to attainment of success criteria: 1) after 5 years, at least six live native shrubs per 4 square meters or 10% total living shrub canopy cover will be present, 2) within screening areas, at least one live tree per 4 square meters will be present, 3) weeds will together establish less than 10% canopy cover in sampled 4 square meter quadrats. If it appears at the time of annual monitoring that any of these success criteria may not be met after 5 years, recommendations for specific remediations including re-planting or additional weed control will be provided in the annual monitoring report.
- *Mitigation Measure BIO 5.3(a-6) (Signage):* Signage stating "Do Not Feed the Wildlife" shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.
- *Mitigation Measure BIO 5.3(d-1) (Shielding of Night Lighting):* Night lighting shall be shielded and in compliance with Chapter 23, Dark Sky Regulations, of the General Plan to maintain at existing levels the degree of darkness along the corridor of undeveloped vegetation between Tioga Inn developments and US395. Deer movements across the highway during spring will be facilitated by keeping this corridor open (no linear barriers, no brightly lit signs, no future devegetation or project development) so that movements will be deflected to the east and south of the new housing area rather than back across the highway.
- *Mitigation Measure BIO 5.3(d-2) (Burn Area Restoration):* All areas burned in 2000 within the property (14.8 acres, minus acres that are permanently converted to approved Tioga Specific Plan facilities) will be seeded using locally collected bitterbrush (*Purshia tridentata*), at a rate of 4 pounds/acre pure live seed. In addition, diverse shrubs and grasses with available locally collected seed (acceptable species are: antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses) will be spread, bringing the total application rate to 10 pounds/acre. Seeding will be performed just prior to the onset of winter snows in the same year that project construction

is initiated. If, after a period of five growing seasons has passed, a qualified botanist finds that total live cover provided by native shrub and grasses has not increased to 20% above that measured at adjacent (unseeded) burn scar areas, then the entire burn area will be seeded again as described above.

- *Mitigation Measure BIO 5.3(d-3) (Protected Corridor along US 395): Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future devegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.*
- *Mitigation Measure BIO 5.3(d-4) (Waste Receptacles): All waste receptacles will be designed to prevent access by ravens and bears. Signs will be clearly posted informing of the need to secure trash, pets, and stored food from wildlife access. Rental agreements will include restriction against storage of trash or unsecured food items outside residences (including in vehicles) for any length of time.*

4. **CULTURAL RESOURCES.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to cause a substantial adverse change in the significance of a prehistorical or historical resource; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any tribal cultural resources or sacred lands, or human remains including those interred outside of formal cemeteries; or cause substantial change in the significance of a tribal cultural resource, as discussed on DSEIR pages 5.4-6 through 5.4-11. It should be noted that CULT 5.4(a) is a voluntary measure by the applicant as no evidence of potential tribal cultural resources were found on site.

- *Mitigation Measure CULT 5.4(a) (Discovery of Archaeological Resources): Prior to initiation of any earthwork on the project site, the Mono Lake Kutzadika'a Tribe shall receive reasonable compensation in an amount equivalent to 50 hours of time and travel costs. The Tribe may use the 50 hours of compensated time for training of the onsite construction crew and/or for tribal monitoring, with the allocation of time to be at their discretion. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried archaeological resources which would require implementation of the procedures described below. The interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork. Tribal monitors are invited to observe the work at any time, either as paid professionals within the 50-hour pre-discovery allotted compensation or as non-paid volunteers. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by Tribal cultural resource experts assisted by a qualified archaeologist. The selection of the archaeologist will be approved by Mono County, the Mono Lake Kutzadika'a Tribe, Bridgeport Indian Colony, and the project proponent. The Tribal cultural resource experts and the archaeologist shall be fairly compensated. Work shall not resume in the defined area until sufficient research and data collection are conducted to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the Tribal cultural resource experts and archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Evaluation and recommendations shall be developed in collaboration with the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony, and the tribes shall be responsible for determining who will monitor the subsequent ground disturbance. Post-discovery, the tribal monitor shall receive reasonable compensation² for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.*
- *Mitigation Measure CULT 5.4(b) (Discovery of Paleontological Resources): All construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried paleontological resources. In the event of the discovery of paleontological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by a qualified*

² Reasonable compensation for pre-discovery and post-discovery tribal time and services shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed \$40.

paleontologist. Work shall not resume in the defined area until the paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

- *Mitigation Measure CULT 5.4(c,d) (Discovery of Human Remains): No evidence of Native American burials, which are considered Tribal Cultural Resources, was found in the project area. However, unmarked Native American graves may, potentially, be encountered during ground disturbance or excavation. Because no cultural tribal resources have been identified on the project site but the potential exists for subsurface resources that cannot be seen at this time, the interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork, and are invited to observe the work at any time without compensation. All construction plans that require ground disturbance and excavation shall contain an advisory statement that (1) there is potential for encountering human burials, (2) the Indian communities have been invited to observe the work at any time without compensation, (3) if human remains are encountered, all work shall stop immediately and the County shall be notified, and (4) that human remains must be treated with respect and in accordance with State laws and regulations. In the event of the discovery of human remains at any time during construction, by either project personnel or the Tribal monitor, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery and the Kutzedika'a Indian Community of Lee Vining and the Bridgeport Indian Colony shall be notified. California Health and Safety Code §7050.5 stipulates that if human remains are discovered during project work, the specific area must be protected, with no further disturbance, until the county coroner has determined whether an investigation of the cause of death is required. If the human remains are determined to be those of a Native American, the coroner must contact NAHC by telephone within 24 hours. PRC §5097.98 states that NAHC must then notify the most likely descendant community, which then inspects the find and makes recommendations how to treat the remains. Both laws have specific time frames, and PRC 5097.98 outlines potential treatment options. Representatives of the most likely descendant community shall be responsible for determining who will monitor the subsequent ground disturbance. The tribal monitor shall receive reasonable compensation for time and travel costs involved in developing recommendations for and treating the remains, and for monitoring subsequent ground disturbance. Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed \$40.*

5. **LAND USE AND RECREATION.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to physically divide an established community; or conflict with any applicable land use plan, policy, or regulation; or Increase the use of park facilities such that substantial physical deterioration would occur; or impact the acreage or function of designated open space, as discussed on DSEIR pages 5.5-14 through 5.5-27.

- *Mitigation Measure LU 5.5(b-1) (HMO Compliance): A determination regarding the HMO compliance option to be used for the Tioga Community Housing Project shall be made prior to issuance of the first building permit. The determination shall include identification of the number of qualifying units (i.e. units with rents no higher than 120% of average median income (AMI)) that are exempt from the HMO requirements.*
- *MITIGATION MEASURE LU 5.5(b-2) (ESTA/ESUSD Bus Stops): An ESUSD bus stop and turnaround area will be provided in the full-service restaurant parking lot with a path connecting to the Day Care Center. An ESTA bus stop and turnaround will be in the vicinity of the hotel access road. The ESTA and ESUSD bus stops, turnaround areas and access roads shall be maintained in a safe condition at all times, including snow removal during winter months.*

6. **POPULATION, HOUSING AND EMPLOYMENT.** No significant adverse impacts are foreseen with respect to population, housing or employment. However, implementation of the mitigation measure outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program) will enhance the integration of project land uses with the availability of services, housing and facilities on the project site as a whole, in the community of Lee Vining, and in the County of Mono. No significant adverse impacts are foreseen with respect to the potential for the project to induce substantial unplanned population growth, or adversely impact employment or living conditions, in Lee Vining or in Mono County, or to displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere, as discussed on DSEIR pages 5.6-7 through 5.6-15.

Mitigation Measure 5.6(a-1) (Phasing Plan). <i>Development of the Tioga Community Housing Project shall be phased in accordance with the schedule below.</i>		
Phase	# Units	Schedule
1	70	<i>The 70 Phase 1 units, childcare facility, and grading for all three phases are authorized for construction upon submittal of a complete building permit application for the hotel to the Mono County Community Development Department.</i>
2	30	<i>Construction of the 30 Phase 2 units would begin when the phase 1 units reach an 80% occupancy rate (i.e., when 56 of the Phase 1 units are rented) and building permits have been issued for Phase 1. All Phase 2 units will be in the westernmost row of units.</i>

7. PUBLIC HEALTH AND SAFETY. With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to create a hazard to the public or environment through routine transport, use or disposal of hazardous materials, or release of hazardous materials into the environment, including within 1/4 mile of a school; or be located on a site which is included on a list of hazardous materials sites compiled pursuant to CGC §65962.5; or create a safety hazard for people living or working in an area located in an airport land use plan or within 2 miles of a public airport or public use airport or private airstrip; or impair implementation of or physically interfere with an adopted emergency response or evacuation; or expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, or exacerbate wildfire risk or expose people or structures to significant risk of fire-related flooding; or expose people or structures to significant risk of avalanche, landslides, destructive storms or winds, seiches or tsunamis, rockfall or volcanic activity, as discussed on DSEIR pages 5.7-14 through 5.7-25.

- *Mitigation Measure SFTY 5.7(c) (Air Navigation Safety): The project shall comply with all applicable Federal Aviation Administration (FAA) regulations (i.e., Title 14, Chapter I, Subchapter E, Part 77).*
- *Mitigation Measure SFTY 5.7(d) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*
- *Mitigation Measure SFTY 5.7(e-1) (Fire Risk): The project shall incorporate the wildland fire protection measures listed below and detailed in the Community Wildland Fire Protection Plan – Home Mitigation section, CWPP pages 36-40 (or as updated), and in any other fire regulations (CalFire, PRC §4290/§4291, California Fire Code, etc.): Maintenance of adequate defensible space for all homes; Use of noncombustible materials for decks, siding and roofs; Screening or enclosing of open areas below decks and projections, to prevent the ingress of embers; Routine clearing of leaf & needle litter from roofs, gutters and foundations; Routine clearing of flammable vegetation away from power lines near homes; Routine clearing of weeds & flammable vegetation to at least 30’ from propane tanks; Use of fire and drought tolerant plantings, especially within 30-feet of homes, and avoidance of flammable ornamentals such as conifers; Routine thinning of vegetation along access roads and driveways; Provision of turnarounds at the end of all driveways and dead-end roads; Reflective address markers on all driveways and homes, and Receipt of a will serve letter from the Lee Vining Fire Protection District.*
- *Mitigation Measure SFTY 5.7(e-2) (Fire Hydrants): Multiple fire hydrants shall be provided on the project site, at locations that will enable all project elements to be reached with use of existing LVFPD water hoses. All hydrants shall feature a breakaway design feature wherein flows shut down if the hydrant is damaged.*
- *Mitigation Measure SFTY 5.7(e-3)(Emergency Access): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-ft irrevocable easement from SCE to the property owner, shall be bladed annually to maintain full easement width, and shall be maintained to be passable by vehicles year round, to be recorded prior to issuance of project building permits.*

8. TRAFFIC AND CIRCULATION. With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities; conflict with CEQA §15064.3 Guidelines for Determining

the Significance of Transportation Impacts; result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks; or result in inadequate emergency access, as discussed on DSEIR pages 5.9-8 through 5.9-12. Please see Section VII for discussion of the significant and unavoidable adverse impacts associated with increased hazards due to a geometric design feature or incompatible uses.

- *Mitigation Measure TFFC 5.9(a-5) (Access Rights): The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.*
- *Mitigation Measure TFFC 5.9(a-6) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*
- *Mitigation Measure TFFC 5.9(a-7) (YARTS Access): The project plan shall incorporate a pedestrian pathway between the Community Housing area and the YARTS bus stop, and a pedestrian crosswalk at the Vista Point entry.*

9. **AESTHETICS.** Analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* DSEIR pages 5.12-14 to 5.12-26 indicated that the preferred alternative as proposed in the DSEIR would have a substantial adverse impact on scenic vistas and scenic resources in the project area, and would degrade the visual character and quality of public views of the site and surrounding area. In response to Board direction and public comments, the proposed design of the Community Housing project has been substantially modified to create a new preferred "Alternative 7."

Alternative 7 includes plan modifications replacing all Phase 1 and Phase 2 multi-unit structures with mainly detached and some attached units, single story design throughout, a landscaped berm below each parking lot, additional specifications for paint colors and roofing materials, additional grading to lower pad elevations in specified locations, a phasing plan that allows construction of Phase 2 units only if and when occupancy of the Phase 1 units reaches 80%, and other design elements to achieve a lower profile and reduced visibility from offsite location. Alternative 7 also incorporates a detailed landscape screening plan (with long-term monitoring and replacement provisions) to reduce to less than significant levels all project views from key offsite locations including South Tufa and Navy Beach and US 395.

Alternative 7, in combination with implementation of Mitigation Measure AES 5.12(a,b-1) and Mitigation Measure AES 5.12(a,b-2), shown below, will reduce project impacts on scenic and visual resources to less than significant levels. Please see §VII for discussion of the significant adverse impacts associated with the project potential to create a new light source of substantial light or glare which would adversely affect day or nighttime views in the area.

- *Add Mitigation Measure AES 5.12(a,b) (Design Criteria): To be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria:*
 1. **Limits of Construction:** *All Community Housing residential structures, whether attached or detached units, must be located within the building envelope indicated on the Alternative 7 Concept Site Plan except for the manager's unit, which is located outside the building envelope to the west.*
 2. **Maximum Heights:** *All Community Housing residential structures shall be of single-story construction with a maximum roof height not to exceed 16 feet.*
 3. **Number of Units and Bedrooms:** *As previously stated in the project description, the Community Housing complex shall not contain more than 100 residential units and 150 bedrooms, including the manager's unit, and shall conform to the phasing plan.*
 4. **Screening Landscaping:** *Screening landscaping shall be provided consistent with the Landscape Concept Plan developed by Weiland Design Group, Inc., dated 9-8-20. The Landscape Concept Plan was developed to be consistent with (a) Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping) and (b) the Conceptual Landscaping standards outlined in Specific Plan Table 4-12.*
 5. **Visibility of Residential Units and Structures:** *All structures and units within the Community Housing complex shall be within the sight lines and visibility cones depicted in the CEQA visual analysis.*

- *Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping): All landscaping shall be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading is complete. A landscaping or restoration specialist approved by the County shall monitor tree health, screening efficacy and replacement requirements for the first 5-years of growth. The landscape/restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan.*

None of the housing structures or housing parking areas shall be visible from public vantage points including (1) the shore of Mono Lake at South Tufa, (2) Navy Beach, (3) US 395 between the junction of Hwy 120 W and Test Station Rd. A housing structure or parking area is "visible" if any part of the buildings or parked vehicles or any reflection, glare, or other direct light from the housing or parked vehicles in the housing area at any time are clearly identifiable to the naked eye or with a high-quality 400 mm telephoto lens as used in the visual analysis.

Compliance with this mitigation measure shall be monitored by conducting visual inspections from each of the public vantage points listed above at least once each year for five years after certificate of occupancy is issued for Phase 1. The monitoring inspection shall be conducted during winter with at least one conducted after dark and one in the two hours after dawn from each vantage point.

The goal of the monitoring inspections shall be to develop a record of compliance with this standard from each vantage point and at varying times of potential high visibility including dawn, nighttime, and daytime. Documented observations of noncompliance with this standard from the public should be sent to the Code Enforcement Division for a response.

VII. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT THAT ARE SIGNIFICANT, ADVERSE AND UNAVOIDABLE. Project impacts have been determined to be potentially significant, and unavoidable, for the environmental factors discussed in this section.

- 1. HYDROLOGY AND WATER QUALITY – Potential for Mudflows.** It has been determined that the proposed project would have a small but significant potential to exposure people and structures to adverse impacts resulting from a volcanic eruption and associated mudflows (if in winter). USGS monitors the Long Valley Caldera for volcanic earthquakes, which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions. However, no mitigation measures have been identified to reduce the risks of eruption-related mudflows to less than significant levels. This impact is considered to be significant, adverse and unavoidable.
 - a. MITIGATION:** The previously presented Mitigation Measure GEO 5.1(a-2), shown again below, has been incorporated into the FSEIR to attenuate risk through the installation of desilting basins, rip rap and other measures to minimize mudflows and earthflows.
 - *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*
 - b. FINDINGS:** Based upon the entire administrative record, the Mono County Board of Supervisors finds:
 - i. Facts and Reasoning that Support the Finding:** Numerous programs are in place to detect potential volcanic hazards and to attenuate risk in the event of volcanic activity and/or mudflows and earthflows. The USGS conducts ongoing monitoring to detect volcanic earthquakes (which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions). Additionally, the project includes multiple design features (desilting basins, rip rap and other measures) to reduce mudflows and earthflows. Volcanic hazards are not considered to be one of the most prevalent natural hazards in Mono County due to the uncertain timing and frequency of volcanic events, and due to ongoing monitoring. However, Lee Vining is located in an area of known volcanic risk, and thus potentially subject to mudflows associated with the rapid melting of heavy snowpacks during a volcanic eruption. Large mudflows, such as the one that occurred in 1989

in the Tri-Valley area, can be destructive, particularly at the mouths of canyons such as Lee Vining canyon. Although the chance of a volcanic eruption in any given year is very small, and although the eruption itself would likely be comparatively small, USGS does anticipate that future eruptions will occur in the Long Valley area. The potential for adverse impacts resulting from a volcanic eruption (and associated mudflows if in winter) is therefore considered to be potentially significant and unavoidable.

- ii. **FINDING:** Even with implementation of the mitigation measure and the programs identified above, the potential remains for significant adverse impacts related to volcanic eruptions and associated mudflows. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce impacts associated with volcanic eruption and associated mudflows to a less-than-significant level. The potential for adverse impacts resulting from volcanic eruption and associated mudflows is therefore considered to be significant and unavoidable.

2. BIOLOGICAL RESOURCES – Potential to Cumulatively Interfere with the Movement of the Native Resident Casa Diablo Deer Herd. Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.3-21 to 5.3-24, it has been determined that the proposed project, in combination with other regional transportation and development improvements, would have potential to cause cumulatively significant, adverse and unavoidable impacts on deer migration.

a. **MITIGATION.** Mitigation Measures BIO 5.3(a-5) and BIO 5.3(d-3), shown below, have been incorporated into the FSEIR to reduce mule deer mortality in the project area.

- *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance):* Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.
- *Mitigation Measure BIO 5.3(d-3) (Protected Corridor).* Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future devegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.

b. **FINDINGS:** Based upon the entire administrative record the Mono County Board of Supervisors finds:

- i. **Facts and Reasoning that Support the Finding:** Implementation of Mitigation Measure BIO 5.3(a-5) (which requires eviction of tenants who do not comply with pet leash requirements, and who do not properly dispose of trash) and Mitigation BIO 5.3(d-3) (which requires a protected corridor along US 395) will reduce the direct project impacts on deer migration and on deer mortality to less than significant levels. However, these measures will not be sufficient to reduce to less than significant levels the cumulative project impacts on deer migration that are associated with regional transportation and development improvements. The cumulative impacts can be mitigated only through the creation of a dedicated deer passageway. During 2016, Caltrans completed a *Wildlife Vehicle Collision Reduction - Feasibility Study Report* that evaluated the frequency of wildlife vehicle collisions (WVCs) in Caltrans District 9, including Mono, Inyo and eastern Kern counties. Study goals were to identify areas with the highest concentration of collisions, and to evaluate potential options for reducing these collisions. The Report identified six Mono County locations with the highest density of wildlife vehicle collisions ('hotspots'). The project site and vicinity was not among the identified hotspot locations, and is thus not among the areas that will be considered for funding of a future wildlife passageway. Furthermore, Caltrans has indicated that the Lee Vining Creek corridor would not likely provide a suitable wildlife crossing location, even if identified as a priority hotspot location, due to difficult US 395 roadway

geometrics, and the presence of SCE facilities along Utility Road. Based on the foregoing, the creation of a dedicated deer passageway has been determined to be infeasible.

- ii. **Finding:** Even with implementation of the mitigation measures identified above, the potential remains for significant and adverse cumulative adverse on deer movement and on deer mortality in the project area. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce the cumulative project impacts on deer migration and mortality to a less-than-significant level. The potential for adverse cumulative impacts on deer migration and mortality is therefore considered to be significant and unavoidable.

3. PUBLIC SERVICES – Potential for Safety Hazards Associated with Increased Foot Traffic to and from the Project Site and Lee Vining. Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.8-7 to 5.8-10, it has been determined that the proposed project will result in impacts on public services associated with increased foot traffic between the project site and businesses in Lee Vining. Access between these locations would be along state highways that are not designed for pedestrian use. This impact therefore represents a significant safety concern.

- a. **MITIGATION:** Mitigation Measures SVCS 5.8(a-3) and SVCS 5.8(a-4), shown below, have been incorporated into the FSEIR to reduce the impacts on public services associated with increased foot traffic between the project site and Lee Vining. Since unsafe foot traffic has been identified as an existing hazard, even the No Project alternative would result in continued significant unsafe pedestrian travel along area freeways, although the current extent of foot travel is lower than would occur with the project as proposed. However, while pedestrian traffic is expected to increase with the project, no data exists from the Mono County Sheriff, California Highway Patrol, Mono County, or Caltrans to conclusively determine that pedestrian safety incidents will increase. Instead, the determination of a significant impact on public services is based on an anecdotal comment by a credible source (the Mono County Sheriff) and the fact that no dedicated pedestrian connection currently exists, as well as anecdotal comments and concerns by residents and the public.

- **Mitigation Measure SVCS 5.8(a-3) (Shuttle Service Flexibility):** *A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase 1 units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin the operating season, at minimum, each year no later than July 4, and end the operating season each year no sooner than Labor Day. The operating season may be expanded for additional periods as needed based on an annual survey of the Lee Vining community and Tioga Housing residents conducted by the property owner. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.*
- **Mitigation Measure SVCS 5.8(a-4)(Pedestrian Safety):** *The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for conflicts with high-speed vehicles); requirement for action by other parties over whom the County and the property owner lack legal control (i.e., SCE and Caltrans) and which, until recently, were unwilling to cooperate; and for other reasons including uncertainty of funding costs not attributable to the project and ultimate implementation. Infeasible mitigation measures need not be analyzed under CEQA and may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In addition, a pedestrian trail has been documented as an existing need and the proposed project may only be held responsible for its proportional and incremental contribution.*

The property owner and County shall work collaboratively with SCE, Caltrans, and the local community to pursue future options for a pedestrian/bicycle connection to Lee Vining which include, but are not limited to, a safe crossing of SR 120 combined with (1) a trail across SCE property; and (2) an on-system sidewalk connector along SR 120 and US 395. If a feasible option is identified, a "fair share" cost attributable to the project will be calculated by the County

and contributed by the property owner, to be held in an account by Mono County, toward the design, CEQA analysis, and construction of the trail project. If the trail project is not approved by any public agency (including the County) with jurisdiction, then such funds shall be reimbursed to the property owner. The feasibility analysis of the connectivity trail project shall commence within six months of the Board of Supervisors' approval of the Tioga Inn Specific Plan Amendment #3.

b. **FINDINGS:** Based upon the entire administrative record the Mono County Board of Supervisors finds:

- i. **Facts and Reasoning that Support the Finding:** Mitigation SVCS 5.8(a-3) requires that the project provide shuttle service between the site and Lee Vining during the peak season months. The service would be free for residents of the project site and residents of Lee Vining, as well as guests at the Tioga hotel and other facilities on the Tioga site. The service would provide regular service with at least 3 daily round trips during the operating season. The service will provide a practical and convenient alternative to pedestrian travel between the site and Lee Vining, and will reduce service impacts related to potential pedestrian hazards associated with foot travel. However, shuttle service would not reduce these public service impacts to less than significant levels because the operating season may be limited to summer months, and because the shuttle service will not operate at all hours, and because some individuals may choose to walk or bicycle between the project site and Lee Vining over use of the shuttle service.

The potential for locating an at-grade path across SR 120 to Lee Vining Creek was preliminarily analyzed during FSEIR preparation, and was determined to be infeasible as part of the current project. Key factors included concerns expressed by both SCE and Caltrans regarding additional public uses along this corridor due to the presence of power facilities, the anticipated costs of maintenance, the lack of logical connection points on either side of the Creek, the potential hazards associated with a crossing on SR 120, and the comparatively high cost of elevated pathways compared to at-grade sidewalks (among other factors). It was determined that all potential trail alternatives are currently infeasible because neither the County nor the applicant control the property for a pedestrian connection and approvals from external agencies, i.e., Caltrans and SCE, are necessary and have not been granted at this time. In addition, because pedestrian connectivity is a current need, the entire impact is not the responsibility of the proposed housing project alone. Unless and until other resources are found to fulfill the proportional impact of the existing condition, a project is also infeasible. However, Caltrans has indicated willingness to explore designing a safe pedestrian crossing on SR 120 and an on-system sidewalk connector along SR 120 and US 395. Furthermore, Southern California Edison (SCE) has indicated willingness to explore establishing an easement allowing construction and use of a pedestrian trail across the SCE property located between SR 120 and Utility Road. Mitigation SVCS 5.8(a-4) would ensure that the feasibility of these options is thoroughly analyzed and documented. If one or more feasible options are identified, Mitigation SVCS 5.8(a-4) would also ensure that a mechanism is established for a funding contribution by this project and additional studies as required to implement a trail connection between the project site and Lee Vining. However, although Mitigation SVCS 5.8(a-4) would create a viable evaluation process, it would not guarantee the outcome of feasibility studies or assure that a trail will eventually be constructed.

- ii. **Finding:** For the reasons cited above, no feasible mitigation has been identified that would reduce to less than significant levels the potentially significant and unavoidable impacts on public services associated with increased foot traffic to and from the project site and Lee Vining. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of a non-motorized connectivity project between the project site and Lee Vining. The potential for adverse impacts on foot traffic between the project site and Lee Vining is therefore considered to be significant and unavoidable.

4. **TRAFFIC AND CIRCULATION – Potential for Traffic and Circulation Hazards associated with the US 395/SR 120 Intersection during Midday Peak Housing Conditions (with or without the Project).** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.9-11 to 5.9-12 and DSEIR Appendix L, it has been determined that the proposed project will contribute to deficient

operation and excess delays at the junction of US 395/SR 120 that impact eastbound vehicles on SR 120 making a left-turn onto northbound US 395 during mid-day peak season conditions.

a. MITIGATION. The DSEIR Traffic Impact Analysis identified two mitigation recommendations for the identified hazard, including Mitigation Measure TFFC 5.9(c-1) calling for Caltrans signalization of the US 395/SR 120 intersection, or Mitigation Measure TFFC 5.9(c-2) calling for Caltrans construction of a roundabout at the US 395/SR 120 intersection. Either mitigation measure would reduce the identified significant impact at the US 395/SR 120 intersection to less than significant levels. The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4). All of the mitigation measures described above have been found to be infeasible, and have been deleted from the FSEIR, as described below.

b. FINDINGS: Based upon the entire administrative record, the Mono County Board of Supervisors finds:

i. Facts and Reasoning that Support the Finding: The Traffic Impact Analysis prepared for the *Tioga Community Housing Project/Specific Plan Amendment #3* FSEIR analyzed traffic and intersection conditions at the SR 120/US 395 junction for the existing condition, future conditions with the project, and future conditions with all cumulative projects. Results of the analysis indicated that with one exception, all study area intersections are now and will continue to operate at an acceptable level of service (LOS D or better) during the peak hours.

The exception pertains to the intersection of US 395/SR 120, which is forecast to operate at a deficient LOS E or worse during the mid-day peak hour, both with and without the project. The Traffic Impact Analysis notes that for one-way or two-way stop controlled intersections (such as US 395 and SR 120), LOS is based on the least-functional stop-controlled approach. The identified deficient operation and excess delay at US 395/SR 120, as experienced only by vehicles on the minor street (i.e., the stop-controlled Tioga Road approach) that are making a left-turn onto northbound US 395.

The DSEIR recommended two traffic mitigation measures (including Mitigation TFFC 5.9(c-1) calling for intersection signalization, and Mitigation TFFC 5.9(c-2) calling for Caltrans construction of a roundabout at the US 395/SR 120 intersection); either measure would reduce the adverse impact to less than significant levels. The mitigations were discussed with Caltrans. Caltrans indicated that traffic counts and projected traffic increases at the SR 120/US 395 intersection do not justify installation of a signal or a roundabout at this time. Caltrans stated that the peak-day traffic counts used in the Traffic Impact Analysis overestimate traffic levels on US 395 and at the US 395/SR 120 intersection. In particular, Caltrans was concerned that the mid-day counts did not accurately reflect typical year-round conditions. Based on new shoulder season counts, taken at Caltrans' request, Caltrans suggested traffic should be considered a less than significant impact.

Caltrans also confirmed that a roundabout at SR 120/US 395 is unfunded and not reasonably foreseeable at this time. Although a roundabout may ultimately be a viable traffic control measure from an engineering standpoint, it is Caltrans' view that the need for and expense of a roundabout does not warrant funding at this time and therefore the project is not planned to be programmed. Caltrans also indicates that the Tioga project would likely not increase the statewide priority for a roundabout at SR 120/US 395 enough for the project to be competitive for funding. Furthermore, the US 395/SR 120 unsignalized study intersection does not satisfy traffic signal warrants in the *California Manual on Uniform Traffic Control Devices* (used by Caltrans) for any of the analysis scenarios evaluated as part of this report. Installation of a traffic signal is therefore not warranted and not recommended by Caltrans as a future action.

The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4). All of the potential mitigation alternatives were considered during extensive discussions with Caltrans. Recommendation TFFC 5.9(a-4) was

discussed with YARTS. None of the potential modifications was found to be feasible by Caltrans, or by YARTS, at this time.

Additionally, a wide range of alternatives has been analyzed and it has been determined that none of the alternatives, including the No Project Alternative, would lessen the adverse traffic impacts at the SR 120/US 395 junction to less than significant levels.

- ii. **Finding:** For all of the reasons cited above, there is no feasible mitigation available at this time that would reduce to less than significant levels the potentially significant and unavoidable traffic and circulation hazards that have been identified at the Intersection of US 395 and SR 120 during midday peak hour conditions. Moreover, the adverse conditions will exist with or without the proposed project. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of mitigation measures that would reduce impacts on the SR 120/US 395 intersection. The potential for adverse impacts at the intersection of SR 120/US 395 is therefore considered to be significant and unavoidable.

5. AESTHETICS – Potential for the Project to Create a New Source of Substantial Light or Glare that would Adversely Impact Day or Nighttime Views in the Area. Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.12-26 to 5.12-27, it has been determined that the proposed project will create a new source of light and glare, and will adversely impact day and nighttime views.

a. MITIGATION. Mitigation Measure AES 5.12(c-2), shown below, has been incorporated as a project requirement with the intent to reduce impacts on light and glare associated with the project proposal.

- *Mitigation Measure AES 5.12(c-2) (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. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded, down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.³ Kelvin color temperature should be approximately 2300K,⁴ and Kelvin color temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30 minutes following sunset, and 30 minutes prior to sunrise.

(b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts to the least necessary for public health and safety. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart⁵ on pedestrian pathways. The height of bollard

³ Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (<http://www.darksksociety.org/>), 2009: <http://www.darksky.org/handouts/LightingPlanGuidelines.pdf>.

⁴ Kelvin is used to describe the color temperature of a light source in degrees Kelvin (K). This specification describes the warmth or coolness of a light source. Cool, blue spectrum lights (4,000-4,500K) brighten the night sky more than warm amber colored light (2,700-3,000 K) (<https://ledglobalsupply.com/lumens-versus-kelvin/>). The International Dark Sky Association (IDA) notes that exposure to blue light at night has been shown to harm human health and endanger wildlife; IDA recommends long wavelength lighting with a color temperature of < 3000 Kelvin. <https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2019/06/Dark-Sky-Assessment-Guide-Update-6-11-19.pdf>; <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>.

⁵ Access Fixtures, *Bollard Light Spacing*, 2020: https://www.accessfixtures.com/bollard_light_spacing/

- lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens per bollard fixture⁶;*
- (c) accent lighting shall be limited to residential accent lighting required by the building code for safety, and any up-lighting shall be prohibited;*
 - (d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and*
 - (e) 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.*
 - (f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and landscaping to screen project structures and lighting, subject to the five-year monitoring plan and tree replacement as needed, to screen direct light glare from offsite.*

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

- (a) A written narrative to demonstrate lighting objectives,*
- (b) Photometric data,*
- (c) A 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. Further, the project shall be prohibited from allowing accent uplighting of architectural or landscape features, 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.

b. FINDINGS:

- i.. Facts and Reasoning that Support the Finding:** The project site is about 200 feet above the level of Mono Lake, and portions of the site can be seen from locations around the southeastern part of the Mono Basin scenic area and environs. As noted in Impact 5a above (impacts on scenic resources), the project is located in or adjacent to four formally designated scenic resources/designations (the US 395 State Scenic Highway, the SR 120 County Scenic Highway, the Mono Basin National Forest Scenic Area, and the Mono County Scenic Combining District). Mono Basin is an important destination for photographers, and highly valued for its dark skies.

The *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project will be a new source of light and glare in this setting, and the new light sources will adversely impact nighttime dark sky conditions. Mitigation AES 5.12(c-2) will enable Mono County to apply outdoor lighting requirements that are specifically tailored to conditions on the Tioga project site. The required Outdoor Lighting Plan will take account of onsite elevations, project orientation to important view sites, the planned use of solar panels, the safety of future residents and site visitors, and the heightened scenic values associated with the region and this project site. The resulting plan will lessen the impact of new sources of light and glare, and impacts on daytime viewing, to the maximum feasible extent. Further, the plan will reduce project impacts in 'night sky viewing' to less than significant levels, since all project lighting (including roadway, parking lot and pedestrian walkway lighting) must be downward directed and shielded. Because no lighting is permitted above the horizontal plane, little to no fugitive lighting would escape upwards and thereby impact the night skies. However, new light sources will be installed on an otherwise currently dark hillside and those pools of light will be visible from offsite, creating a new substantial light source where none existed before.

⁶ Yosemite National Park Lighting Guidelines, May 2011: <https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidelines-05062011.pdf>

The project will be required to comply with all applicable requirements of the Mono County Outdoor Lighting Ordinance (Land Use Element, Ch. 23, best known as the 'Dark Sky Regulations'), and the Scenic Combining District (Land Use Element Ch. 8). The requirements associated with these adopted General Plan components will work with Mitigation AES 5.12(c-2) to further minimize project impacts on light and glare. It is anticipated that these mitigations and requirements will effectively eliminate direct views of project lighting from offsite locations. However, neither the regulatory requirements above nor the design modifications associated with Alternative 7 will fully eliminate the indirect 'glow' of lighting.

A wide range of alternatives has been analyzed and it has been determined that several of the alternatives (No Project, Reduced Development Option) would have fewer impacts on scenic resources than the project as proposed. However, none of the alternatives would reduce impacts to less than significant levels. Given the high scenic value of the project setting, and the importance of dark night skies, the adverse project impacts on light, glare, and nighttime dark skies are considered to be significant and unavoidable.

- ii. **Finding:** For all of the reasons cited above, no feasible design or mitigation measure has been identified that would reduce to less than significant levels the potentially significant adverse impacts on light and glare. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of mitigation measures that would reduce project impacts on light and glare to less than significant levels. The potential for the project to adversely impact light and glare is therefore considered to be significant and unavoidable.

VIII. CONCLUSIONS

The Mono County Board of Supervisors has considered information contained in the FSEIR prepared for the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as well as the public testimony and record of proceedings in which the project was considered. Based on the foregoing findings and the information contained in the record, the Board of Supervisors hereby determines that:

1. All significant effects on the environment due to implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) have been eliminated or substantially lessened where feasible; and
2. There are at the present time no feasible alternatives to the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) that would mitigate or substantially lessen the significant impacts.

Exhibit B to Board of Supervisors Resolution R20-96

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:

- Board memo on “Expectation of Level of Detail in Specific Plan Site Plans”
- Alternative 7-Hybrid Plan documents
- Staff report and exhibits from the 6 August 2020 Board of Supervisors meeting
- [DSEIR & FSEIR consolidated](#): Changes and updates made to the Draft SEIR through the Final SEIR have been consolidated into a single “redline” version to facilitate final review.
- [DSEIR & FSEIR Appendices](#)
- [DSEIR & FSEIR Exhibit 3.3](#)
- [DSEIR & FSEIR Exhibit 4.1](#)
- [DSEIR & FSEIR Exhibit 5.1-2](#)
- [DSEIR & FSEIR Exhibit 5.2-1](#)
- [DSEIR & FSEIR Exhibit 5.3-6](#)
- [DSEIR & FSEIR Exhibit 5.5-5](#)
- [DSEIR & FSEIR Exhibit 5.12-10](#)
- [DSEIR & FSEIR Exhibit 5.12-11](#)
- [DSEIR & FSEIR Exhibit 7.1](#)
- [Response to Supervisor Stump’s Inquiry](#)
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- [Exhibit 5.5-5. Proposed Land Use Plan, Amendment #3](#)