

From: [Fred Stump](#)
To: [Wendy Sugimura](#); [Michael Draper](#); [Bentley Regehr](#); [April Sall](#); [Kelly Karl](#); [CD Ritter](#); [Christian Milovich](#)
Cc: [Robert Lawton](#); [Stacey Simon](#)
Subject: Planning Commission yesterday
Date: Friday, April 17, 2020 9:10:09 AM

Good Morning,

I watched most of yesterday's meeting via granicus. I had to get off prior to the Commission vote. I want to tell all of you what a good job you did managing the meeting under these unique circumstances. The tone of the staff to all commentators was polite and professional. The process was followed and worked. There may be criticism of a lack of rebuttal opportunity after the Public Hearing was closed but that criticism seems always to be raised by those that perceive themselves as the "losers". The Commissioners themselves spent much more time listening than I imagine they did speaking. They did their thankless job as did all of you. I would include Sandra in this email but I do not have her address.

To help me prepare for the Board Hearing I request the following be pulled out of the entire document:

- A copy of the Cal Trans correspondence indicating a lesser level of impact than was incorporated into the document specific to traffic on 120 and 395 including the intersection. Include the Vehicle miles traveled analysis.
- What ever work was done on trail connectivity to Lee Vining from the project if not included in the above.
- Any economic analysis on impacts to already existing businesses in Lee Vining.
- Night Skys Ordinance restrictions on street lighting, parking lot lighting, commercial development lighting, and lighting on residences.
- The amount of average solar power production. I am aware that State Law now requires the installation of solar panels on new residential construction.
- The hydrology data to support the increased commercial and residential demand being created. Please include that the fire flow system will be / is designed to meet requirements including supporting the sprinkler systems that are required by the Building and Fire Codes. Related that the new sewage treatment facility is designed to meet peak demand.
- The Cal Fire analysis of access requirements and other considerations such as hazard mitigation. Please state if this project falls under Building Code 7A.
- The Fire District "Will Serve" letter or if not issued yet the conditions under which it will be issued and what will happen if the District fails to provide that letter. Please ask the Chief to be prepared to make comments before the Board representing the District's position. I know we cannot make him do this.
- Please indicate at what point in the phased development the secondary access road will be available for use or what restrictions on development will exist until the easement is

secured and improvements made.

- The conclusions of the wildlife impact report including migration patterns.
- What the Eastern Sierra School District said compared to what they are saying now. Please ask the District Superintendent to speak at the Board meeting to represent the District. Again I know we cannot require her to do this. While the Fire District cannot be compelled to serve the project my impression is that the School District is required to offer educational services to children of new residents in the new housing.
- Any estimates on assessed evaluation increases and how those revenues will be distributed to tax receiving entities.
- The visual analysis and conclusions.
- How the vegetation management program or other measures will control dust emissions.
- Any work that was done accommodating for "climate change".
- Any legal reference that allows me to rely on "expert" advice in my decision making.

Questions I still have:

- The impacts of the new State Housing laws, if any, and the strength of "findings" required to deny a housing project if those laws are deemed applicable.
- Any bonding requirements to protect the County from mitigations necessary to correct any hazard conditions created by the developer's failure to complete construction. An example would be, as mentioned above, the creation of a dust hazard if the grading were done and nothing else happened. Additionally if that Bonding, or another source of developer funding, could be utilized by Mono County to defend itself against any legal action.
- Confirmation that the 1993 entitlements are valid.
- Could the Board require the elimination of the visible second stories on the few buildings that were sited in the presentation.

i know that I have given you quite a list. Please answer what can be answered and there is no rush as long as I have it the day before the Board hearing. This will save me from asking many questions during the hearing which I expect to be as long as yesterday's meeting.

Thank you and again an awesome job,
Fred Stump

**MATERIALS ASSEMBLED IN RESPONSE TO REQUEST FROM SUPERVISOR STUMP FOR
ADDITIONAL INFORMATION ABOUT THE TIOGA COMMUNITY HOUSING PROJECT AND SPECIFIC PLAN AMENDMENT #3¹**

TOPIC	REQUESTED INFORMATION	ATTACHMENTS AND REFERENCE MATERIALS	ADDITIONAL INFORMATION SOURCES (not attached)
A. Traffic Analysis	A copy of Caltrans ('CT') correspondence indicating a lesser level of impact than was incorporated into the EIR, specific to traffic on 120 and 395 including the intersection. Include the Vehicle Miles Travelled (VMT) analysis.	<ul style="list-style-type: none"> • ATTACHMENT A1: Minutes of 9-24-19 meeting to discuss Caltrans' comments on Tioga DSEIR. Meeting attended by Mono County, CT, CEQA consultants. • ATTACHMENT A2: CEQA Traffic Consultant (Alex Tabrizi) email to CT regarding intent to use 'worst-case' traffic data, and CT email response. • ATTACHMENT A3: Alex email to CT regarding intent to use LOS in lieu of VMT, and CT response. • ATTACHMENT A4: FSEIR Topical Response #9, Traffic Impacts. 	<ul style="list-style-type: none"> • Caltrans' US 395 Lee Vining Rehab Project: https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29213/pir.pdf • Final SEIR pages 95-96
B. Trail Connectivity to Lee Vining	Whatever work was done on trail connectivity to Lee Vining from the project if not included in the above	<ul style="list-style-type: none"> • ATTACHMENT A1: Minutes of 9-24-19 meeting to discuss Caltrans' comments on Tioga DSEIR (referenced in Item A above) • ATTACHMENT B1: Text excerpt from FSEIR Topical Response #4. <p style="color: red; text-align: center;"><i>NOTE: Communications addressed in Attachment B2 below occurred after the FSEIR was released for review.</i></p> <ul style="list-style-type: none"> • ATTACHMENT B2: Minutes of 5-4-20 County-Caltrans conference call to discuss possible trail & pedestrian crossing. 	<ul style="list-style-type: none"> • Final SEIR pages 82-84
C. Economic Impacts	Any economic analyses of impacts to existing LV businesses?	<ul style="list-style-type: none"> • ATTACHMENT C1: 1993 Final EIR Technical Appendix Report 4 (Economic Impact and Fiscal Analysis). • ATTACHMENT C2: Mono County Economic Development Director Alicia Vennos email to Community Development Dept. regarding economic impacts of the Tioga housing project.² 	
D. Night Sky	Night Sky Ordinance restrictions on street lighting, parking lots, commercial development lighting & residential lighting.	<ul style="list-style-type: none"> • ATTACHMENT D1: Text excerpts from Mono County Dark Sky Regulations. NOTE: Chapter 23 regulations govern all new construction and would thus apply to 1993 approvals that have not yet been constructed (i.e., hotel, promontory restaurant) as well as newly proposed uses. Applicable sections of Chapter 23 are included in Attachment D4. 	<ul style="list-style-type: none"> • Draft SEIR pages 5.12-25 through 5.12-27. • Final SEIR pages 73-75. • FSEIR Response to Letter 16 (Sierra Club-Toiyabe Chapter) Comment #10 (FSEIR page 238). • Mono County Dark Sky Regulations: https://monocountydistrictattorney.

¹ Please see the attached updated FSEIR Table of Contents.

² CEQA §15131 states that "economic or social information may be included in an EIR or may be presented in whatever form the agency desires." However, per §15131(a), "Economic or social effects of a project shall not be treated as significant effects on the environment."

			org/generalplan/chapter-23-dark-sky-regulations).
E. Solar	The amount of average solar power production. I am aware State Law now requires installation of solar panels on new residential construction.	<ul style="list-style-type: none"> • NOTE: Neither the DSEIR nor the FSEIR estimated average solar production for the project; the applicant states that development of a reliable estimate would require details about the system that are not yet known. However, the applicant anticipates that solar power will meet all onsite energy demands during the summer months, and a negligible portion of energy demand during winter months. Overall, the applicant estimates that solar power will meet 50% or more of annual energy demands on the site. • ATTACHMENT E1: Multiple text excerpts from the Draft SEIR regarding project solar power. • ATTACHMENT E2: Text excerpt from FSEIR regarding solar power. 	<ul style="list-style-type: none"> • Final SEIR page 238 (response to Letter 16 Comment #10)
F. Hydrology	Hydrology data to support forecast increased commercial & residential demand. Please include that the fire flow system will be/is designed to meet requirements including supporting the sprinkler systems that are required by the Building and Fire Codes. Related that the new sewage treatment plant is designed to meet peak demand.	<ul style="list-style-type: none"> • ATTACHMENT F: Multiple text excerpts from the Draft SEIR regarding fire flow, peak demands, and project water supplies. 	
G. CalFire	Cal Fire analysis of access requirements, other considerations such as hazard mitigation. Does the project fall under Building Code 7A?	<ul style="list-style-type: none"> • ATTACHMENT G: FSEIR Comment Letter #2 (from CalFire) and response (FSEIR page 116). • BUILDING CODE 7A: Yes, the project falls under Building Code 7A (Materials and Construction Methods for Exterior Wildfire Exposure): "701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface Fire Area as defined in Section 702A (Fire Severity Zones). The Project site is within a State Responsibility Area."³ 	<ul style="list-style-type: none"> • Final SEIR page 116
H. LV Fire Protection District	Copy of LVFPD "Will Serve" letter or if not issued the conditions under which it will be issued & what will happen if LVFPD fails to provide it.	<ul style="list-style-type: none"> • WILL SERVE LETTER STATUS: No 'Will Serve' letter has yet been issued by LVFPD for the Tioga project; the letter is requested as part of the building permit process. 	

³ Fire suppression will be based on the construction type. I had a conversation with Jim Schoffner and he believes construction type will be 5A at a minimum.

<p>H. LV Fire Protection District</p>		<ul style="list-style-type: none"> • CONDITIONS FOR WILL-SERVE LETTER: Requirements include but are not limited to: <ul style="list-style-type: none"> - Approval of the Public Safety Evacuation Plan by Mono County EMS and the Mono County Sheriff, and - Inspection or review of plans for conformance with fire safety regulations. • STEPS IF NO WILL SERVE LETTER IS ISSUED: As an agency that uses public funds, LVFPD has fiduciary responsibilities and must adhere to applicable laws that include development compliance reviews and determinations. Mono County cannot issue a building permit without a Will Serve letter from LVFPD. <i>NOTE: LVFPD is receptive to Mono County providing fire code review and compliance through the building permit process.</i> • ATTACHMENT H: LVFPD Comment Letter on DSEIR and Response (FSEIR Letter #8, page 153) • Lee Vining FPD will be invited to the Board’s public hearing. 	
<p>I. Secondary Access</p>	<p>Indicate at what point in the phased development the secondary access road will be available for use or what restrictions on development will exist until the easement is secured and improvements made.</p>	<ul style="list-style-type: none"> • No restrictions exist if the easement is not secured because the access road is not required. • TIMING OF SECONDARY ACCESS: SCE has not yet completed the documents transferring easement ownership to the Project Applicant. The project applicant anticipates that this process will be completed prior to initiation of earthwork on the project site, and intends to replace the existing boulders with the break-away gate as soon as ownership is finalized. • ATTACHMENT A1: Minutes of 9-24-19 meeting to discuss Caltrans’ comments on Tioga DSEIR (referenced in Item A above) 	<ul style="list-style-type: none"> • DSEIR Table 4.3 (Tioga Specific Plan Amendment #2) Item #3, which amended the Specific Plan to state: <i>“Other than access for authorized personnel to the parcels adjacent to US 395, there shall be no access to the project from US 395.”</i>
<p>J. Wildlife and Deer Migration</p>	<p>Conclusions of wildlife impact report including migration patterns.</p>	<ul style="list-style-type: none"> • ATTACHMENT A1: Minutes of 9-24-19 meeting to discuss Caltrans’ comments on Tioga DSEIR (referenced in Item A above) • ATTACHMENT J: Multiple text excerpts from DSEIR §5.3 Biology (including excerpts from the 1993 Final EIR Biological Assessment by Tim Taylor), DSEIR §6 Cumulative Assessment (Biological impacts), and FSEIR Topical Response #5. DSEIR Appendix I (Biological Assessment). 	<ul style="list-style-type: none"> • Draft SEIR §5.3, Biology, pages 5.3-2 through 5.3-15, and 5.3-17 through 5.3-24. • Draft SEIR Appendix I, Biological Assessment • Caltrans District 9 2016 Wildlife Vehicle Collision Reduction Feasibility Study Report: https://monocounty.ca.gov/sites/default/files/fileattachments/collaborative_planning_team_cpt/meeting/28972/2016_deer_feasibility_study.pdf
<p>K. Eastern Sierra Unified School</p>	<p>What ESUSD said v. what they now say. Ask ESUSD Super-intendant to speak at Board mtg. While LVFPD can’t be compelled to serve project, I believe ESUSD must offer</p>	<ul style="list-style-type: none"> • ATTACHMENT K1: Notes from Initial Contact with ESUSD June 2018 • ATTACHMENT K2: Correspondence with ESUSD Business Manager Nugent, June 2018 	<ul style="list-style-type: none"> •

District (ESUSD)	educational services to children of new residents in new housing.	<ul style="list-style-type: none"> • ATTACHMENT K3: Correspondence from ESUSD Superintendent Torix, May 2020 • ATTACHMENT K4: Minutes of 5-7-20 Mono County & ESUSD Conference Call to discuss project impacts on ESUSD and potential solutions. 	
L. TAX REVENUES	Any estimates on assessed evaluation increases and how revenues will be distributed to tax receiving entities.	<ul style="list-style-type: none"> • ATTACHMENT L: Rough estimate of assessed evaluation increases associated with the proposed housing and the unbuilt hotel, restaurant and third gas pump island. Rough estimates are also provided for sales and TOT taxes where applicable. 	<ul style="list-style-type: none"> • ATTACHMENT C1: 1993 Final EIR Technical Appendix Report 4 (Economic Impact and Fiscal Analysis)
M. Aesthetics	Visual analysis and conclusions	<ul style="list-style-type: none"> • ATTACHMENT M1: Text excerpts from FSEIR Topical Response #1, Aesthetics, pages 64-71. • ATTACHMENT M2: Text excerpts from FSEIR Topical Response #2, Light and Glare, FSEIR pages 72-74. 	<ul style="list-style-type: none"> • DSEIR §5.12 (Aesthetics), project impacts on aesthetic resources and on light and glare including schematic renderings, DSEIR pages 5.12-14 through 5.12-27.
N. Dust	Info on how the vegetation management program or other measures will control dust emissions.	<ul style="list-style-type: none"> • ATTACHMENT N: Text excerpts from DSEIR §5.10 Air Quality, and FSEIR Response to Letter 14 (Kutzadika'a Tribe) Comment #7. 	<ul style="list-style-type: none"> • Draft SEIR §5.10, Air Quality and GHG emissions (pages 5.10-9 through 5.10-15) • FSEIR Response to Letter 15 (Shute Mihaly Weinberger LLP) Comment #II.B.5 (pages 227-228).
O. Climate Change	Any work that was done to accommodate 'climate change'	<ul style="list-style-type: none"> • ATTACHMENT O1: The Tioga Housing environmental documents (DSEIR and FSEIR) did not directly address climate change, but did consider Greenhouse Gas emissions in DSEIR §5.10 (Impact 5.10e,f DSEIR pages 5.10-14/15) and in the FSEIR response to Comment 15 (Shute Mihaly Weinberger LLP, Comment #II.B.5 (FSEIR pages 227-228). The response to Shute Mihaly contains updated information provided in ATTACHMENT O1. <p>NOTE: The attachment below was not addressed in the DSEIR or in the FSEIR. It is provided for informational purposes only.</p> <ul style="list-style-type: none"> • ATTACHMENT O2: EPA Smart Growth Project Features: https://www.epa.gov/smartgrowth/smart-growth-and-climate-change 	<ul style="list-style-type: none"> • Full text of EPA Smart Growth Project Features: https://www.epa.gov/smartgrowth/smart-growth-and-climate-change
P. Legal Input	Any legal reference that allows Supervisors to rely on 'expert' advice in decision-making	The Board's decision and factual conclusions must be based on substantial evidence in the record. Substantial evidence includes facts, reasonable assumptions based on facts, and expert opinion supported by facts. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous is not substantial evidence and may not be relied upon to support a decision under CEQA.	

Q. Housing Laws	Impacts of new State Housing laws, if any, and strength of "findings" required to deny housing project if those laws are applicable.	Board members should direct questions to County Counsel.	
R. County Liability	Bonding requirements to protect County from MMs needed to correct hazard conditions created by developer's failure to complete construction. Example: creation of dust hazard if grading were done & nothing else happened. Also if bonding, or another source of development funding, could be used by County to defend itself against legal action.	<p>Construction is implemented through phasing. Phase I consists of 30 units, the daycare facility, and grading for all units. The graded area not used for the first 30 units is required to be revegetated and stabilized per the mitigation measure. If it is not, the County would follow the typical enforcement procedure of Notice of Violation and then citation. Phase II cannot be built unless and until the completed building permit application for the hotel is submitted. Phase III cannot be built until it is demonstrated that the existing units (Phase I and Phase II) are 80% occupied. The Board could impose a bond requirement for assurance that the required revegetation will occur following Phase I; however, the legal and financial procedures for bonding have typically been barriers for projects in Mono County.</p> <p>The applicant signs an indemnification agreement when submitting the project to the County. Therefore, both the decision and cost to defend against legal action lies with the applicant, not the County.</p>	
S. 1993 Entitlements	Confirmation that the 1993 entitlements are valid.	<ul style="list-style-type: none"> • ATTACHMENT S: Text excerpts from FSEIR including (1) Topical Response #2, EIR Scope of Analysis pages 105-107, and (2) Comment Letter 15, Comment #1 and response thereto. 	
T. Second Stories	Could Board require elimination of visible second stories on the few buildings that were cited in presentation.	If the second story is eliminated with no decrease in density, then the change is within the Board's discretion. If density is reduced, then additional Board findings may be required.	

ATTACHMENT A1

CALTRANS/MONO COUNTY MEETING TO DISCUSS CALTRANS' COMMENT ON TIOGA DRAFT EIR

SOURCE: Minutes of 24 September 2019 meeting between Caltrans and Mono County to discuss Caltrans' written comments on DSEIR. Minutes reviewed and approved by both agencies, and subsequently amended by Caltrans (see **Notes**).

1. PARTICIPANTS

- a) CALTRANS: Gayle Rosander, Stephen Winzenread, Lianne Talbot, Jerold Blain, Ray Warburton, Mark Dossey, Bradley Bowers, Mark Reistetter, Ben Downard
- b) MONO COUNTY: Gerry Le Francois, Michael Draper (on phone)
- c) APPLICANT: Dennis Domaille
- d) APPLICANT'S ENGINEER: Tom Platz (Triad Engineers)
- e) MONO COUNTY CEQA CONSULTANTS: Sandra Bauer, Manager (Bauer Planning & Environmental Services, Inc.); Alex Tabrizi, Traffic Analysis (MAT Engineering, Ltd. on phone)

2. SECONDARY ACCESS

- a) CALFIRE DETERMINATION: CalFire has determined that the proposed Concept Plan meets applicable access requirements and, while recommended, no secondary access is required.
- b) APPLICANT GOAL: The applicant wants to replace the existing boulders on SCE property with a breakaway gate near where the dirt road joins SR 120 (to provide informal emergency access).
- c) CALTRANS COMMENTS: No Caltrans permits or approvals would be required if the applicant (or SCE) does nothing to the existing SCE access portion within SR 120 right-of-way (R/W). Any alteration within SR 120 R/W re: this access would require a Caltrans' encroachment permit. Caltrans advises that the applicant not seek secondary access onto US 395.

3. SR 120 FREEWAY DESIGNATION

- a) CURRENT DESIGNATION: SR 120 in the project area is currently designated as a freeway with access control. Caltrans and Mono have previously discussed, but not pursued, redesignation of SR 120 as a conventional highway.
- b) POTENTIAL REDESIGNATION: Redesignation of SR 120 from 'freeway' to 'conventional highway' would resolve access control concerns onto SR 120, with potential to allow for future pedestrian and bicycle facilities and eliminate R/W fence requirements. **NOTE: Caltrans' further research indicates the freeway agreement and access control rights are independent; Caltrans does not plan to relinquish the access control rights.**
- c) ACTION: Caltrans and Mono County will investigate feasibility of altering the existing freeway agreement to pursue redesignation of SR 120.
- d) ACTION: Sandra, in concert with Caltrans and Mono County and the project applicant, will assess whether the timeframe for potential redesignation of SR 120 is compatible with the timeframe for the proposed Tioga Workforce Housing Project CEQA review process.
- e) ACTION: Caltrans will confirm that it has authority to make this change.

4. ACCESS OPENING WIDTHS

- a) **EXISTING & PROPOSED CONDITIONS:** Currently the existing R/W access opening width at SR 120 is defined as 30' at the driveway. To accommodate the physical driveway and the YARTS walkway, another opening would be needed and widths added accordingly.
- b) **ACTION: Actions required to address access opening widths will be determined after a feasibility determination for redesignation of SR 120 from 'freeway' to 'conventional highway.'** **NOTE: Caltrans subsequently determined to proceed with the freeway agreement rescission action. The process will likely take more than a year (by the end of 2020 or later).**
- c) **POTENTIAL ACTION: If SR 120 redesignation is infeasible, applicant will be required to modify/add access control openings/widths per Caltrans' R/W process. The EIR in that case would include a COA requiring the applicant to resolve SR 120 access right locations and widths pursuant to Caltrans' established right-of-way process.**

5. CALTRANS APRON AND R/W FENCE

- a) **APRON:** Based on collision data and reports from the Caltrans' Maintenance Department, the apron northerly of Vista Point Drive is operating satisfactorily and no changes are required.
- b) **R/W FENCE:** A R/W fence may not be required if SR 120 is redesignated as a 'conventional highway,' and may not be required in any event due to the rural character of this region. **NOTE: Caltrans subsequently determined that it will not require replacement of the right-of-way fence.**

6. YOSEMITE AREA RAPID TRANSIT (YARTS)

- a) **CONSULTATION:** No formal consultation with YARTS occurred during EIR preparation, and YARTS did not submit a comment letter on the Draft Subsequent EIR. No change to the YARTS stop can be considered without consulting with YARTS.
- b) **LOCATION OF YARTS STOP:** Caltrans notes that the YARTS stop was inappropriately permitted within this freeway designation. While YARTS drivers might be making odd maneuvers, Caltrans is not aware of any operations issues or collisions (the project applicant concurred).
- c) **ACTION: Gerry Le Francois will reach out to YARTS for comments.**

7. DEER PASSAGE

- a) **WILDLIFE COLLISION STUDY.** The project site is not in or near any of the six Deer Mortality Hotspots identified in the 2016 *Feasibility Study Report for Wildlife Vehicle Collision Reduction in Caltrans District 9* ("WVC Reduction FSR").
- b) **ACTION: The FSEIR will note the absence of significant project impacts on wildlife collisions in the project area. Additionally, based on information provided by the project biologist, the FSEIR will clarify the basis for the significant unavoidable cumulative impact determination, and identify feasible mitigation for the significant cumulative effects (if/as determined by the project biologist).**

8. TRAFFIC MITIGATION

- a) **SR120/US395 INTERSECTION PERFORMANCE.** Currently the intersection is performing adequately with no collision data triggering improvements. If cumulative impact improvements are merited, Caltrans noted that vehicle speeds and roadway geometrics are determining factors for feasibility of improvement alternatives.
- b) **CEQA TRAFFIC STUDY:** The CEQA assessment concluded that the intersection did warrant signalization or a roundabout based on findings of a Level of Service assessment that may differ from the assessment methodology used by Caltrans.
- c) **NOTE: Sandra's copy of the Lee Vining Draft Project Initiation Report is dated June 2019; there is no need for Caltrans to provide another copy.**

- d) **ACTION:** Caltrans and the CEQA Traffic Engineer will have a conference call to further discuss FSEIR the traffic study's SR 120/US 395 intersection analysis methodology and the Lee Vining Project Initiation Report and background relating to the intersection, and to recommend any improvements with fair share mitigation, which would consider cumulative traffic conditions. **NOTE FROM GAYLE (9-25-19):** *"The Transportation Planning Scoping Information Sheet for the Lee Vining Rehab only notes development projects along US 395 (including the SCE facility, etc.). The Tioga Inn/MoMart along SR 120 is not listed. Hence, other than the growth rate used in the Lee Vining Rehab Project Initiation Report (PIR), any growth beyond that as a result of the Tioga Inn Specific Plan build-out might not be covered. Prior to scheduling a CT teleconference with Alex of MAT engineering, we have an internal meeting next week including this this topic and considering the recent Tioga Inn SEIR traffic analysis numbers. The LV Rehab project is still early in the process, so easier to alter if merited."*
- e) **ACTION:** Sandra Bauer will delete references to 'unsafe' traffic and turning conditions' from the FSEIR due to lack of evidence.

9. PEDESTRIANS

- a) **PEDESTRIAN IMPACT SIGNIFICANCE:** Caltrans noted that it has no records of pedestrian safety incidents on US395 or SR120 in the project area. CEQA mitigation of pedestrian safety improvements would require pedestrian counts or other data to establish an impact significance threshold, and associated mitigation requirements. Such data was not included in the DSEIR traffic analysis.
- b) **SR 120 DESIGNATION:** Redesignated of SR 120 from 'freeway' to 'conventional highway' would create a potential opportunity for pedestrian facilities between Vista Point Drive and Utility Road, thus improving pedestrian mobility farther from the SR120/US395 intersection. Unless pedestrian data is provided linked to the Tioga Inn Project, such facilities would not be a Project requirement or mitigation. However the Project Applicant, Mono County and Caltrans are open to working toward such facilities, if SCE is amiable.
- c) **ACTION:** Sandra will contact the California Highway Patrol to obtain pedestrian counts or other available data regarding the number of pedestrians and pedestrian safety incidents in the project area. [Sheriff Braun has confirmed that the Sheriff's office has no formal counts, and notes that although there is currently little foot traffic between the proposed site and Lee Vining, she remains concerned that the project will create a need for pedestrian access to Lee Vining.] The potential for pedestrian/bike safety improvements will be revisited following communication with CHP, and the feasibility determination for redesignation of SR 120.
- d) **ACTION:** Gerry Le Francois will speak with SCE regarding their openness to a pedestrian path from Vista Point Road linking to Utility Road or to a path along the northwest shoulder of SR 120.

10. AESTHETIC VALUES. The site is at the fringe of the Lee Vining community that (as with other communities) is not part of Caltrans' Scenic Highway designation. However, the Mono County General Plan includes the site in the Scenic Combining District overlay (independent of Scenic Highway criteria). The 'Significant Impact' determination will remain in place.

11. LEFT-TURN STORAGE. The CEQA Traffic Consultant conducted a queueing assessment for the left-turn lane and concluded that the length is adequate to meet current and projected vehicle storage requirements. No left-turn lane extension is required.

12. PROJECT COAs

- a) **PROJECT CONDITIONS:** The FSEIR will be updated to address all project conditions and work within State R/W. Caltrans will be sent a copy of the NOD referencing the FSEIR.

- b) **ALL ACTIONS TO BE ADDRESSED:** Caltrans noted that any discretionary actions that are not addressed in the FSEIR would require a later FSEIR amendment to ensure that all actions are considered under CEQA. Provided that the FSEIR is complete, Caltrans is required to prepare only a Notice of Determination, for any encroachment permit necessitated by the Project.

13. MISCELLANY

- a) **DISCRETIONARY APPROVALS:** Caltrans noted that any discretionary actions that are not addressed in the FSEIR would require a later FSEIR amendment to ensure that all actions are considered under CEQA. Caltrans is required to prepare a Notice of Determination, for any encroachment permit necessitated by the Project.
- b) **ACTION-MAPS: TRIAD will update the project maps to reflect the applicant's purchase of the SR 120 R/W easement.**
- c) **ACTION-ESTA PLAN: FSEIR references to the ESTA Short-Range Transit Plan will be revised by Sandra to note that the most recent update was in 2015, and the next update will be in 2020.**
- d) **ACTION-VISUAL ANALYSIS: Sandra will update the FSEIR text and Appendix O to clarify that the Visual Impact Analysis was prepared by the CEQA consultant using Caltrans' assessment system.**
- e) **ACTION-STATE R/W: The FSEIR will be updated to address all project conditions and work within State R/W. Caltrans will be sent a copy of the NOD referencing the FSEIR.**



Sandra Bauer

From: Rosander, Gayle J@DOT <gayle.rosander@dot.ca.gov>
Sent: Tuesday, January 21, 2020 8:12 AM
To: Alex Tabrizi
Cc: Graham, Philip S@DOT; Sandra Bauer; Garrett Higerd; Wendy Sugimura; Gerry LeFrancois (glefrancois@mono.ca.gov); Michael Draper; Talbot, Lianne E@DOT
Subject: RE: Tioga Inn Traffic Study - thanks

Thanks for the update. I also spoke w/ Gerry last week and I know Wendy spoke w/ Lianne re: the roundabout.

We look forward to reviewing the document, when released.

GJR

From: Alex Tabrizi <tabrizi.alex@gmail.com>
Sent: Monday, January 20, 2020 2:12 PM
To: Rosander, Gayle J@DOT <gayle.rosander@dot.ca.gov>
Cc: Graham, Philip S@DOT <philip.graham@dot.ca.gov>; Sandra Bauer <Sandra@bpesinc.com>; Garrett Higerd <ghigerd@mono.ca.gov>; Wendy Sugimura <wsugimura@mono.ca.gov>; Gerry LeFrancois (<glefrancois@mono.ca.gov>)<glefrancois@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>
Subject: Tioga Inn Traffic Study

Hi Gayle,

I hope all is well and you have started a great 2020.

After we spoke and discussed the 395/120 mid-day analysis with you and Phil, I sent that information to the County as you suggested, since the County is the lead agency for this project.

After some extensive discussions and considerations, the County has determined that in order for us to have a defensible traffic study for CEQA, we will need to evaluate the worst case traffic conditions and show the mid-day impact in the traffic study with the peak seasonal count data which we originally used in the traffic study.

To paint a more clear picture, the study will discuss how the impact is only expected a few months of the year since the traffic volumes get significantly reduced during non-peak seasons. However, nonetheless, the project will be considered to have a significant impact.

Furthermore, the County has checked with Caltrans regarding the roundabout option and as you and Phil mentioned before, the roundabout or the signal are potentially not feasible or planned at this time.

So, the study will identify the impact as significant and unavoidable.

This is the route we have been directed to take by the County and will be proceeding forward with.

If you have any questions or wish to discuss, please do not hesitate to contact me via phone at 949.344.1828 or email.

We really appreciate your help and continued support on this project and look forward to completing the approval process.

Kind regards - Alex

Sandra Bauer

From: Rosander, Gayle J@DOT <gayle.rosander@dot.ca.gov>
Sent: Thursday, January 23, 2020 10:35 AM
To: Alex Tabrizi
Cc: Graham, Philip S@DOT; Sandra Bauer; Garrett Higerd; Wendy Sugimura; Gerry LeFrancois (glefrancois@mono.ca.gov); Michael Draper; Talbot, Lianne E@DOT
Subject: RE: Tioga Inn Traffic Study - re: VMT query

Hello Alex,

Correct - at this time Caltrans does not have final guidance or thresholds for vehicle miles traveled (VMT) analysis. Draft guidance for Caltrans review of a land use project's VMT is expected to be posted online by Spring 2020.

Currently, when Caltrans reviews land use projects, we defer to the metric used by the Lead Agency to determine CEQA transportation impacts. It is the County's decision on which metric should be used for land use projects at this time. Mono County is using the Level of Service (LOS) metric, so Caltrans defers to Mono as the Lead Agency and hence, its use of LOS. We do not/will not require VMT for the Tioga Inn/Workforce Housing project, which is almost at the Final Subsequent Environmental Impact Report phase.

Caltrans does encourage early adoption of a VMT metric for land use projects. VMT related updates are available in the following link. The Nov 8, 2019 webinar and PowerPoint are very helpful and note dates for some of Caltrans guidance documents.

<https://dot.ca.gov/programs/transportation-planning/office-of-smart-mobility-climate-change/sb-743>

Sincerely,
Gayle Rosander
External Project Liaison
Caltrans District 9
500 South Main Street
Bishop, CA 93514

760.872.0785

From: Alex Tabrizi <tabrizi.alex@gmail.com>
Sent: Wednesday, January 22, 2020 3:18 PM
To: Rosander, Gayle J@DOT <gayle.rosander@dot.ca.gov>
Cc: Graham, Philip S@DOT <philip.graham@dot.ca.gov>; Sandra Bauer <Sandra@bpesinc.com>; Garrett Higerd <ghigerd@mono.ca.gov>; Wendy Sugimura <wsugimura@mono.ca.gov>; Gerry LeFrancois (glefrancois@mono.ca.gov) <glefrancois@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Talbot, Lianne E@DOT <lianne.talbot@dot.ca.gov>
Subject: Re: Tioga Inn Traffic Study - thanks

Gayle,

Thank you. The team wanted me to reach out to you regarding the SB 743 VMT requirements.

My understanding is that Caltrans does not have any adopted procedures or thresholds for VMT analysis at this time and VMT would not be required for projects that get processed before July 1st.

Is that correct?

Kind regards - Alex

ATTACHMENT A4 FSEIR DISCUSSION OF UPDATED TRAFFIC IMPACT ASSESSMENT

SOURCE: FSEIR Topical Response #9, Traffic Impacts, FSEIR pages 96-97.

"The DSEIR Traffic Impact Analysis, as contained in DSEIR Appendix L and summarized in DSEIR §5.9, analyzed project traffic and intersection conditions for the existing condition, future conditions with the project, and future conditions with all cumulative projects. Results of the analysis indicated that all study area intersections are currently operating at an acceptable level of service ('LOS' D or better) during the peak hours under Existing Conditions, and during the peak hours for 'Existing-Plus-Project' conditions.

With one exception, all study area intersections are forecast to continue to operate at an acceptable level of service (LOS D or better) in the year 2023 with or without the project. 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 (with and without the project). Based on the findings, the Traffic Impact Analysis recommended two alternative measures to mitigate impacts at the US 395/SR 120 intersection including Measure 5.9(d-1) calling for installation of a traffic signal (which would achieve an acceptable level of service (LOS D or better), or Mitigation Measure 5.9(d-2) calling for conversion of the US 395/SR 120 intersection to a single-lane roundabout, which would also achieve an acceptable level of service (LOS D or better) at the study intersection and reduced potential impacts to less than significant levels.

In their comments on the DSEIR, Caltrans noted that the recommended mitigations would be triggered by the project and the responsibility of the project proponent. Caltrans requested that the Traffic Analysis be updated to calculate a fair share monetary contribution based on trip generation, and added that the County or Caltrans could hold the funds in reserve for a future intersection project. Caltrans noted that the roundabout option had been estimated at \$2.2 million in the May 2019 *Project Initiation Report for US 395* in the Lee Vining area. Caltrans also referenced significant challenges to provide a traffic signal in this location (road geometry, speed, and terrain grade), even if warrants were met.

The DSEIR recommendation calling for signalization or a roundabout at the US 395/SR 120 intersection was discussed at length during multiple meetings and discussions between Caltrans, Mono County, and the project traffic consultant. During those discussions, 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, and therefore the DSEIR measures calling for intersection signalization or a roundabout do not represent feasible mitigations. Caltrans also indicated that the traffic volumes used in the Tioga Traffic Analysis (based on traffic counts taken in July 2018) appeared to overestimate traffic levels on US 395 and at the US 395/SR 120 intersection since they represent the high traffic season and SR 120 is closed part of the year. In particular, Caltrans was concerned that the mid-day counts did not accurately reflect typical year-round conditions, since they were based on peak season conditions and taken on a day when a concert event was to be held at the project site.

In response to Caltrans' concerns, additional traffic counts were taken at the US 395/SR 120 intersection during October 2019. Results indicated that the October 2019 traffic volumes were a little over half the volumes shown in the July 2018 counts. Caltrans staff indicated that the new and lower mid-day counts taken in October 2019 are more representative of typical year-round conditions at this intersection, and recommended that the traffic study be revised to reflect the traffic data from October 2019. Use of the new October 2019 counts would have eliminated the significant adverse impacts on level of service and associated mitigation requirement.

Caltrans' recommendation was reviewed with the Mono County staff. While acknowledging Caltrans' concerns that July traffic data are not representative, it was the view of Mono County that the October counts were also not representative of 'typical' traffic. Traffic fluctuates on a seasonal basis, precluding any single set of counts from representing typical conditions. To be conservative, Mono County recommended that the updated Traffic Analysis use data from the July 2018 traffic counts, and also use a conservative 2 percent per year annual growth rate in background (i.e., non-project) traffic.

The updated Traffic Analysis (provided in FSEIR Appendix D) continues to show a significant adverse impact at the intersection of US 395/SR 120 during mid-day peak season conditions (i.e., from 4th of July through Labor Day), with or without the proposed project.

The updated Traffic Analysis also finds that there is no feasible way to mitigate this impact. Caltrans has 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, the need 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 Inn analysis would likely not increase the statewide priority of this project enough for it 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.

The DSEIR Traffic Impact Analysis identified two Mitigation Measures (TFFC 5.9(c-1) calling for Caltrans signalization of the US 395/SR 120 intersection, or TFFC 5.9(c-2) calling for Caltrans construction of a roundabout at the US 305/SR 120 intersection), either of which 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); the mitigation recommendations were deleted because they were not required to reduce any potentially significant adverse impacts/.

All of the potential mitigation alternatives were considered during extensive discussions with both Caltrans and County of Mono staff. None of the potential modifications have found to be feasible by the agencies at this time.

In light of the foregoing considerations, all traffic mitigation measures outlined in the DSEIR are hereby deleted,¹ and project impacts on the US 395/SR 120 intersection during mid-day conditions for the forecast opening year of 2023 are hereby determined to be significant, adverse and unavoidable."

¹ Including (1) Recommendation TFFC 5.9(a-4): Caltrans relocation of YARTS bus stop, (2) Recommendation TFFC 5.9(a-2): Caltrans consideration of designated Vista Point entry/egress (3) Recommendation TFFC 5.9 (a-3): Caltrans modifications to apron parking, (4) Recommendation TFFC 5.9(a-4): Caltrans relocation of YARTS bus stop, (5) TFFC 5.9(c-1): Caltrans Signalization of the US 395/SR 120 Intersection, OR (6) TFFC 5.9(c-2): Caltrans construction of a Roundabout at the US 395/SR 120 Intersection.

ATTACHMENT B1

FSEIR DISCUSSION OF POTENTIAL CONNECTIVITY BETWEEN PROJECT SITE AND LEE VINING

SOURCE: Excerpts from FSEIR Topical Response #4, Pedestrian Connectivity, FSEIR pages 81-83.

"The DSEIR identified project impacts on pedestrians and cyclists as a potentially significant and unavoidable adverse impact. This determination was based on comments received in a communication from Mono County Sheriff Ingrid Braun following a request for input regarding potential project impacts on police services. As described in DSEIR §5.8, page 5.8-9, the primary concern cited by the Sheriff was the potential for increased foot traffic to and from the project site and businesses and schools in Lee Vining. Sheriff Braun noted that access between these locations would be along state highways that are not designed for pedestrian use, and the Sheriff identified this as a safety concern. A number of the NOP comment letters also raised this concern, and also stressed that access between the site and Lee Vining is viewed as essential for maintaining community cohesion and strengthening social and physical connectivity between project residents and the Lee Vining community.

Sheriff Braun stated in her comments that Caltrans has initiated a project to rehabilitate US 395 through Lee Vining, with potential for pedestrian connectivity if the SR 120/US395 junction is modified as part of the rehabilitation. However, based on preliminary comments from Caltrans, it was the understanding of Mono County staff that there may not be sufficient project funding to provide a dedicated pedestrian facility between Lee Vining and the SR 120/US 395 intersection.¹

Based on this input, the DSEIR concluded that roadway safety improvements between the site and Lee Vining were outside the scope and authority of the Tioga Community Housing Project, and identified this as a significant unavoidable adverse impact. The DSEIR also referenced the applicant's goal to seek grant funding that would be used for creation of a safe pedestrian and cycling route between the site and Lee Vining, among other funding goals, if the project was approved.

During public review of the DSEIR, Caltrans submitted a detailed comment letter concerning the DSEIR and the proposed project (please see Comment Letter #3). Referencing the DSEIR conclusion of a significant adverse impact on pedestrian safety, Caltrans pointed out that the determination was not supported by available evidence, and noted that the Traffic Analysis had not quantified pedestrian counts or provided other data as required to establish a significance threshold. Caltrans requested that the analysis be updated to determine the percentage of project-generated pedestrian trips, and the results used to identify mitigation requirements that could take the form of a fair share project fee toward pedestrian facilities, if and as required based on results.

In response to Caltrans' comments, additional discussion was initiated to obtain data from the Mono County Sheriff and the California Highway Patrol (CHP) for the purpose of quantifying pedestrian movements in the project area. Mono County Sheriff Braun indicated that there is currently little foot traffic between the site and Lee Vining. Sheriff Braun also indicated that her department does not maintain pedestrian counts, noting that CHP (as the agency with jurisdiction over US 395) would be responsible for documenting pedestrian incidents. Sheriff Braun reiterated her concern that

¹ Note that Caltrans has subsequently indicated that the SR 120/US 395 intersection is performing adequately and projected to continue performing adequately in the foreseeable future. As discussed in Topical Response #9, Caltrans also raised concerns about the accuracy of assumptions used in the DSEIR Traffic Analysis, stating that the 2% per year increase in background traffic may have been excessively high. Based on further analysis, the Traffic Analysis has been revised and the significance finding has been deleted; please see Topical Response #9 for further discussion.

establishment of a residential community on the Tioga site would create potential for increased foot traffic to and from the businesses and schools in Lee Vining, though she had no way of quantifying the increase.²

CHP was subsequently contacted^{3,4} for information about pedestrian movement in the project area. CHP indicated that between January 2017 and March 2018, it received one call regarding an (unspecified) pedestrian incident. CHP shared the Sheriff's concern that establishment of a residential community on the project site would create potential for increased foot traffic between the site and Lee Vining, but did not have pedestrian counts or other data to quantify the increase. Caltrans and Mono County CDD also indicated that they have no pedestrian counts for the project area.

Based on information provided by Sheriff Braun, CHP, Mono County and Caltrans, it has been determined that the available information is not sufficient to establish a baseline or a significance threshold for pedestrian activity.

With this additional information, the potential for pedestrian access was a key topic of discussion at a 24 September 2019 meeting with Caltrans. During the September meeting, Caltrans indicated that SR 120 is currently designated as a freeway with access controls. Caltrans noted that it had considered a change of designation for SR 120 from 'freeway' to 'conventional highway,' and subsequently affirmed that it plans to proceed with the freeway rescission action. Caltrans noted that redesignation of SR 120 from 'freeway' to 'conventional highway' would create potential to allow for future construction of an 'at-grade' pedestrian and bicycle crossing. Caltrans also indicated,⁵ however, that it would be premature for Caltrans or Mono County to instigate a pedestrian crossing on SR 120 with its current status as a 'freeway.' Caltrans has also expressed reservations about the safety of an at-grade crossing on SR 120 near Vista Point Drive due to high speeds and poor sight distances at that location.

Following the September meeting, Caltrans provided a link to the May 2019 *Draft Project Initiation Report* that evaluates a range of traffic calming alternatives in Lee Vining. The alternatives include updated ADA facilities, implementation of 'complete street' concepts, pavement repairs, and updated drainage system elements for a roughly 8-mile stretch of US 395 between Lee Vining and the junction with SR 120. The Report recommends further investigation of 5 alternatives (Alternatives A1, A2, A3, A4 and B), and indicates that a roundabout at US 395/SR120 is under consideration as a tertiary component to the alternatives. The *Report* estimates that a roundabout would cost approximately \$2.2 million and noted that a roundabout could serve as a traffic-calming device for vehicles entering Lee Vining and potentially reduce collisions at the intersection, as discussed in Topical Response #9.

With respect to pedestrian facilities, the *Report* indicates that Lee Vining Creek Trail access will be enhanced (with an entrance and informational sign) on the north end of the eastern US 395 retaining wall. The Report notes that almost all existing sidewalks through Lee Vining have noncompliant cross slopes greater than 1.5% and will be replaced and corrected as a project element, and additional noncompliant sidewalk features are identified. None of the identified sidewalk elements would extend south to the SR 120/US 395 intersection.

In a subsequent communication, Caltrans indicated that it has no plans at this time for pedestrian facilities in or around the US 395/SR 120 intersection. However, in recognition of the goal to provide for future access between the site and the Lee Vining community, Caltrans suggested that the project applicant would have the option to provide an ADA sidewalk within the project boundary along the east side of SR 120. The sidewalk would extend between Vista Point Drive and US 395, based on the prospect that Caltrans may in the future construct pedestrian safety features at the SR 120/US395 intersection. Caltrans stated, however, that there is no guarantee of future connectivity between the US 395/SR 120 junction and Lee Vining (with or without a project sidewalk).

Based on Caltrans' suggestion, this FSEIR amends DSEIR mitigation measure 'HUD MITIGATION SVCS 5.8(a)(Pedestrian Safety)' as shown below:

² Email communication from Sheriff Ingrid Brain, 26 September 2019.

³ Email communication from Chuck Mairs, Bridgeport Commander, CHP, 1 November 2019.

⁴ Telephone communication with CHP Officer Elena Villa, 13 November 2019.

⁵ Email communication from Gayle Rosander, Caltrans District 9, 11 October 2019.

AMENDED MITIGATION SVCS 5.8(a) (Pedestrian Safety). A meandering pathway, between Vista Point Drive and the site of the proposed Wastewater Treatment Plant ('WWTP,' just northeast of the hotel site), shall be incorporated into the Tioga Concept Plan (including the original plan and Alternative 6). The pathway shall be ADA compliant and designed for safe, all-season use by pedestrians, bicycles and by project utility carts serving the WWTP. Additionally, right-of-way (R/W) shall be reserved on the Concept Plan to extend between the path terminus at the WWTP and the northwestern-most property boundary. The R/W shall incorporate sufficient width to accommodate a future ADA-compliant pedestrian/cycling pathway. Construction of a pedestrian/cycling path within the reserved R/W shall be triggered if and when Caltrans approves plans to implement a non-motorized connectivity project between Lee Vining and the SR120/US 395 intersection.

Implementation of Mitigation SVCS 5.8(a) (Pedestrian Safety), as amended, would lessen potential project impacts on pedestrian and cycling safety. However, as noted above there is no available information with which to establish a baseline or a significance threshold for pedestrian activity, and no feasible way at this time to provide connectivity between the project site and downtown Lee Vining. Based on a very conservative understanding of these facts, this FSEIR concludes that the project impacts on pedestrian safety would be significant and unavoidable, and that no feasible mitigation measures exist at this time to lessen impact significance.

The potential for locating a path across Lee Vining Creek was also discussed with the project applicant, Mono County and Caltrans. It was determined that this may be infeasible for several reasons, including SCE concerns 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).

During the Planning Commission hearing on 15 April 2020, the project applicant offered to provide a Shuttle Service as a way to establish a safe form of connectivity between the project site and Lee Vining. The Commission recommended that the Phasing Plan be provided in the form of a formal mitigation measure (Mitigation Measure SVCS 5.8(a-2)). The measure has been incorporated, with clarification regarding the definition of 'regular service,' as shown below:

NEW Mitigation SVCS 5.8(a-3) (Shuttle Service): A shuttle service shall be provided between the project site and Lee Vining, beginning when the Tioga Inn hotel receives an occupancy permit. 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 at least 3 daily round trips during the operating season), and (4) begin operations each year no later than July 4, and end operations each year no sooner than Labor Day. The shuttle service will be available for use by hotel guests and residents of the Community Housing Complex.

ATTACHMENT B2

LEE VINING CREEK/SCE TRAIL EASEMENT & SR 120 PEDESTRIAN CROSSING

SOURCE: Minutes of 4 May 2020 conference call between Caltrans and Mono County.

1. PARTICIPANTS

- a. CALTRANS (CT): Gayle Rosander, Stephen Winzenread, Lianne Talbot
- b. MONO COUNTY: Gerry Le Francois
- c. CEQA CONSULTANT: Sandra Bauer

2. PURPOSE

- a. Discuss (1) potential opportunity for an SCE trail easement along Lee Vining Creek, (2) potential trail alignments, and (3) potential connections between the Tioga project site and a SCE/LV Creek Trail
- b. Consider whether there is an opportunity to establish the SCE trail easement prior to forthcoming consideration of the Tioga EIR certification, as a placeholder for a later connectivity project
- c. If the short-term opportunity is viable, consider potential connections between the project site and the SCE trail easement

3. DISCUSSION

- a. Gerry confirmed that he had spoken with Richard Fujikawa at SCE, and Mr. Fujikawa had confirmed that there is potential for SCE to grant a 3-foot wide trail easement along Lee Vining Creek parallel to Utility Road
- b. Gerry asked whether there was any way to establish a safe crossing between the Tioga site and the possible SCE trail easement, using any of the trail alignments and connection points identified in his informal exhibits
- c. Gayle indicated that there are too many unknowns to address the possibility of a suitable pedestrian crossing for a trail at this time
- d. Gayle affirmed that CT is proceeding with the freeway rescission agreement for SR 120 (Tioga Rd), and that SR 120 could be redesignated from 'Freeway' to 'Conventional Highway' this year
- e. Gayle asked whether it has been confirmed that the project will provide a shuttle service between the Tioga site and Lee Vining; Gerry indicated that this would occur
- f. Gayle asked if the shuttle would mitigate pedestrian safety concerns. Gerry thought the impact would remain potentially significant since even with a shuttle it is anticipated that some pedestrians would choose to walk between the site and Lee Vining
- g. Lianne indicated that CT Traffic Operations division has concerns about any pedestrian crossing on SR 120. Due to driver expectation for this type of facility with the given speeds, drivers would not anticipate or be prepared for a pedestrian crossing.
- h. Sandra asked if CT might consider installing a traffic signal at the Vista Point/SR 120 junction
- i. Lianne indicated that the junction of SR 120 and Vista Point Drive is not likely to meet traffic signal warrants, but that CT would study this possibility if traffic volumes on SR 120 increase
- j. Gerry noted that if it would not be "safe" for pedestrians to cross SR 120, then it would probably be best to avoid pursuing the SCE trail easement opportunity for now since it would not be feasible as a mitigation measure without a safe crossing location. Gerry noted that it may be possible in the future to obtain needed approvals from both SCE (for the easement) and CT District 9 (for a safe crossing)

- k. Gerry asked if CT District 9 has near-term plans to look at potential modifications to the US 395/SR 120 intersection. Lianne indicated that CT does plan to look at the intersection, as part of the ongoing effort for the US 395 Lee Vining Rehab project (which would also consider traffic calming components)
- l. Gerry asked whether CT was planning to comment at the forthcoming Board of Supervisors' meeting on the Tioga project. CT has thoroughly interacted with the County re: the project and sees no reason to insert itself in the BOS proceedings
- m. Gerry asked whether CT had any concerns that the Tioga EIR traffic analysis was based on LOS and not based on VMT. Gayle again confirmed that the VMT assessment was not required in the timeframe of this project
- n. Stephen voiced concerns that mitigation measure conclusions (e.g. pedestrian) do not appear backed-up by data or modelling

4. CONCLUSION

- a. All participants agreed that there is an insufficient basis at this time to pursue an SCE trail easement along Lee Vining Creek, or a crossing that would provide a pedestrian link between the project site and the potential SCE trail easement on Lee Vining Creek
- b. All participants agreed that the concept has merit and is worthy of revisiting in the future if conditions warrant

ATTACHMENT C1

1993 FEIR ECONOMIC IMPACT AND FISCAL ANALYSIS SUMMARY

SOURCE: 1993 Tioga Inn Specific Plan FEIR, Technical Appendix Report 4, *Final Economic Impact and Fiscal Analysis for the Tioga Inn Specific Plan and EIR*, prepared by CERTIFIED/Earthmetrics, December 1992.

"SUMMARY

There appears to be an unmet demand for lodging in the Lee Vining vicinity in summer. A small portion (one-in-six) of visitors attracted from Yosemite National Park to Mono Basin in summer are currently attracted to stay overnight in the basin. The constraint appears to be limited lodging supply. In winter, with Tioga Pass closed, shift share analysis demonstrates that the proposed 120-room hotel could potentially achieve 50 percent occupancy. Net revenue generation, exclusive of one-time fees intended to cover the costs of specified county services, is conservatively estimated to be \$195,000 (first full year after opening) to \$304,000 (Fifth year). Fully 90 percent of the revenue would be derived from property tax and transient occupancy tax; therefore, the estimate is not sensitive to evaluations of the other project elements (i.e., restaurant, service station/mini-mart).¹

¹ See ATTACHMENT L for an updated estimate of revenues from the hotel, the full-service restaurant, the third gas island, and the community housing.

ATTACHMENT C2

CORRESPONDENCE FROM ALICIA VENNOS, MONO COUNTY ECONOMIC DEVELOPMENT DIRECTOR

SOURCE: Correspondence from Alicia Vennos to Mono County CDD concerning Tioga Inn Specific Plan Amendment, 16 April 2020.

"I would like to share some findings from the Mono County Business Retention & Expansion Survey, conducted in 2018 with assistance from Long Research Consultants. Survey respondents include 80 businesses in unincorporated Mono County and 51 in Mammoth Lakes. June Lake and Lee Vining businesses represent 28% of the total respondents.

Regarding workforce issues faced by our business community, almost half (47%) of businesses report difficulty recruiting seasonal employees, and 44% have difficulty recruiting year-round employees. Retention is somewhat less problematic but still 28% have challenges keeping year-round employees.

Housing is cited as the greatest barrier to workforce retention and recruitment with almost 80% (79%) of businesses attributing availability/affordability of housing as the overriding barrier. Housing is most critical for seasonal frontline employees according to 62% of businesses, however nearly as many (59%) mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address housing issues by providing some employee lodging but only 34% of those say the amount is adequate.

The findings from Mammoth Lakes alone compared to the other communities in Mono County are statistically similar.

Although we are facing challenging economic circumstances for an uncertain period of time, Tourism, the County's primary economic driver, is expected to rebound. This rebound will be gradual but is anticipated to reach levels equal to or greater than those we saw prior to the pandemic. Workforce and housing issues will continue to be a challenge for our communities; the timing of this project appears to be ideal to help address future needs.

Alicia Vennos, Mono County Economic Development Director"

ATTACHMENT D1

CHAPTER 23 DARK SKY REGULATIONS – EXCERPTS OF RELEVANT SECTIONS

SOURCE: Excerpts from Mono County General Plan Chapter 23, Dark Sky Regulations

“23.050 General Requirements.

The following general standards apply to all non-exempt outdoor lighting fixtures:

- A. Nuisance prevention. All outdoor lighting fixtures shall be designed, located, installed, aimed downward or toward structures, retrofitted if necessary, and maintained in order to prevent glare, light trespass, and light pollution.
- B. Maintenance. Fixtures and lighting systems shall be in good working order and maintained in a manner that serves the original design intent of the system.

REGARDING STREET LIGHTS AND PARKING LOT LIGHTING:

- C. Lighting Levels. Outdoor lighting installations shall be designed to avoid harsh contrasts in lighting levels between the project site and the adjacent properties. The Mono County Planning Commission may, by resolution, adopt standards for maximum or minimum lighting levels for various land use areas and for public streets, sidewalks, or trails, as developed by the Community Development and Public Works departments.

REGARDING STREET LAMPS, PARKING LOT LIGHTING, COMMERCIAL & RESIDENTIAL LIGHTING:

- D. Lamp Types. Metal halide or high-pressure sodium lamps are preferred for all new commercial and industrial area lighting (parking lot and yard lights) and street lighting due to good color rendering and good energy efficiency, and LEDs are preferred for energy efficiency. Low-pressure sodium lamps and mercury vapor lamps are not permitted. LEDs or compact fluorescent lamps are preferred for residential lighting.
- E. Fixture Types. All new outdoor lighting shall use full cutoff luminaires with the light source downcast and fully shielded with no light emitted above the horizontal plane, with the following exceptions:
 - 1. Fixtures that have a maximum output of 100 lumens (equivalent to one 10-watt incandescent bulb) or less, regardless of the number of bulbs, may be left unshielded provided the bulb surfaces are obscured from off-site visibility with a semi-translucent or frosted glass that has an opaque top to prevent the light from shining directly up. However, partial or full shielding is preferred to control light output in all situations.
 - 2. Fixtures that have a maximum output of 600 lumens (equivalent to one 40-watt incandescent bulb) or less shall be partially or totally shielded using a solid or semi-translucent barrier, provided that the lamp is not visible from off site, no direct glare is produced, and the fixture has an opaque top to keep light from shining directly up; e.g., a low output-style wall pack.
 - 3. Floodlights that do not meet the definition of “full cutoff” may be used if permanently directed downward, if no light is projected above the horizontal plane, and if fitted with external shielding to prevent glare and off-site light trespass. Unshielded floodlights are prohibited.
- F. Accent Lighting. Residential accent lighting shall be limited. LED-type accent lighting is preferred. Commercial accent lighting may be permitted in conjunction with a use permit. Limited architectural features may be illuminated by uplighting, provided that the light is effectively contained by the structure, the lamps are low intensity to produce a subtle lighting effect, and no glare or light trespass is produced. For statues, public art, or other objects of interest that cannot be illuminated with down-lighting, upward lighting may be used only in the form of one narrow-cone spotlight that confines the illumination to the object of interest.
- G. The provisions of this chapter are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed herein, provided that the Community Development director has approved any such alternative. An alternative proposal may be approved if it provides at least approximate equivalence to the applicable specific requirements of this chapter, or if it is otherwise satisfactory and complies with the intent of this chapter.
- H. Mono County reserves the right to further restrict outdoor lighting including, but not limited to, pole height and level of illumination, when it is deemed in the public interest consistent with the purpose of this chapter.

23.060 Outdoor Lighting Plans.

REGARDING PARKING LOT LIGHTING, COMMERCIAL LIGHTING AND RESIDENTIAL LIGHTING:

- A. An outdoor lighting plan shall be submitted in conjunction with an application for design review approval; a Conditional Use Permit; subdivision approval; or, a building permit for any new structure, or new or modified exterior light fixtures, or any addition(s) of gross floor area, seating capacity, or parking spaces (either with a single addition or cumulative additions). An outdoor lighting plan is required for all new outdoor lighting installations on commercial (includes multifamily residential project of four or more units), industrial, public and institutional properties. The Community Development director may request outdoor lighting plans from applicants for other types of projects due to project location, size, or proposed use, as necessary. An outdoor lighting plan shall include at least the following:
 - 1. Manufacturer specification sheets, cut-sheets, or other manufacturer-provided information for all proposed outdoor lighting fixtures to show fixture diagrams and light output levels;
 - 2. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures (a site plan is preferred); and
 - 3. If building elevations are proposed for illumination, 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.
- B. If needed to review the proposed outdoor lighting fixture installation, the Community Development director may require additional information following the initial outdoor lighting plan submittal, including but not limited to a written narrative to demonstrate the objectives of the lighting, Photometric data, Color Rendering Index (CRI) of all lamps and other descriptive information on the fixtures, computer-generated photometric grid showing footcandle readings every 10 feet within the property or site and 10 feet beyond the property lines (an iso-footcandle contour line-style plan may be acceptable), and/or landscaping information to describe potential screening.
- C. The Community Development director may approve, deny, or require modifications to any outdoor lighting plan in order to meet the purpose of this chapter.

23.070 Prohibitions.

- A. The installation of any new fixture not in conformance to this chapter is prohibited.
- B. No outdoor lighting fixtures shall be installed, aimed, or directed to produce light that spills over into neighboring properties or the public right of way. Light trespass is prohibited.
- C. No outdoor lighting fixture may be installed or maintained in such a manner to cause glare visible from off site.
- D. No outdoor lighting fixture may be operated in such a manner as to constitute a hazard or danger to persons, or to safe vehicular travel.
- E. Blinking, flashing, moving, revolving, scintillating, flickering, changing-intensity, and changing-color lights and internally illuminated signs are prohibited.
- F. The installation of new mercury vapor and/or low-pressure sodium lamps is prohibited.
- G. Search lights, laser source lights, or any similar high-intensity light is prohibited except in emergencies by police and fire personnel or at their direction, or for approved temporary lighting.
- H. Streetlights shall be down directed with complete horizontal shielding of the reflective surface and no higher than 17 feet from the bottom of the shielded fixture surface with a maximum 150-watt lamp. Greater height may be granted by the Community Development director for safety or adopted minimum highway standards.

23.080 Signs.

REGARDING LIGHTING OF COMMERCIAL SIGNAGE:

All outdoor lighting for commercial signs installed and maintained pursuant to Chapter 07 shall conform to the provisions of this chapter. Light bulbs or lighting tubes used for sign illumination shall not be readily visible from the vehicular travel lanes, adjacent public rights of way, or adjoining properties. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the approved location of view, such as pedestrian walkway, adjacent travel way or closest County street.

23.090 Outdoor Performance, Sport and Recreation Facilities.

- A. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no significant off-site light trespass is produced.

- B. The main lighting shall be turned off as soon as possible following the end of an event. Where feasible, a low-level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance, and other closing activities.

23.100 Energy Conservation Measures.

Incorrect installations, poor choice of fixtures, and over-lighting can result in unnecessarily high energy costs. The following recommendations are intended to encourage the efficient use of energy for lighting purposes:

REGARDING LIGHTING OF COMMERCIAL AND RESIDENTIAL STRUCTURES:

- A. All non-essential outdoor commercial and residential lighting shall be turned off after business hours and/or when not in use. Limited accent lighting and safety lighting as approved by the Community Development director may remain illuminated after business hours.
- B. Where practical, outdoor lighting installations are encouraged to include timers, dimmers, or photocell controllers that turn lights off during daylight hours to reduce overall energy consumption and eliminate unnecessary lighting.
- C. When selecting new outdoor lighting, the full cost of operation over the life of the fixture(s) should be considered. Substantial annual energy savings may be realized by using quality efficient fixtures.
- D. Indiscriminate and excessive lighting shall be avoided. Light should be directed only to where it is needed with appropriate intensity.”

ATTACHMENT E1

PROJECT SOLAR POWER

SOURCE: DSEIR text excerpts concerning project use of solar power.

- **SOLAR POWER PROJECT BACKGROUND** (excerpt from DSEIR §3.5.5, Energy and Communications, page 3-6): Project energy needs are currently met with propane and electrical service. Propane is provided through five existing tanks (with a combined 2,500-gallon capacity) that are owned by the project owner/applicant and situated in various locations around the property. Electric service is provided by SCE; overhead SCE power lines cross the site on the portion of Parcel 2 that is located east of US 395. Propane and electricity will continue to be used on site. Changes: The proposal includes a new commercial 30,000-gallon propane tank that will be sufficient to serve all onsite uses as well as demands in the surrounding areas if there is a market demand. The five existing tanks will be removed. The applicant plans to install solar panels on most project structures (existing and proposed) as a primary source of project-wide renewable energy. Solar energy was not a part of the 1993 Specific Plan. Under the current California Government Code (Title 7, Division 1, Chapter 4, Article 2, §65850.5),⁶ the use of solar energy is not a discretionary action. Following a satisfactory compliance review, the solar energy application will be approved ministerially. Wood-burning appliances (fireplaces, wood stoves, etc.) will comply with current requirements and standards of the County for new construction. Cable, telephone and internet services will be wireless (cell phone service in this area is provided by Verizon). The project will use energy efficient appliances and practices as rated by Energy Star, a joint program of USEPA and the U.S. Dept. of Energy.⁷ Proposed energy conservation features are discussed more fully in the Specific Plan (EIR §4) and in EIR §5.8 (Public Services and Utilities).
- **SOLAR POWER AND PROJECT DESIGN** (excerpt from DSEIR Project Description, Page 3-9): The 1993 Final EIR described the project design as having a unified theme comprised of exposed stone foundations, natural wood walls with areas of stone, and metal roofs in green or earth-tone colors. The original design theme is evident in the project elements that were subsequently constructed on the site, as shown in the photos below: The current proposal retains the design theme and design guidelines established in 1993, and no changes are proposed. The hotel, the full service restaurant, and the workforce housing elements will all be constructed with use of exposed stone foundations, natural wood walls with areas of stone, and metal roofs in green or earth-tone colors. As noted previously, the roofs on most project structures will be designed to accommodate solar panels (solar panels have already been installed on the Tioga Mart deli and store building, as shown above).
- **SOLAR POWER PROJECT ELEMENTS** (excerpt from DSEIR Specific Plan, page 4-12): Energy for the project will be provided by Southern California Edison for electricity, augmented by electricity produced in the onsite solar energy panels. All non-solar electrical utilities will continue to be placed underground. Project elements will emphasize the energy-efficient products and practices of Energy Star, a joint program of USEPA and the U.S. Department of Energy. Private contractors will provide propane to the site. As part of Amendment #3, the applicant proposes to replace the 5 existing propane tanks (2,500-gallons combined) with a new 30,000-gallon propane tank; the new tank will have capacity to meet all existing and future propane requirements on the Tioga site, and to provide propane services to the larger Lee Vining community (all offsite deliveries would be trucked to customers; no distribution pipelines to the community are proposed). The propane tanks will be sited in conformance with the Uniform Building Code and the Fire Code. Screening – such as designed fencing or landscaping -- will be used to mitigate visual impacts of the tanks.
- **SOLAR POWER PROJECT SUSTAINABILITY** (excerpt from DSEIR Specific Plan, page 4-14): The project will comply with California GHG emission standards by adopting applicable elements of the updated Mono County General Plan (including Low Impact Development, Green Development Guides, and the Resource Efficiency Plan) as part of the design and development process. Roofing will be preferentially constructed in a south-facing direction to maximize the use of solar panels. The new package wastewater treatment system will provide higher quality treated effluent than the septic system. Landscape irrigation will be accomplished through a new subsurface irrigation system using treated

effluent from the package waste treatment plant. Potable water supplies will be used for irrigation only where required for public health. The provision of onsite workforce housing will minimize home-to-work traffic and fuel consumption; fuel consumption will also be minimized by use of high 'R-Value' insulation in the workforce housing units, use of Energy Star appliances, LED lighting, and the provision of a wide range of onsite employee facilities (laundry, storage, space for group child care services).

- **SOLAR POWER AND PROJECT POWER SOURCES** (excerpt from DSEIR §5.8 (Public Services and Utilities), Impact SVCS 5.8(b) (page 5.8-12): Energy supplies to serve the Tioga workforce housing project will come from solar power, propane, and electricity delivered by SCE. The project will comply with all applicable standards of the California Building Code (the 2019 Code, with strengthened building energy efficiency standards, will take effect on 1 January 2020), and the applicant also intends to place solar panels on structures that are eligible in terms of solar orientation and sun exposure, with the goal of meeting a substantial share of total project energy demand through solar power. Electricity would be used for project lighting, cooling, refrigeration, appliances, computers, electronics, and machinery. Propane would be used for project water and space heating, cooking appliances, clothes drying, and backup power. Several propane tanks (2,500-gallons in total) are located throughout the project site at present. The applicant proposes to replace the existing tanks with a single 30,000-gallon tank that would more than accommodate current and projected future usage. Excess propane capacity would be made available to the Lee Vining community. Project construction would involve the consumption of fuel energy supplies used by a wide range of equipment and construction vehicles. Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during site cleaning, grading and paving, construction and periodic maintenance of project facilities. Most of the construction equipment will be powered by gasoline which is currently sold on the project site, and proposed for expansion to include a 3rd gas island with four additional fuel pumps. Construction-related fuel consumption would cease upon completion of project improvements, superseded by fuel consumption related to long-term operational activities. EIR §5.10 (Air Quality and Greenhouse Gases) provides estimates of fuel consumption and related emissions for both the construction and long-term maintenance and operational phases. The project is not expected to meet formal LEED standards because stringent adherence would reduce overall affordability of the workforce units. However, the project will comply with Title 24 of the California Building Code, which includes strict building efficiency standards; California has among the highest energy standards of any state. The applicant intends to minimize long-term operational fuel consumption through the project features cited below: • Provision of onsite workforce housing to reduce the fuel costs associated with commuting; • Provision for onsite propane to reduce the energy costs associated with transport trucking; • Dedicated space for a community park and ride facility to facilitate car-pooling and transit, and reduce commuting fuel consumption costs for project and Lee Vining area residents; • Continued provision of a dedicated space for a YARTS parking and loading to facilitate transit use by Yosemite visitors; • Provision of onsite solar to reduce demand for imported electricity; • Installation of a subsurface treated wastewater irrigation system to minimize fuel costs associated with irrigation pumping and distribution, and • Construction of an internal trail system with walking paths and bicycle parking areas to reduce onsite vehicular travel (by guests and residents) between the workforce housing, the hotel, the deli, the restaurant and other onsite uses; and • The applicant will partner with the County to seek funds for a safe pedestrian/bicycle trail system to link the project site to Lee Vining and thereby reduce guest use of cars to visit Mono Basin attractions. In consideration of these factors, it is not anticipated that the construction of future projects consistent with the proposed Tioga Workforce Housing Project would result in wasteful, inefficient, and unnecessary consumption of energy. This impact would be less than significant.
- **SOLAR POWER AND GHG EMISSIONS** (excerpt from DSEIR pages 5.10-14/15): The GBUAPCD has no thresholds for GHG emissions. However, if the lead agency does not have sufficient expertise in evaluating GHG impacts, it may rely on thresholds adopted by an agency with greater expertise. On December 5, 2008 the SCAQMD Governing Board adopted an Interim quantitative GHG Significance Threshold for industrial projects where the SCAQMD is the lead agency (e.g., stationary source permit projects, rules, plans, etc.) of 10,000 Metric Tons (MT) CO₂ equivalent/year. In September 2010, the SCAQMD CEQA Significance Thresholds GHG Working Group released revisions which recommended a threshold of 3,000 MT CO₂e for all land use projects. This 3,000 MT/year recommendation has been used as a guideline for this analysis. In the absence of an adopted numerical threshold of significance, project related GHG emissions in excess of the guideline level are presumed to trigger a requirement for enhanced GHG reduction at the project level.

Operational Greenhouse Gas Emissions. Project GHG emissions would be substantially below the proposed significance threshold of 3,000 MT adopted for use for this project. Such emissions would have a less-than-significant local, national or global GHG emissions impact. In summary, project-related greenhouse emissions would be well below the level of significance, and would not conflict with an adopted plan or regulation. Impacts are less than significant, and no mitigation is required... The Mono County Resource Efficiency Plan notes that transportation is the single largest source of community-level GHG emissions, accounting for 27% of the community-level total in 2010. Additional significant sources include nonresidential energy use (22% of total), residential energy use (19%), and agricultural activities (16%). The remaining community emissions were attributed to landfills, off-road equipment, water/wastewater, and solid waste disposal activities.

The proposed Workforce Housing Project will provide an opportunity for employees of onsite land uses to live in affordable housing units at their place of employment. This is expected to reduce the GHG emissions in comparison with emission levels if the employees do not have onsite housing options. The extensive use of solar panels is expected to reduce imported energy consumption and thereby reduce nonresidential and residential energy use at this site. Development of a subsurface irrigation system in conjunction with the planned wastewater treatment plant will reduce demands on the potable supply and simultaneously provide a reliable source of irrigation water through the life of the project. A wide range of proposed project elements are consistent with the adopted Resource Efficiency Plan, reduced home-to-work commuting distances, which emphasizes use of renewable energy sources, water conservation, sustainable wastewater treatment, and facilities to encourage ridesharing and transit use. Project impacts on GHG emissions reduction plans and policies would be less than significant, and no mitigation is required.

• **SOLAR POWER AND AESTHETIC IMPACTS** (excerpt from DSEIR §5.12, Aesthetics, pages 5.12-15 to 5.12-17):

TABLE 5.12-3. Caltrans Visual Impact Assessment Questionnaire and Responses			
ITEM	VISUAL DIMENSION	RESPONSE	EXPLANATION AND DISCUSSION
CHANGE TO VISUAL ENVIRONMENT			
1	<p>Will the project result in a noticeable change in the physical characteristics of the existing environment? Consider all project components and construction impacts - both permanent and temporary, including landform changes, structures, noise barriers, vegetation removal, railing, signage, and contractor activities.</p>	<p>High (3 pts) Moderate (2 pts) Low (1 pt)</p> <p style="text-align: center;">MODERATE = 2</p>	<p>Most currently proposed project elements will not be visible from offsite, including the third gas pump island, the new propane tank, the road realignments, the parcel and open space boundary changes, and the new wastewater treatment and subsurface irrigation system. Two elements (the workforce housing and the new water storage tank) will be visible.</p> <p>The water tank will replace an existing tank of the same size. Both the old and new tanks are at about the same elevation and both would include screening elements, but the existing tank is located about 150' closer to SR 120 than the new tank is proposed to be. For this reason, the visual impact of the proposed new tank is expected to be somewhat less than the overall visual impact of the existing tank (which will be demolished).</p> <p>The Workforce Housing will also be visible from a roughly ¼-mile segment of US 395 south of the project site. A schematic rendering has been prepared to show views of the project site from that location before and after construction of the workforce housing. As shown, the overall housing profile is higher than the surrounding topography (even with grading). The visible portion is limited to the southeastern-most units, and visibility would be muted to an extent by use of the previously approved design palette, which requires earth-tone colors and</p>

			<p>natural materials (wood, stone). Additional muting of the visual impact would be provided by bitterbrush-dominant sage scrub landscaping of the southeastern-facing slope.</p> <p>The applicant proposes to install solar panels on all structures with south-facing roofs. South-facing roofs would not be visible from Lee Vining or Lee Vining Canyon, or from the north and east and west view sites on Mono Lake. The solar panels would be perpendicular to viewpoints on the south shore of Mono Lake (South Tufa Beach, Panum Crater and other sites); visibility from these locations would be very limited. Solar panel visibility (and associated light and glare) would be most noticeable from US 395 south of the project site (in the vicinity of Picnic Grounds Road), as would direct light exposure from the third gas pump island (which would be visible from Lee Vining), and the 'glow' from lights in the workforce housing village. These potentially significant light sources would be reduced to less than significant levels through mandatory compliance with requirements of the Dark Sky Ordinance and Scenic Combining District, as discussed more fully under Impact §5.12(c). Overall, the workforce housing is anticipated to cause a moderate change in the physical characteristics of the existing environment.</p>
4	<p>Will the project require redesign or realignment to minimize adverse change or will mitigation, such as landscape or architectural treatment, likely be necessary? Consider the type of changes caused by the project: can undesirable views be screened or will desirable views be permanently obscured so redesign should be considered?</p>	<p><i>Need Redesign (3)</i> <i>Extensive Mitigation (2)</i> <i>Mitigation Likely (1)</i> <i>No changes (0)</i></p> <p>NO CHANGES = 0</p>	<p>Project landscaping and design have been developed along with the EIR impact assessments in order to incorporate features that avoid or minimize adverse effects. The proposed subsurface irrigation system was developed to provide a nonpotable source of irrigation supply for landscaping and habitat plantings. The use of solar panels on south-facing roofing slopes as well as the new propane tank were proposed to offset new energy demands from the workforce housing component. The grading plan for the workforce housing incorporates excavation to lower the pad elevation (and thus housing visibility) from surrounding viewpoints. The proposed landscape plan has been updated to mitigate project impacts associated with the loss of open space acreage, to require use of native or native-compatible species, and to optimize the bitterbrush habitat to offset prior (unrelated) sage scrub habitat losses from fire. The updated landscaping features are the only changes proposed to the Specific Plan section governing 'Design.' If additional feasible design changes or mitigations are identified to enhance benefits or minimize impacts, they will be incorporated into this project.</p>

- SOLAR POWER AND LIGHT AND GLARE** (excerpt from DSEIR §5.12, Aesthetics, Pages 5.12-16/17): The potentially significant light and glare impacts would be reduced to less than significant levels through mandatory compliance with 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).. Broadly, the regulations protect night sky views and limit glare by restricting unnecessary upward projection of light. Other purposes include energy conservation, safe travel, avoidance of nuisance lighting, and protection of the nighttime environment. The regulations are mandatory for new outdoor lighting, and are also applied retroactively to existing outdoor lighting whenever part of a new application. Exemptions are limited to seasonal displays, vehicle lights, temporary lights, lighting mandated by state or federal

agencies, and low-wattage address lights. For all other lighting the regulations specifically prohibit glare, light trespass and light pollution, require proper maintenance, minimize allowed contrast in lighting levels, prohibit low-pressure sodium and mercury vapor lamps, limit accent lighting, and require full cut-off luminaires with the light source downcast and fully shielded. Significantly, the prohibitions also require that *"No outdoor lighting fixtures shall be installed, aimed, or directed to produce light that spills over into neighboring properties or the public right of way. Light trespass is prohibited."* (§23.070, Prohibitions). Outdoor lighting plans are required for new applications (as part of the Design Review process) and also required for all new outdoor lighting installations on commercial, industrial, public and institutional properties and any other application as deemed necessary by the Community Development Director. In support of energy conservation, the ordinance requires that lighting be turned off for all non-essential outdoor commercial and residential uses, and encourages use of timers, dimmers and photocell controllers.

The Mono County Scenic Combining District also sets forth standards for lighting including: Exterior lighting shall be shielded and indirect and shall be minimized to that necessary for security and safety (§08.030(B), General Standards), and light sources in exterior lighting fixtures shall be shielded, down-directed and not visible from State Scenic Highway 395 (§08.040(F), State Scenic Highway Standards).

The applicant plans to install solar panels on all structures with southerly-facing roofs.¹ Electricity from the solar panels would be used to offset use of electricity supplied by SCE. Pursuant to PRC §21080.35, certain solar systems are exempt from CEQA review requirements, including any solar energy project that would be located on the roof of an existing building, or on an existing parking lot. The exemption would not apply to the workforce housing project, and thus visual impacts are considered herein. The southerly-facing roofs of the housing would not be visible from Lee Vining or Lee Vining Canyon, or from the north and east and west view sites on Mono Lake. Views from points along the south shore of Mono Lake (South Tufa Beach, Panum Crater and others) would be limited since the south-facing orientation of the solar panels would be perpendicular to those viewpoints. The potential for adverse light and glare would be most pronounced from the segment of US 395 south of the site (around Picnic Grounds Road), which would have a direct view onto the south-facing roof slopes of the workforce housing units. Depending on the orientation of the sun, glare may also be a significant factor for views from this vantage point.

Mandatory compliance with requirements of the Dark Sky Ordinance and Scenic Combining District will minimize the impact of new sources of light and glare from the Tioga Workforce Housing Project. Moreover, the requirements would also apply to outdoor lighting on existing elements of the Tioga site, as well as previously approved but not-yet constructed elements including the hotel and full-service restaurant. Lighting and glare impacts from these uses would be reduced as a result of project approval. However, even with these mitigating elements, it is anticipated that the project will have a ***significant and unavoidable adverse impact*** on light and glare.

¹ Mono County Land Use Element §11.020 notes that solar thermal and solar photovoltaic systems that generate power for no less than 80% onsite consumption are eligible for ministerial permitting in keeping with the California Solar Rights Act, provided the systems comply with all California Building Code requirements.

ATTACHMENT E2

PROJECT SOLAR POWER

SOURCE: FSEIR text excerpts concerning project use of solar power.

SOLAR POWER LOCATIONS (excerpt from FSEIR Letter 16, Sierra Club-Toiyabe Chapter, COMMENT #10 concerning Fossil Fuel Concerns, pages 238-239): Solar panels are integral to the Community Housing project proposal as submitted by the applicant, and not a formal requirement of Mono County. As noted in Draft EIR §3.5.5, the use of solar energy is not a discretionary action under current California law. Additionally, the Solar Rights Act pre-empts County authority to deny solar panels based on aesthetics. The county may deny or modify solar panel proposals only on the basis of specific public health and safety criteria. The applicant has previously installed solar panels on the Delicatessen, and plans to install solar panels on the hotel and restaurant during construction. The panels were not shown on the photo-simulation from US 395. Please see discussion of new preferred Alternative 6 (discussed in Topical Response #1) which provides added clarification regarding orientation and use of solar panels on the project site. The applicant does not plan to install solar panels by the water production wells. However, because the lowest SCE rates currently apply to daytime use, and since SCE is also producing abundant solar and wind power during daytime hours, well operation will indirectly benefit from SCE's solar energy system improvements. The applicant plans to seek grant funding and, if successful, funds may be used in part for the purchase and installation of solar panels. Unless the grant application is successful, all project improvements (including the proposed and previously-approved elements) would be privately financed, with no public funding. Please also note that project cost and financing are outside the scope of County approval and CEQA.

ATTACHMENT F

HYDROLOGY – FIRE FLOW, PEAK DEMANDS, WATER SUPPLIES

SOURCE: DSEIR text excerpts concerning fire flow, WWTP peak demand, and project water supplies.

1. **FIRE FLOW:** From DSEIR §5.7, Public Health and Safety, Impact 5.7(e), page 5.7-22:

"Impact 5.7(e). Would project implementation expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands adjoin 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? - From DSEIR page 5.7-22:

LESS THAN SIGNIFICANT WITH MITIGATION. *The baseline overview describes wildland fire as a constant risk in Mono County and throughout the Sierra Nevada region. Cal Fire mapping classifies most of Mono County as having moderate fire hazard severity risks, with only pockets of land (generally west of Coleville) classified as Very High hazard severity. CalFire rates fire risk on the Tioga Mart project site as 'moderate.'*

Mono County has analyzed wildland fire hazards in each community through the Community Wildfire Protection Plan (CWPP). The CWPP has identified 17 of the 36 communities in Mono County to be at extreme or very high fire risk; Lee Vining is not identified as a high risk community. With a CWPP rating of 30, Lee Vining ranks among the communities with the lowest fire hazard; only Bridgeport has a rating more favorable than Lee Vining. The ranking reflects community access to dual access routes, relatively low road gradients (none higher than 8%), adequate road widths, a good hydrant network, the local volunteer fire station and USFS fire station, discontinuous light fuel loading and moderate to low topography.

The report identifies adverse fire conditions in Lee Vining as including variable levels of structural repair with frequent occurrence of flammable decks and projections, poor address markings, and the presence of power lines and propane tanks that pose a hazard to firefighters. Based on these factors, the CWPP recommendations for Lee Vining (all of which are part of Mitigation Measure 5.7(e-1)) include 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 and needle litter from roofs and gutters and away from foundations; routine clearing of flammable vegetation away from power lines near homes; routine clearing of weeds and flammable vegetation to at least 30 feet away 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; and reflective address markers on all driveways and homes.

During the project review, a meeting was held with the Chief of the Lee Vining Fire Protection District.⁴¹ The Fire Chief discussed onsite fire flow capacity, emergency access provision, and hydrant design and location with the project engineer. The Chief indicated that the onsite maximum fire flow capability of 2,500 gpm was more than adequate, anticipating that 1,500 gpm may be sufficient to meet requirements on this site. The Chief also found emergency access provisions and roadway widths to be adequate, with roadway widths that will more than accommodate the 8' 6" wide LVFPD fire truck. Because District water hoses are comparatively short, the Chief requested that multiple hydrants be provided throughout the site, and expressed a preference for the breakaway hydrant design where flows shut down if the hydrant is damaged; the Chief had no preference regarding use of wet or dry sprinkler systems, and noted that CalFire and National Fire Standards should govern fire safe building design. These recommendations are contained in Mitigation Measure 5.7(e)-2.

The project will comply fully with CalFire Fire Safe Regulation PRC §4290 and §4291, as well as Mono County Chapter 22 Fire Safe Regulations as detailed in §5.7.3.5 of this section. Compliance with mandatory Fire Safe regulations, in combination with the CWPP-based provisions in mitigation measure 5.7(e)-1 and the supplemental LVFPD measures outlined in

Mitigation Measure 5.7(e)-2, will reduce to less than significant levels the threat of loss, injury or death involving wildland fires. Project impacts are less than significant with mitigation with respect to wildland fire hazards.

⁴¹ Communication with Tom Strazdins, LVFPD Fire Chief, 25 July 2018.”

2. **SANITATION PLANT (WWTP) PEAK DEMAND:** From DSEIR §3, Project Description, Sanitation & Reuse, page 3-6:

“3.5.4 Sanitation and Reuse. The 1993 project included a standard septic tank and leach field system for land uses on the site; the leach field was designed with a 100% expansion field area for onsite facilities.

Changes: The amended plan incorporates a new package wastewater treatment plant. Effluent from the plant will be distributed to a subsurface drip irrigation system during the late spring, summer and fall months (about 8 months of the year). The existing septic tank will be abandoned and disabled per Health Department regulations, and the existing leach field will be used for disposal of treated effluent during the low-flow winter months. Peak summer flows are projected to be 40,800 gallons per day (gpd), dropping to 22,000 gpd during the winter months. A detailed discussion of the proposed sanitation system and facilities is provided in EIR §5.2, Hydrology.”

3. **WWTP PEAK DEMAND & PROJECT WATER SUPPLIES:** From DSEIR §5.2, Hydrology, page 5.2-20/21:

“Would implementation of the proposed Tioga Workforce Housing Project violate any wastewater treatment or discharge requirements or require new wastewater treatment facilities.

Project Water Supplies: Water supplies for the project site are obtained from groundwater pumped through two wells (including one well that was constructed during 2017) that are located on project land east of US 395. Anticipated water demands for the previously approved uses is estimated to be 12,835 gpd (about 5.9 AF) for the winter period from November through March, and about 23,800 gpd (about 15.6 AF) for the high season months of April through October. Total annual water demand for the approved uses is estimated to be about 21.5 AFY.

Water supply for the proposed Workforce Housing project would also come from the two wells located east of US 395. Future water demands (including the proposed Workforce Housing Project) are estimated to be 22,000 gpd (about 10.2 AF) for the period from November through March. For the period from April through October, water demands are estimated at 40,800 gpd (about 26.8 AF). Total annual water demand for all uses would be about 37 AFY, and consumptive use is assumed to be negligible. Total annual demands for the proposed project alone (not considering previously approved elements) would be about 15.5 AFY.

The daily flow of 40,800 gpd is estimated as maximum day demand for purposes of sizing the package wastewater treatment plan. Irrigation is expected add 50% to this demand to a WWTP, which would yield an estimated ‘worst case’ Maximum Day demand of 60,000 gpd. As noted, most of the irrigation demand will be met through the subsurface irrigation system using treated effluent from the package plant.

The construction of groundwater production wells is a ministerial action in Mono County, and does not require permitting. Once installed, however, the wells are subject to regulation based on the scale and type of existing uses. The two groundwater wells are currently classified by the Mono County Health Department as a ‘Transient Non-Community Water System.’ If the proposed workforce housing project is approved, the existing permit will require revision to a Non-Transient Non-Community Water System or a Community Water System permit. Information required at that time would include ‘TMF’ verification (i.e, a demonstration of technical, managerial and financial capability), as well as water quality parameters and verification of compliance with the applicable state and federal water system classification requirements, as well as the maximum day demand provided above for source supply, and the water quality parameters provided in the Antidegradation Analysis (Appendix I). The 1993 EIR and the current Subsequent EIR would fulfill CEQA compliance requirements for permit classification changes.”

ATTACHMENT G

CALFIRE COMMENTS ON THE TIOGA DRAFT EIR (FSEIR LETTER #8)

SOURCE: FSEIR Letter #2 (CalFire) and responses, FSEIR page 114.

1. COMMENT (Road Access and Turning Radius): *Based on what is found in the ... written plan I believe the intent is being met with the construction of 2 lane road access (to meet title 14, 4290 standards) to all occupied buildings. The existing housing units' access would need to have the turning circle changed to meet the 40' radius turning area within 50' of the structures in 1273.05. All other areas appear on the plan to have adequate turnaround and or loop access. Looking at the updated conceptual grading plan this above statement remains true.*

RESPONSE: The determination by CalFire that construction of a 2-lane access road would meet Title 14, 4290 standards is hereby incorporated by reference. The turning circle for the existing hilltop housing units has been verified as exceeding the minimum 40' radius turning area within 50' of the structures. Thus, all project areas have adequate turnaround and/or loop access per CalFire requirements.

2. COMMENT (Road Distances and Lane Widths): *Based on having more than 10 dwelling units at any one location 1273.08 one-way roads would not be acceptable. However since there is no secondary exit all roads would be considered 1273.09 dead-end roads and would need to meet this criteria. Which is described in the above referenced documents. However using the project site drawing provided this does not immediately appear clear as to the distances and width of lanes.*

> On the updated conceptual plan it shows the plan for all roads would be 24' wide with 2 lanes and 1'-4' which would serve to meet 1273.08.

RESPONSE: The determination by CalFire that the Plan design of interior roads would meet §1273.08 standards is hereby incorporated by reference.

3. COMMENT (Secondary Access): *In light of ... California experiencing extreme destruction and from wildfires we feel it would be prudent for a planned use of this size and occupancy to include in the plan a secondary exit road. Even a road that was gated and only opened and used during extreme emergencies could prove to be lifesaving.*

RESPONSE: The applicant is voluntarily seeking to provide a secondary route for use during emergencies. The secondary access would be taken from the existing SCE easement road that follows close to the southern Tioga property boundary and exits onto SR 120 about 500 feet west of the existing hilltop housing. Please see additional discussion of this issue in Topical Response #6."

ATTACHMENT H

LVFPD COMMENTS ON THE TIOGA DRAFT EIR AND RESPONSES TO LVFPD COMMENTS

SOURCE: FSEIR Letter #8 (CalFire) and responses, FSEIR page 114.

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

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

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

RESPONSE: While acknowledging that the Fire Chief does not view the DSEIR as having accurately portrayed his concerns, it is noted herein that discussion and comments at the 25 July 2018 meeting were summarized in written notes, and the meeting itself was attended by 4 people (Tom Platz of Triad Engineers, Sandra Bauer of BPES Inc., Dennis Domaille, and Tom Strazdins, Fire Chief). However, the initial good-faith attempt at due diligence is not intended to preclude further discussion of concerns; the County welcomes additional comment and discussion with the LVFPD.

2. COMMENT (Fire Infrastructure Review, Permitting & Phasing): *As discussed at our August 20th project visit, we request the County require experienced professional review of any and all project components prior to issuance of any subsequent project documents and permits¹.*

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

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

fire prevention management program requires adequate professional capacity; meaningful professional capacity requires ongoing funding.

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

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

RESPONSE: The Mono County CDD and project applicant recognize that the proposed project will add significantly to LVFPD responsibilities, and that responsibilities will be further increased by near-term development of the approved-but-not-yet built hotel and restaurant.

Mono County does not conduct pre-design reviews, nor does the county design projects on behalf of applicants. However, applicants are welcome to agendaize a project at a Land Development Technical Advisory Committee (LDTAC) meeting to obtain input from multiple County departments (including Community Development, Environmental Health, and Public Works), and/or voluntarily conduct reviews with other agencies having jurisdiction. Per the Building Code, this project would require a licensed and certified design professional.

Many of the concerns raised by LVFPD were identified in the 2009 LAFCO Municipal Service Review (MSR), which noted that the uncertain availability of volunteers poses a service challenge for LVFPD (and most Mono County fire districts). The MSR concluded that (a) LVFPD would need to renovate or replace existing facilities to maintain or increase the quality of service, (b) added development would place more pressure on the district to augment its service capabilities, and (c) aging equipment will need to be replaced, and additional equipment purchased, to maintain or increase LVFPD service quality.

The 2009 MSR noted that LVFPD depends on property assessments as the single most important revenue source, followed by fire mitigation fees that as of 2009 were set at \$0.50 per square foot for all new development. The MSR anticipated future development of roughly 490 new residential units (not including the proposed Community Housing project growth), and concluded that LVFPD may need to rely more heavily on new funding mechanisms such as impact fees, grants, and partnerships. Without these changes, the report anticipated that it would be difficult for LVFPD to maintain service levels over time.

Square footage of the housing project is approximately 75,000 square feet overall, and additional fees would be assessed for development of the hotel and restaurant elements. Using a rough factor of 500 gross square feet per room, the hotel would occupy an estimated 65,000 square feet and the restaurant another 10,000 square feet. In whole, the proposed and unbuilt previously-approved components would result in a total of about 147,450 square feet generating about \$73,725 in fire mitigation fees (i.e., 147,450 square feet at \$0.50 per square foot) under the existing fee structure.

LVFPD has several options: (1) rely on Mono County for building plan check and inspection services, which the County is willing to provide and the cost is covered by permit fees for California Building Code and Title 14 compliance (the project will also be sent to CalFire for review); (2) contract for an external plan check (Long Valley FPD has done this in the past,

and Mammoth does it now). Cost would have to be covered by current mitigation fees unless provided for in another adopted fee schedule; and (3) conduct a review using existing staff and resources. If the latter option is infeasible, LVFPD has discretion to choose another of the available options. Mono County will defer to the jurisdictional authority of LVFPD, but the County's existing system can assist in meeting LVFPD needs.

No significant fire safety impacts have been identified, and the cost of ensuring that project design meets required standards is covered by permit fees. There is thus no justification to require the developer to undertake a nexus study to establish a public safety mitigation fund, which would essentially be another development impact fee imposed on top of the existing fire mitigation fee.

- 3. COMMENT (Emergency Plan):** *Mitigation SFTY 5.7(d) refers to the creation of a public safety evacuation plan. Given the complexity of the project and its departure from the usual scope of projects locally and County-wide, we believe a project condition should be included to ensure this evacuation plan is created, reviewed and approved collectively by the various public safety agencies for the project as envisioned at full build out and full occupancy prior to any issuance of subsequent documents and permits.*

RESPONSE: In response to the concerns raised by LVFPD, DSEIR Mitigation Measure SFTY 5.7(d) (Emergency Evacuation) has been incorporated into the Specific Plan as Implementation Measure 2b(5), with added requirements, and DSEIR Mitigation Measure SFTY 5.7(d) has been deleted from the Mitigation Monitoring and Reporting Program. Please see Topical Response #6 for additional discussion of modifications to address LVFPD concerns.

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

RESPONSE: As described in Topical Response #6, the project plan now provides a secondary route for project use during emergencies. The secondary access will be taken from the existing SCE easement road that follows close to the southern Tioga property boundary and exits onto SR 120 about 500 feet west of the existing hilltop housing. The boulders will be replaced with a break-away arm (please see Topical Response 6 for details). The secondary emergency access will provide two routes for evacuation (including the unpaved but graded SCE easement, and the Vista Point entry), which will exceed CalFire requirements for this site. As noted in Topical Response #6, the feasibility of an emergency escape route to US 395 was explored in a meeting with Caltrans. The applicant was advised not to pursue a secondary access onto US 395 due to complex road geometrics in the project vicinity.

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

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

...It should be noted that TOT revenue would only be generated by the proposed hotel, not the housing which is proposed to be built first. The hotel was approved over two decades ago and remains unconstructed.

RESPONSE: During a site tour on 20 August 2019, and in response to a subsequent written request dated 11 September 2019, EMS Chief Mokracek has indicated that the Mono County Emergency Medical Services (EMS) Department has adequate service capability to provide emergency medical services to this site, including the proposed project elements, as well as the existing and previously approved project elements. Chief Mokracek also indicated that no new or additional resources are needed by his Department to provide EMS services to the project.

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

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

RESPONSE: In response to the comment offered by LVFPD, a new Mitigation Measure SVCS 5.8(a-2) has been added to require at least two defibrillators in the housing area; new requirements pertaining to the hotel and restaurant are outside the scope of this analysis (although the applicant does plan to provide defibrillators in the hotel). The new mitigation is provided below:

NEW MITIGATION SVCS 5.8(a-2) (Defibrillators): At least two 'Automated External Defibrillator' units (also known as a portable defibrillators) shall be maintained in good working condition at the housing area. At a minimum, one Automated External Defibrillator unit shall be provided at the day care center (at the north end of the housing complex), and a second unit at the southeastern-most housing structure. The onsite Community Housing Manager shall receive training in use of the portable device. The onsite housing manager shall also be trained in emergency shutdown, and take responsibility for scheduling an annual walk-through."

ATTACHMENT J

WILDLIFE IMPACT REPORT CONCLUSIONS INCLUDING DEER MIGRATION

SOURCE: Excerpts from DSEIR §5.3 (Biological Resources) and from FSEIR Topical Response #5 (Deer Migration and Crossing) FSEIR pages 84-86).

- **From DSEIR §5.3 (Biological Resources), page 5.3-15:** “Mule deer are considered important harvest species by the CDFW. Mule deer herds in Mono County are defined by their pattern of movement between summer and winter ranges. Lee Vining Canyon in the vicinity of the Tioga Inn project site is used for migration by a significant fraction of the Casa Diablo Herd. Detailed, repeated-measures study of the magnitude and spatial patterns of deer movement both in and near the project area has identified a traditional migration corridor that passes within one-half mile to the south. The project area and nearby slopes are not within an identified migrational holding area, but it is known that summer residency is normal in lower Lee Vining Canyon. It is possible that some deer use the remaining habitat at Tioga Inn for spring and fall migration during the periods April to June and October to November, and for foraging during summer residency.

Studies in support of the original EIR for Tioga Inn found that the project area, in contrast to the identified migration corridor, is not highly used and itself “is of little importance” as a migration corridor. At that time, the perception of a diminished pattern of deer use in the project area was attributed to disturbance caused by on-site tourists and the lack of required concealing cover. It is reasonable to assume that deer use of the project area has not increased either for migratory passage or for summer residency in the interval since the prior on-site study. As in 1992, deer trails were not found during thorough survey of the entire property in 2017. Deer sign was scattered, and only one individual was seen in the project area. More generally, negative impacts to the available habitat have brought about changes that do not favor deer use. Uniform scrub dominated by bitterbrush, as described on-site in 1992, has been displaced and has become highly fragmented due to prior phases of Tioga Inn development. Habitat that has become degraded due to wildfire extends well off-site, and concealing cover provided by the pinyon woodland of upper slopes adjacent to the project has not recovered. The grouping of occupied residences located near US 395 at a distance of 2500’ outside of the study area has expanded, potentially creating new restrictions for wildlife access to the project site from the south. US 395 has been expanded and widened, now presenting a divided, four-lane barrier to wildlife movement to and from the study area. The disturbed and increasingly isolated habitat in and immediately adjacent to the site appears now to only marginally provide for the requirements of mule deer that reside in the area or that pass through during migration.

- **From DSEIR §5.3 (Biological Resources), Impact BIO 5.3(d), page 5.3-21/22:** **IMPACT BIO 5.3(d):** Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede use of native wildlife nursery sites?

SIGNIFICANT AND POTENTIALLY UNAVOIDABLE ADVERSE IMPACT. Domestic pets, especially dogs and cats, are expected with the new housing tenancy. It is unrealistic to expect that these animals will be restrained, and wandering pets potentially will be an important new predatory limitation that is imposed on the environment stretching for some distance beyond the project footprint. Cats, for example, could extirpate the breeding Brewer’s sparrow population that currently appears to utilize scrub just outside the project area to the north and east. Dogs could harass terrestrial wildlife including American badger and mule deer, and cause increased crossings and potential for collision at US 395.

Mule deer were observed on-site, and their tracks or droppings were seen in all habitat types. The project incrementally narrows one possible route that deer of the Casa Diablo Herd could use to move into and out of Lee Vining Canyon during migration. Effective closure will be somewhat more extensive, given that the new housing and increased tourist visits will add noise, necessitate night lighting, and introduce free-roaming pet dogs to the habitat formerly available for relatively unobstructed deer use. Meanwhile, forage and concealing cover availabilities have declined since 1992, when detailed study concluded that on-site deer use is generally low and ancillary to a major movement corridor that is located well off-site to the south and east.

It is possible that the mortality of deer that enter the property could be increased as a result of project effects that increase crossings of the highways, especially the 4-lane US 395. Collision, especially along US 395, is considered one of the main causes of deer mortality in Mono County. CDFW has developed specific plans for deer herd management that emphasize the importance of designing projects with a minimum of new barriers to migration are emplaced. The proposed project will create a significant new physical barrier to deer movement. Housing and tourism-based facility operations will increase daily human activity, and generate noise and new night lighting. Domestic dogs off-leash will tend to harass wildlife and drive deer onto roadways. Provided below are measures that would reduce potential impacts to less than significant levels.

Other wildlife, including locally occurring coyote and bears, could be subject to increased mortality due to highway crossings if the new project residences and facilities create an attraction such as a dependable or even occasional food source. Attractions could include household garbage, domestic pets, or stored food items. Diligent exclusion is the only effective means to avoid creating an attractive but dangerous new resource for opportunistic wildlife. As can be seen in Appendix I, the Biological Assessment included a mitigation measure that would establish a protected corridor, redesignated FROM Open Space-Facilities TO Open Space-Preserve, between US 395 and all project elements. The corridor location would be as illustrated very generally in Exhibit 5.3-5 below.



EXHIBIT 5.3-5. Corridor to be maintained as Open Space.

Before release of the Draft SEIR, these mitigation recommendations were incorporated into the project proposal resulting in a changed Land Use and Open Space Plan.

Designation of the protected corridor as 'Open Space-Preserve' indicates that uses in this area shall consist of improved or undisturbed landscaped areas consisting of native materials, wherein physical development will (with the exception of one reclaimed water pump station) be limited exclusively to underground utilities as well as any existing improvements and prior entitlements; note that the projected corridor applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses. As noted in the Biological Assessment, this protected corridor in tandem with the Pet Kennel and Pet Leashing requirements in Mitigation Measure 5.3-(a-5) will redirect deer movements to the east and south of the new housing area (rather than back across highways) and reduce potential project impacts to less than significant levels. Note that implementation of the protected corridor will not be sufficient to reduce 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, as outlined below in Mitigation Measure BIO 5.3(d-5). Because there is no assurance that efforts will be successful to obtain funding for a deer passageway, this cumulative impact is considered significant and potentially unavoidable.

Mitigation BIO 5.3(d-5) (Deer Passage; Cumulative Impact Mitigation Measure): Caltrans installation of a deer passage along the US 395 culvert at Lee Vining Creek would significantly reduce the frequency of unsafe deer crossings in the project area, and associated collision hazards to deer and to motorists. Caltrans has installed deer crossings at other streams along the migratory portion of US 395, with significant benefits. If the Tioga Workforce Housing Project is approved, the applicant intends to collaborate with Mono County Community Development Department to submit a Sustainable Communities grant application under the Rural Innovation Project Area (RIPA) program. A priority use of

program funds, if awarded, will be to develop a safe pedestrian and cycling access route between the project area and Tioga Workforce Housing Draft Subsequent EIR Biological Resources 5.3-24 the community of Lee Vining. This access route will be designed to incorporate a deer passage along the US 395 culvert at Lee Vining Creek.

NOTE: Following consultation with Caltrans during September 2019, Mitigation BIO 5.3(d-5) was found to be infeasible, as described in Attachment A1 and in the excerpt (at this end of this Attachment) from FSEIR Topical Response #5.

- FROM DSEIR (6, Cumulative Impact Analysis for Biological Resources) DSEIR pages 6-2 and 6-3):

TABLE 6-1: Potential Cumulative Effects of the Tioga Workforce Housing Project																	
TOPICAL ISSUE	POTENTIAL EFFECTS OF HOTEL & RESTAURANT AS IDENTIFIED IN THE 1993 FINAL EIR	EFFECTS OF THE CURRENT WORKFORCE HOUSING PROJECT	CUMULATIVE EFFECTS OF THE 1993 & CURRENT PROJECTS COMBINED														
Biological Resources	<p>The 1993 Draft EIR found that the project would adversely affect deer populations in a number of ways including habitat degradation, competition for scarcer resources, greater vulnerability to predators, changed migration routes, and increased stress and physiological impacts resulting from the changes. Mitigation measures included the establishment of open space areas that would continue to be available for grazing, routing of onsite trails to avoid deer forage areas, reduction in the use of heavy equipment during migration periods, prohibition against off-road vehicle access, and provision for kennels and pet areas to limit pets from roaming freely.</p> <p>The vegetation and rare plant survey concluded that no rare or endangered plants, plants of special concern, or other significant plant communities would be impacted by the project.</p> <p>The DEIR identified one significant cumulative effect on biological resources: <i>“Increased use of habitats within and adjacent to the project area which are less suitable for migration, foraging and fawning. This could also create excessive crowding and increased competition for resources which could result in over-utilization of the adjacent habitats. This is potentially a significant cumulative environmental effect.”</i></p> <p>The mitigation measure and cumulative impact were again stated in the Final EIR summary discussion</p>	<p>Impacts to shrublands on the project site will be temporary and associated with installation of the subsurface irrigation system. Direct impacts to the Masonic rockcress and few-flowered woollystar populations are very unlikely. The project area currently supports nesting birds including part of a locally dense nesting population of Brewer’s sparrows. Nesting birds are protected under CDFW code and Migratory Bird Treaty provisions, and mitigations will reduce impacts to less than significant levels. Project mitigations will reduce impacts to the American badger population, a species of concern, to less than significant levels. Surveys conducted in 2017 found recent sign of burrowing by American badger, which is a CDFW Species of Concern.</p> <p>Mule deer were observed on-site, and will be adversely impacted by proposed project elements. The project incrementally narrows one possible route that mule deer could use to move into and out of Lee Vining Canyon during migration, and the new elements will add noise, night lighting, and free-roaming pet dogs to habitat that formerly was available for relatively unobstructed deer use. Forage and concealing cover will further diminish, contributing to a long-decline in local deer use; impacts are significant and potentially unavoidable.</p>	<p>Upon full implementation of the previously approved and the proposed new Tioga Inn project elements, the fragmented shrublands communities of the property will be permanently reduced to about 75% of their current distribution, with about half of these stands situated in a clearly isolated position between the project and the highways. In addition, 20% of remaining cover will have been temporarily disturbed. Table 6.2 below summarizes direct and cumulative acreage permanent impacts to native plant communities on the project site.</p>														
	<p>TABLE 6-2. Direct & Cumulative Acreage Impacts to Native Plant Communities on Site.</p> <table border="1"> <thead> <tr> <th></th> <th>Big Sagebrush Scrub</th> <th>Great Basin Mixed Scrub²</th> </tr> </thead> <tbody> <tr> <td>Existing Acreage</td> <td>57.9</td> <td>12.6</td> </tr> <tr> <td>Impact of 1993 Approvals</td> <td>4.0 acre loss</td> <td>0.8 acre loss</td> </tr> <tr> <td>Impact of Current Project</td> <td>6.5 acre loss (18.0%)</td> <td>No loss (6.0%)</td> </tr> <tr> <td>Cumulative (combined) Impact</td> <td>10.5 acres (18.1%)</td> <td>13.4 acres (6.3%)</td> </tr> </tbody> </table> <p>With respect to mule deer, the analysis indicates that past land use changes (particularly the widening of US 395) and habitat loss and fragmentation have substantially marginalized the value of local resources. The cumulative effects of approved but as-yet undeveloped and proposed new land uses will create significant new physical barriers to deer</p>				Big Sagebrush Scrub	Great Basin Mixed Scrub ²	Existing Acreage	57.9	12.6	Impact of 1993 Approvals	4.0 acre loss	0.8 acre loss	Impact of Current Project	6.5 acre loss (18.0%)	No loss (6.0%)	Cumulative (combined) Impact	10.5 acres (18.1%)
	Big Sagebrush Scrub	Great Basin Mixed Scrub ²															
Existing Acreage	57.9	12.6															
Impact of 1993 Approvals	4.0 acre loss	0.8 acre loss															
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Cumulative (combined) Impact	10.5 acres (18.1%)	13.4 acres (6.3%)															

	of major findings, but the mitigation measures were not included in the Final EIR Summary Table E, and the cumulative effect on the deer herd was not identified in the FEIR discussion of cumulative Impacts (FEIR page 84).		movement, primarily through increased daily human activity, new noise sources, night lighting, and harassment from pets. CONCLUSION: SIGNIFICANT cumulative impact on sensitive & migratory species.
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- FROM FSEIR TOPICAL RESPONSE #5 (Deer Migration and Crossing):** *During preparation of the Biological Assessment for this project, the project biologist (Dr. James Paulus) analyzed direct and cumulative project impacts on wildlife movement. He concluded that the project could worsen deer mortality due to increased highway crossings, particularly across US 395, and found that the project as originally proposed in 1993 would, when fully built out, create a significant new physical barrier to deer movement. Dr. Paulus noted that diligent exclusion of plants that attract wildlife (along the freeway corridor) would be the only effective means to avoid creating an attractive but dangerous new resource for opportunistic wildlife. To reduce this potential impact...a protected corridor... was incorporated into the project proposal... The biologist concluded that the protected corridor, in tandem with the Pet Kennel and Pet Leashing requirements contained in Mitigation Measure 5.3-(a-5), would redirect deer movements to the east and south of the new housing area (rather than back across highways) and thereby reduce the potential direct project impacts on wildlife movement to less than significant levels.*

Dr. Paulus also concluded, however, that implementation of the protected corridor would not be sufficient to reduce cumulative project impacts on deer migration [and] recommended creation of a dedicated deer passageway; this recommendation was outlined in Mitigation Measure BIO 5.3(d-5)...

In its comment letter on the DSEIR, Caltrans stated that "there is currently no nexus for a deer passage at the US 395/ Lee Vining Creek culvert" and referenced the 2016 Wildlife Vehicle Collision Reduction Feasibility Study Report. 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'), each of which is tabulated and ranked in Table 4-4 in terms of deer mortality per mile.

TABLE 4-4. US 395 DEER MORTALITY HOT SPOTS IN MONO COUNTY (2002-2015)

Hot Spot Ranking	Name	Location by Post Mile ¹	Hotspot Length (miles)	Total Mortality	Mortality per Year	Mortality per Year per Mile	Comments
1	Mt. Morrison Rd - Benton Crossing Rd	19.7-20.3	0.47	79	6.1	12.93	Located within the focus area
2	McGee	18.6-19.6	0.43	55	4.2	9.84	Located just north of McGee Maintenance Sta. & in the focus area
3	Hot Creek Hatchery Road	22.83-23.24	0.41	34	2.6	6.38	Just North of Hot Creek Hatchery Rd.; south end of snow fence
4	Buckeye Road	80.75-81.49	0.74	58	4.5	6.03	Located 0.4 miles north of Buckeye Road
5	Junction US395/SR203	25.6-26.0 0.4 26 2 5	0.4	26	2	5	Between SR203/US395 intersection & Mammoth Ck.
6	Bodie Road (SR 270)	69.41-69.85 0.44 26 2 4.5	0.44	26	2	4.5	Jct. Bodie Rd & US 395 & .35 miles s/o Bodie Rd

¹ The project site is located at US 395 Post Mile 50.744.

The US 395 segment between Mt. Morrison Road and Benton Crossing Road (in the vicinity of the Mammoth-Yosemite Airport) is the segment with top priority for a wildlife crossing, followed by the other five hotspots shown in Table 4-4. The project area is not a hot spot, and so it is not identified by Caltrans as a priority for wildlife crossings in Mono County due to the relatively low number of deer-vehicle collisions in this area compared to other segments of US 395, and the priority to use funding resources where deer-vehicle collisions are highest. Deer mortality rates on US 395 in Mono County from 2002-2015 are shown in Exhibit 4-6 on the following page. Please note that the US 395/SR 120 intersection is located at US 395 Post Mile 50.744.

The project area is thus not among the areas that will be considered for a future wildlife passageway. Caltrans has also indicated that the Lee Vining Creek corridor would not likely provide a suitable wildlife crossing location, even if identified as a priority location, due to difficult US 395 roadway geometrics, and SCE facilities along Utility Road. Based on the foregoing, the intent to seek grant funding for construction of a wildlife crossing is no longer part of the project proposal. This FSEIR retains the DSEIR conclusion that the direct project impacts on deer movement would be less than significant, and that the cumulative impacts would be significant, adverse and unavoidable.²

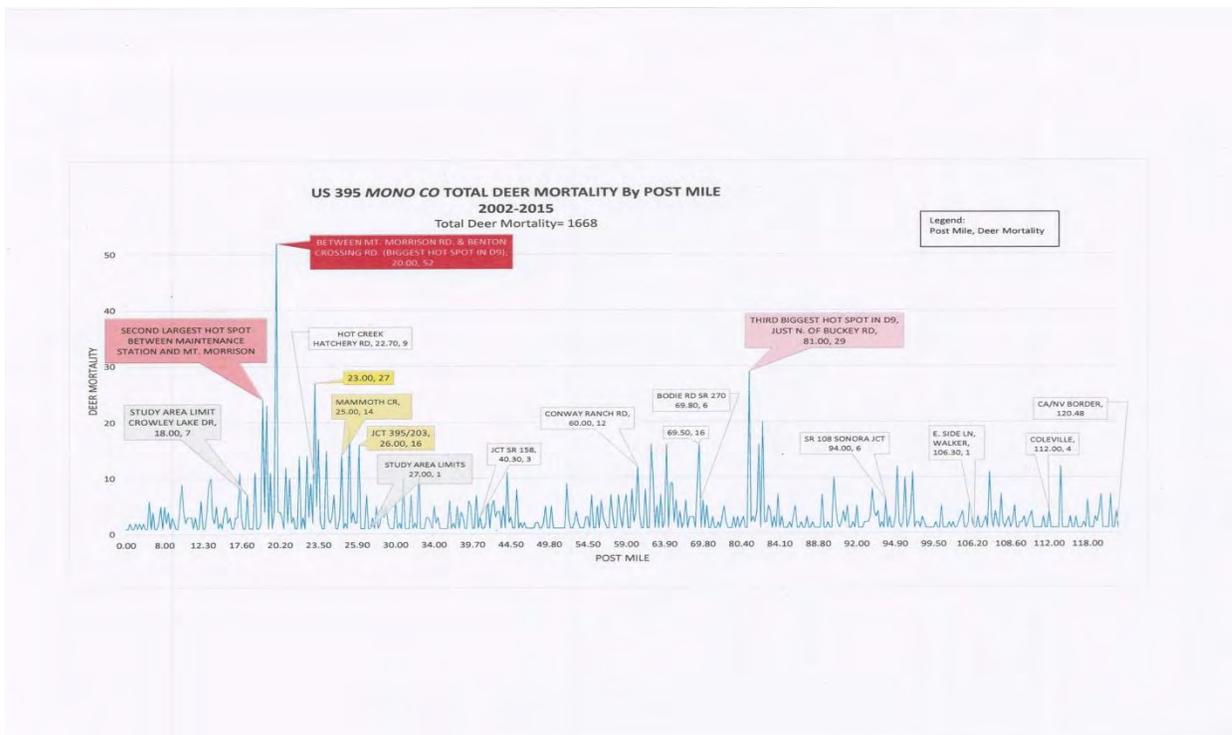


EXHIBIT 4-6. US 395 (Mono County) Total Deer Mortality by Post Mile

² Please note, that the significance determination is based on a conservative understanding of available information. The 1993 EIR Biological Assessment, prepared by Tim Taylor, stated that "Detailed, repeated-measures study of the magnitude and spatial patterns of deer movement both within and near the project area has identified a traditional migration corridor that passes within one-half mile to the south" [[of the project site]], and "Studies in support of the original environmental impacts analysis for Tioga Inn found that the project area, in contrast to the identified migration corridor, is not highly used and itself 'is of little importance' as a migration corridor." (Taylor, 1992) Furthermore, Caltrans existing data shows that most deer movement does not conflict with the project area. Caltrans finds that there is little evidence to show that project buildout would create a significant, adverse, unavoidable impact to deer migration: deer that are already using established migration routes south of project area would be minimally impacted, and the remaining mitigation measures should be sufficient to keep the corridor open to deer movement without causing additional conflict.

ATTACHMENT K1

NOTES FROM INITIAL CONTACT WITH ESUSD

SOURCE: Sandra Bauer notes from Sandra Bauer's initial contact with ESUSDR text excerpts concerning project use of solar power.

Eastern Sierra Unified School District
760.932.7443
18 June 2018
OBTAIN OR VERIFY SCHOOL GENERATION FACTORS

1. Present brief project summary:

150 Bedrooms
100 Units

35	Studio
25	1-bedroom
20	2-bedroom
20	3+ bedroom

POPULATION: 300 (HUD, worst case)

SCHOOL AGED CHILDREN based on 2010 Census for Lee Vining:

12	5-9 year olds
22	10-14 year olds
= 34	ELEMENTARY v 102 in 2013-14

28	15-19 year olds
= 28	HIGH SCHOOL v 54

ANY QUESTIONS ABOUT THE TIOGA PROJECT?

A: Kat says that this Q should be directed to Molly Nugent, Business Manager

(Molly has left for the day, and won't be in on Wednesday (she's in only on Monday and Tuesday).

BUT I can send her an email with my questions: mnugent@esUSD.org

No need to copy Kat on my email to Molly.

What is existing Elementary Population? 100

Existing High School Population? 35

What are student generation rates? Kat is not aware of any specific student generation rates.

Your name to use as source for existing student population: Kat Mullinax, ESUSD

Current rates: total in Lee Vining Elementary 100 (includes 16 8th graders) K ~ 10-15

Total in Lee Vining HS 35 this year (was 19 last year), 37 next year (goes up and down)



From: Sandra Bauer <Sandra@bpesinc.com>
Sent: Monday, June 25, 2018 9:08 AM
To: Mollie Nugent <mnugent@esud.org>
Cc: Gerry LeFrancois (glefrancois@mono.ca.gov) <glefrancois@mono.ca.gov>; Wendy Sugimura (wsugimura@mono.ca.gov) <wsugimura@mono.ca.gov>; Dennis Domaille (dennisdomaille@yahoo.com) <dennisdomaille@yahoo.com>
Subject: School Generation Rates for a Proposed Workforce Housing Project at the Tioga Mart

BPES

25 June 2018

Molly Nugent, Business Manager
Eastern Sierra Unified School District
mnugent@esud.org

Dear Ms. Nugent,

My firm (Bauer Planning and Environmental Services, Inc.) is under contract to Mono County to prepare a Subsequent EIR for the proposed Tioga Workforce Housing Project. The project incorporates a residential component, and I am sending this letter to you in hopes of obtaining information about applicable student generation rates, and potential project impacts on Eastern Sierra Unified School District resources.

The proposal encompasses multiple elements, many of which were approved by the County in 1993 following certification of the EIR and Specific Plan. The approved project, as reflected in the 1993 documents and subsequent plan amendments, included the gas station, the convenience store and deli, a maintenance building, water storage tank and propane tank, septic system, parking and signage (all of which have since been built), and a 120-room hotel and full-service restaurant on the 'flagpole' promontory (the latter uses have not yet been constructed).

A Notice of EIR Preparation was provided to the public in October 2016, indicating that the project included modifications to the 120-room hotel and full-service restaurant, as well as the workforce housing and other modifications. The proposal was revised following receipt of NOP comment letters, and no longer incorporates changes to the approved hotel and restaurant.

As now proposed, the project would provide up to 150 new workforce housing bedrooms as well as a third gas pump island, additional parking, expansion of the onsite septic system with addition of a greywater reclamation system for non-septic wash-water, replacement of the existing water storage tank with a new and slightly larger tank on a nearby site, a second 30,000-gallon onsite propane tank, modified boundaries and acreage of designated open space, and modified parcel boundaries.

We have developed an estimate of the number of school-aged children that would be generated by the workforce housing project, if approved. The estimate indicates 34 future elementary students and 28 future high school students, based on an anticipated total onsite population of 300 residents, and Census Bureau age distribution data for Lee Vining residents, as shown in the table below.

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TABLE 5.10-XX. Anticipated Age Distribution of Tioga Workforce Housing Residents			
Age Distribution Category	2010 Lee Vining Population	As a Percentage of Lee Vining Population	Estimated Number of Workforce Residents each Age with 300 residents
Total Population	222	100%	300
Under 5 years	17	7.7	23
ELEMENTARY SCHOOL AGED POPULATION: 34			
5-9 years	9	4.1	12
10-14 years	16	7.2	22
Elementary Subtotal:	42		34
HIGH SCHOOL AGED POPULATION: 28			
15-19 years	21	9.5	28
High School Subtotal	21		28
TOTAL SCHOOL-AGED POPULATION IN PROJECT: 62			
20-29 years	46	20.8	62
30-39 years	31	14.0	42
40-49 years	25	11.3	34
50-59 years	33	14.9	45
60-69 years	15	6.8	20
70+ years	9	4.2	12
Median Age: 30.4 years			

We also looked at 'EdData' ESUSD enrollment figures (2013-2014) indicating that Lee Vining Elementary School had a total of 102 students^[1] and Lee Vining High School had a total enrollment of 56.^[2] The estimates indicate that the project would potentially increase attendance at Lee Vining Elementary School by one-third (from 102 as of 2013-14, to 136 with the project), and at the Lee Vining High School by half (from 56 as of 2012-14 to 84 with the project). As an aside, we have also estimated that the workforce housing would have a total area of 148,350 square feet, with associated level 1 developer fees of approximately \$562,250.

Thank you in advance for any assistance you can provide in verifying student generation rates and describing the potential impact of the additional students on ESUSD resources. I would welcome a call or email if you have any questions or would like to set a meeting to discuss the project. Full contact information is provided below.

With sincere thanks for your help,

Sandra Bauer

Sandra Bauer
 Bauer Planning and Environmental Services, Inc.
 714-397-3301
sandra@bpesinc.com

Sandra Bauer

From: Mollie Nugent <mnugent@esUSD.org>
Sent: Tuesday, June 26, 2018 9:03 AM
To: Sandra Bauer
Subject: RE: School Generation Rates for a Proposed Workforce Housing Project at the Tioga Mart
Attachments: School Fee Payment.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Sandra,

Thank you for contacting me about the workforce housing project at Tioga Mart. I have a couple of comments/questions regarding the information you've provided.

1. Currently, the Tioga Gas Mart is a seasonal business. The impact of the workforce housing on our enrollment would depend greatly on the year-round vs. seasonal nature of the employees housed. Your projection assumes that the population housed would mirror the age demographic of the community at large. This seems to assume that families will live there year-round, rather than seasonal workers, who would normally come with fewer children, living there in Spring – Fall only. Without knowing the details of the Domailles' plans, I would expect that some combination of the two will be the reality, and that the actual student impact on our schools will be lower than your estimates show. If your estimates hold true, we could experience a classroom space shortage at Lee Vining Elementary that would need to be addressed. Lee Vining High School currently has the capacity to house the projected student increase you indicate.
2. I'm not sure how you've calculated the developer fee impact? ESUSD charges significantly below the maximum allowed in CA. Attached is our current school fee payment worksheet. I calculate that 148,350 Sq. Ft. will generate \$231,426 at our current rate. This would be close to enough to add one portable classroom, should that be necessary.

Adding students whose families have access to stable, affordable housing is something ESUSD welcomes as enriching to our school community. If there is anything else I can do to assist, please don't hesitate to contact me.

Mollie Nugent

Business Manager
Eastern Sierra Unified School District
231 Kingsley Street
Bridgeport CA 93517
(760)932-7443



From: Sandra Bauer <Sandra@bpesinc.com>
Sent: Monday, June 25, 2018 9:08 AM

CONFIDENTIALITY NOTICE: This email together with any attachments is confidential, intended for only the recipient(s) named above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you

Sandra Bauer

From: Sandra Bauer
Sent: Tuesday, June 26, 2018 9:53 AM
To: 'Mollie Nugent'
Cc: Gerry LeFrancois (glefrancois@mono.ca.gov); Wendy Sugimura (wsugimura@mono.ca.gov); Dennis Domaille (dennisdomaille@yahoo.com)
Subject: RE: School Generation Rates for a Proposed Workforce Housing Project at the Tioga Mart

Dear Mollie,

Thank you for responding so promptly.

Based on the information in your letter, the EIR will:

1. Identify the project student generation rates as 'worst case' estimates;
2. Note that the added student population may result in a classroom space shortage at Lee Vining Elementary;
3. Indicate that Lee Vining High School currently has the capacity to house the added student population; and
4. Revise the estimated developer fee consistent with the current school fee payment worksheet.

Regarding the potential classroom space shortage at Lee Vining Elementary, would the school fee payments reduce the potential impact to less than significant levels? If not, what additional mitigation measures would be required of the applicant to address the shortage?

Thank you again for your assistance, Sandra

Sandra Bauer

From: Mollie Nugent <mnugent@esud.org>
Sent: Tuesday, June 26, 2018 10:03 AM
To: Sandra Bauer
Subject: RE: School Generation Rates for a Proposed Workforce Housing Project at the Tioga Mart

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Sandra,

Thank you for the update. The school fee payment will be sufficient to meet most of any student housing need generated. No additional mitigation will be necessary at Lee Vining Elementary.

Mollie Nugent

Business Manager
Eastern Sierra Unified School District
231 Kingsley Street
Bridgeport CA 93517
(760)932-7443





Eastern Sierra Unified School District

P.O. Box 575 – 231 Kingsley Street
Bridgeport, CA 93517
Telephone (760) 932-7443 – Fax (760) 932-7140

Heidi Torix

Superintendent

Board of Trustees

Ann Aylesworth
Jimmy Little
Ricky McCoy
Tim Sullivan
Bob Tems

April 14, 2020

Wendy Sugimura
Mono County Community Planning Commission
Community Development Director
PO Box 347
Mammoth Lakes, CA 93546

RE: Tioga Community Housing Plan and the impacts on the Eastern Sierra Unified School District

Ms. Sugimura and the Mono County Community Planning Commission,

Here at Eastern Sierra Unified School District (ESUSD), we open our doors and welcome each child as they come to us. Aside from student safety, our primary job is to educate our students to the best of our ability. In order do so, the district must ensure we have properly credentialed teachers, appropriate supplies and facilities, and appropriate class sizes (student-to-teacher ratio). ESUSD is funded by our property taxes (Basic Aid), not by ADA (Average Daily Attendance, or the number of students we have in seat). Since ESUSD is a Basic Aid school district, and because of our limited means of revenue, I'd like to address a few items put forth in the Subsequent Environmental Impact Reports dated June of 2019 and March of 2020.

As found in pages 5.5-22 and 5.5-23 (which addresses goal 12.A Improving Community-School Support), the plan points out that ESUSD will receive enough developer fees to cover a variety of costs including new facilities and community programs. To clarify, ESUSD would receive developer fees that could possibly cover the need of an additional portable classroom. These fees are restricted from being used

for salaries, which would be the on-going, unfunded cost the district would incur. Specifically, for grades K-3, California schools must follow Class Size Reduction which means that our class sizes cannot handle more than 24 students without having to hire an additional teacher. If we see an influx of students in our primary grades, the dollars don't automatically come with those students; instead, the district is forced to hire an additional teacher(s) with limited tax dollar revenues. Any additional programs that might've been mentioned in the creation of this plan are not budgeted in the districts multi-year budget; these programs would also be additional costs to the district.

Specific numbers of students and the impact on our Lee Vining schools is mentioned beginning in section 5.8 of the Environmental Impacts and Mitigating Policies and Actions Impact Services. Though ESUSD cannot predict the number of students this project could possibly bring, it should be stated that any influx of students will also have an impact on class sizes other than K-3. One must look at the significant difference of educating a classroom with less than 20 students versus a classroom with many more. Communication that occurred with our prior CBO, Mollie Nugent, (as mentioned in comments coming from ESUSD) should not be the sole basis of communication with the district. As noted, the discussion involves the infrastructure immediately needed should the project go through, not the on-going staff costs the district would incur.

It is not my intent to deter growth in Mono County as the school district is responsible for educating students, not building infrastructure. However, I want to be clear that as the Superintendent of ESUSD, I can say for certainty that additional students without equal funds to support staffing could put a great financial burden on our district.

If you have any questions, please do not hesitate to call me at (760) 932-7443, or email me at htorix@esUSD.org.

Sincerely,

Heidi Torix

Cc: Michael Draper, Planning Analyst
Cetera Rohl, ESUSD Chief Business Officer
Eastern Sierra Unified School District Board of Trustees

ATTACHMENT K4

ESUSD/MONO COUNTY CONFERENCE CALL TO DISCUSS PROJECT IMPACTS ON ESUSD

SOURCE: Minutes of 7 May 2020 conference call between ESUSD and Mono County to discuss ESUSD written correspondence of May 2020 and project impacts on ESUSD. Minutes reviewed and approved by both agencies.

Attendees:

- Heidi Torix: ESUSD, Superintendent
- Cetara Rohl: ESUSD, Chief Business Officer
- Wendy Sugimura: Mono County, Community Development Department Director
- Michael Draper: Mono County, Community Development Department Planner
- Sandra Bauer: Consultant for Mono County on Tioga Inn Specific Plan Project

Background:

- Sandra Bauer contacted the Eastern Sierra Unified School District office and was referred to Mollie Nugent, the previous Chief Business Officer, who provided email comments on the project. The County relies on the school district to direct us to the correct staff for input on projects.
- Heidi Torix expressed that the correct staff to provide input should have been the Superintendent and not the Chief Business Officer, and stated that she had not been informed by the prior Superintendent or Business Manager of the project-related communications.
- Sandra Bauer had sent the following estimated student generation rates to ESUSD:
 - 5-9 year olds = 12
 - 10-15 year olds = 22
 - High school age = 28

ESUSD Concerns:

- The number of projected new students may result in the need for up to two new teachers in order to maintain small class sizes and comply with CA's class size reduction requirements of no more than 24 students in grades K-3.
- Cost of new teacher is \$120,000-130,000
- Development impact fees cover one-time capital costs for infrastructure projects, but do not provide ongoing funding for a new teaching position; property taxes are the source of ongoing revenues (~75% of budget).
- The previous statement by Mollie Nugent that DIF would cover the cost of a potential new classroom at that elementary school is not in dispute.
- School bus: no capacity to pick up extra students at Tioga Inn
- More students would not enhance the schools or educational quality
- Top priority is small class, preference is for 12-15 students per class
 - Example of Benton classes given: 18 students with 2 teachers

- Project threatens small class sizes
- A previous email from Mollie Nugent stated “Adding students whose families have access to stable, affordable housing is something ESUSD welcomes as enriching to our school community.” When asked if she agreed with this statement, Heidi Torix responded “No I don’t specifically agree to the verbiage ‘adding students’. I agree it’s ideal that our students have the best housing possible but more students still poses concerns for ESUSD.”

Property Tax Revenues:

- ESUSD receives 11-12% of 1% of assessed value, or approx. \$1,120 for every \$1 million of assessed value
 - As an example, a \$6 million project results in approximately \$7,000/year for the school district
- Property taxes make up 75% of the school district budget
- Average Daily Attendance (ADA) school receives funding per student, Basic Aid school receives funding from property tax. Use whichever provides more funding to school.
 - ADA schools generally have larger classes because funding per student does not cover costs per student

Lee Vining Elementary School:

- K-3 maximum student standard = 24 students
- Most classes are combined grades: TK-K, 2-3, 3-4, 5-6, 7-8. Only 1st grade is not a combo class.
- An additional 10 students in Kindergarten would require a new teacher
- Current enrollment: K-4 = 16-22 students per class, 5/6 = 28, 7/8 = 26

Lee Vining High School

- 4 FT teachers have 6 classes and one prep period
- Increase in students could require more combo classes which are not preferred
 - More combo classes could result in cutting other classes, such as AP classes
- HS doesn’t offer a lot of electives because of small student population
- No maximum numbers for HS classes. Urban areas = 35-40 students. Eastern Sierra (incl. Mammoth) = 15-30, Lee Vining = ~15 students
- Classes that do not lend themselves to combos = English, math (due to 3-year integrated program), science (3-year integrated program)
 - Colleges requiring 3 years of math and science, so need for sufficient college prep
 - Integrated program not required but provides the best education
- 3-4 AP Classes offered
- Cerro Coso classes encouraged, can graduate with AA degree
- Electives okay for combo classes; challenge is conflict with core classes held at same time

Potential Mitigation Measures

- Development Fees: can’t be increased without new nexus study and based on capital projects, does not account for ongoing staff costs
- Property taxes may not fully fund one or more new teachers
- ESUSD can’t identify any mitigation measures that would lessen project impacts on ESUSD school services; only solution suggested is for ongoing funding to be provided into perpetuity.

ATTACHMENT L

ANTICIPATED TAX REVENUES FROM PROPOSED PROJECT AND APPROVED BUT UNBUILT ELEMENTS OF THE TIOGA SPECIFIC PLAN¹

TAX REVENUE SOURCE	ESTIMATED ASSESSED VALUE	COUNTY TAX SHARE AND REVENUE
COMMUNITY HOUSING		
PROPERTY TAXES	<ul style="list-style-type: none"> Total new square feet: 63,600 Construction cost if grant supported: \$350/square foot = \$22,260,000 Construction cost if no grant funds: \$280/square foot = \$17,808,000² 	\$22,260,000 x 1% = \$222,600/year new County tax revenue
HOTEL		
PROPERTY TAXES	<ul style="list-style-type: none"> Construction cost based on an estimated \$221,000 per hotel room = \$26,520,000³ TOTAL ASSESSED HOTEL VALUE 	\$26,520,000 x 1% = \$265,200/year new County property tax revenue
TRANSIENT OCCUPANCY TAXES	<ul style="list-style-type: none"> June through October: 100% occupancy @ \$200/night x 120 rooms = \$3,600,000 revenue November through May: 30% occupancy @ \$150/night x 120 rooms = \$1,134,000 revenue ANNUAL TOTAL=\$4,734,000 	\$4,734,000 x 12% TOT Tax rate = \$568,080/year new County TOT revenue
FULL SERVICE RESTAURANT		
PROPERTY TAXES	<ul style="list-style-type: none"> Based on average \$500/square foot construction cost⁴ based on 5,000 square feet⁵ = \$2,500,000 	\$2,500,000 x 1% = \$250,000/year new County property tax revenue
SALES TAXES	<ul style="list-style-type: none"> 1992 Fiscal Impact Report estimated \$4,150,000 in annual sales taxes. Inflation since 1992 = 83%. \$4,150,000 + 80% (3,320,000) = \$7,470,000 TOTAL ANNUAL SALES 	\$7,470,000 annual sales x 1.25% = \$93,375 new County sales tax revenue
COUNTY TAX REVENUE ESTIMATE SUBTOTAL: \$1,399,255		
GAS STATION		
GASOLINE	<ul style="list-style-type: none"> The existing 2-island gas station has annual sales revenues 	\$648,000 x 3.5% = \$22,600

¹ Source: Greg Jennison and Matthew Lehman provided overall guidance on how to estimate County tax receipts from the proposed Tioga project elements.

² The construction cost estimates reflect the expectation that grant funds would require union labor. The estimate for non-grant funded construction incorporates a 20% wage reduction for nonunion labor. (Source: Greg Jennison and Matthew Lehman)

³ Source: Assets America, What Does it Cost to Build a Hotel? (<https://assetsamerica.com/cost-to-build-a-hotel/>): Cost of Building a 3-Star Hotel: "A 3-star hotel is an average property offering select services. Unsurprisingly, there are many variables that affect the cost of building a 3-star hotel, including location, nearby competition, Dining facilities, Banquet/conference room, Lobby lounge, Swimming pool/gym. Many of these features are standard on 4-star and 5-star hotels but remain optional on 3-star properties. A survey of select-service hotels found that development costs were \$221,000 per room. For a 100-room hotel, the average cost of a 3-star hotel works out to \$22.1 million."

⁴ Source: Aaron Allen & Associates, Global Restaurant consultants, How Much does it Cost to Open a Restaurant, <https://aaronallen.com/blog/cost-of-opening-restaurant>: "Costs and revenues vary by category, concept, cuisine, geography and the economies of the business and entrepreneur. Typical restaurant build-out costs range between \$150 – \$750 per square foot, depending on the quality of materials used, construction costs, and other factors. The total investment (excluding land and soft costs) usually ranges between \$250,000 – \$2.5 million, and the average size ranges between 1,200 – 10,000 square feet."

⁵ For the full service restaurant land use, the Tioga Specific Plan allows a maximum of 100 seats in a maximum 5,000 square foot interior dining area. The Specific Plan also allows seating on the exterior deck but does not specify the square footage or number of seats; the exterior deck area and seating are not included in these tax calculations.

TAXES	of approximately \$6,000,000, including sales in the deli. The property owner anticipates that addition of a 3 rd gas island would increase revenues by about \$1,000,000/year total (including gasoline and deli sales). The third gas island would generate an estimated 9,000 gallons per week in additional gasoline sales. During the peak summer season (when most gasoline sales occur), this would have a taxable value of \$64,8,000 (16 weeks x 9000 gallons per week x \$4.50/gallon = \$64,8,000). The County is estimated to receive 3.5% of the total tax value. ⁶	
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TOTAL COUNTY TAX REVENUE ESTIMATE: \$1,421,855⁷

⁶ Source: California Legislative Analyst's Office (https://lao.ca.gov/Transportation/FAQs#What_Taxes_Apply). According to the LAO, the 2018 average state and local sales tax rate on gasoline was 3.5% (ranging from 2.55% to 5.25 %). The statewide average is used in estimating Mono County receipts.

⁷ The 1993 Economic and Fiscal Impact Analysis (Attachment C1) estimated that the project would generate \$304,000 to the County in additional revenues, plus one-time fees estimated at \$133,120. The revenues in this Attachment L **do not include one-time fees**.

ATTACHMENT M1

PROJECT IMPACTS ON AESTHETICS

SOURCE: Excerpts from FSEIR Topical Response #1, Aesthetics, Alternative 6, FSEIR pages 64-71.

"The proposed housing design has been substantially modified in response to the suggestions and recommendations offered by the community. The modified plan ... referred to as "Alternative 6" or 'Modified Plan,'... is identified in this FSEIR as the preferred alternative. Substantive changes include:

1. FORM, NUMBER AND ORIENTATION OF HOUSING STRUCTURES: As shown in Exh. 4-1, the modified plan shows a total of 11 residential structures, 4 fewer structures than were shown in the original Concept Plan. In place of the more rectilinear forms shown in the original plan, units in the modified plan are rectangular (some are almost square) in shape, with the narrowest building wall oriented toward US 395; in the original plan, the longest building walls were oriented to US 395. Additionally, the Modified Plan provides additional separation between the buildings to reduce massing. In combination, the changed form, number and orientation of housing structures substantially reduce the surface area of walls and roofing with an eastern exposure. These modifications also substantially increase the surface area of roofing with a southerly exposure, thus enhancing the efficiency of the solar panels to be located on all south-facing roofs.

2. REVEGETATION OF DISTURBED AREAS: The entire housing footprint will be graded in one phase, and all of the graded lands (except for the area to be constructed in Phase I) will be planted directly following grading. A new Mitigation Measure has been developed with specific details regarding the revegetation of temporarily disturbed lands...

NEW MITIGATION 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 8-13), 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 feet 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 as shown in Specific Plan Exhibit 8-2) 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 application prior to flowering and seed production. 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.*

Alternative 6 incorporates 3'-high berms below each of the main residential parking lots [that will be] landscaped to further screen the residential units, block direct views of residential lighting from US 395, and filter the indirect glow of night lighting. Concept Landscape Standards (Table 7-12) require that screening trees and shrubs be planted to provide a visual break... and to reduce the appearance of residence height and bulk as seen from US 395.

3. REPLACEMENT OF 2-STORY ELEVATIONS WITH 1-STORY ELEVATIONS: Whereas the original plan showed all 11 housing structures with 2 stories, six of the 11 housing structures in the Modified Plan are proposed as 1-story structures. The proposed 1-story structures comprise all of the lower (i.e., southeastern-most) buildings. The 5 housing structures on the upper row will remain as 2-story buildings. The roofline exposure of the 6 structures on the lower row would be substantially attenuated by the change from 2-stories to 1 story, as described more fully below under 'Grading.'

4. GRADING: Graded elevations along the E-most housing grading line have been lowered by [about] 2 feet, to more fully "sink" the units into the hillside (see Exh. 4-2, Alternative 6 grading plan). Additionally, Alternative 6 shows 2 rows of housing structures (each with the parking area adjacent and downgradient) whereas the original plan had four rows of housing structures, with parking between the upper and lower 2 rows. Cross sections are provided with the Modified Concept Plan to show line of sight between the units & US 395. As shown in Exh. 4-3, the lower pad elevations allowed views from US 395 to be largely eliminated, with only 1' of roofline (for the 1-story E-most units) visible from US 395.

The lowered profile, in combination with the redesign of the most prominent structures as 1-story building rather than 2-story structures, also minimizes the line of sight (and thus site visibility) from Navy Beach. As shown in Exhibit 4-4, the project site would be entirely screened from view at the South Tufa parking lot, due to an intervening ridgeline. Views of the lower six 1-story units would also be entirely screened from view at Navy Beach; however, all of the 5 two-story upper structures would remain visible from this vantage point and from the South Tufa Beach, though at a distance, since South Tufa and Navy Beach are separated from the site by about 4 miles).

5. BERMS: An analysis was conducted to determine whether a consolidated landscaped berm below the lower row of units (i.e., on the downslope hillside east of the housing development) would provide for additional screening. It was determined from the line-of-sight drawings that a downslope berm would not eliminate either the 1-foot roofline view from US 395, or the view of the upper two-story units as seen from Navy Beach. Since the addition of berms in this location would require [added] grading and earthwork and leave a short-term berm scar, without...lessening...visibility from offsite locations, this option was eliminated from further consideration. Alternative 6 retains the landscaped berm...that provides visual screening between the housing area and the full-service restaurant, and incorporates a new landscaped berm below each of the residential parking lots to block direct view of project lighting from offsite locations and to provide additional screening.

6. COLORS AND MATERIALS: The original Tioga Inn Specific Plan requires that "All exterior materials shall be in harmony with the theme of a rustic, alpine appearance; ...roof materials shall be of dark muted colors, such as and not limited to "earthtone" or "green..." Specific Plan Amendment #3 will include a stipulation that all east-facing walls shall be painted in 'Shaker Gray' and all roofs will be constructed of materials with a dull finish and dark, muted colors.

7. PHASING: Phase 3 of the new phasing plan is comprised solely of units... on the upper (westernmost) row of housing structures. As noted in Topical Response #7 (Phasing), the structures in this row are the most visible of the units, due to their location at an elevation higher than the western row, and the fact that all are of two-story design (structures in the lower eastern row are all of one-story design). If housing demand is ultimately lower than projected and fewer than 100 units are constructed, the structures eliminated from construction will be drawn from the most visible group.

[8. UNIT SIZES:] Alternative 6 [also] changes to the unit interiors to increase the square footage for the studio units, and the 1- and 2-bedroom units. The added square footage will enhance the livability of units for future occupants...."

TABLE 4-2. Tioga Community Housing Unit Sizes				
	STUDIO	1-Bedroom	2-bedroom	3-bedroom
Unit Sizes as shown in DSEIR	320	470	650	1,000
Unit Sizes as proposed in Alternative 6	350	600	800	1,000
Square footage change	+9.4%	+27.7%	+23.1%	-0-

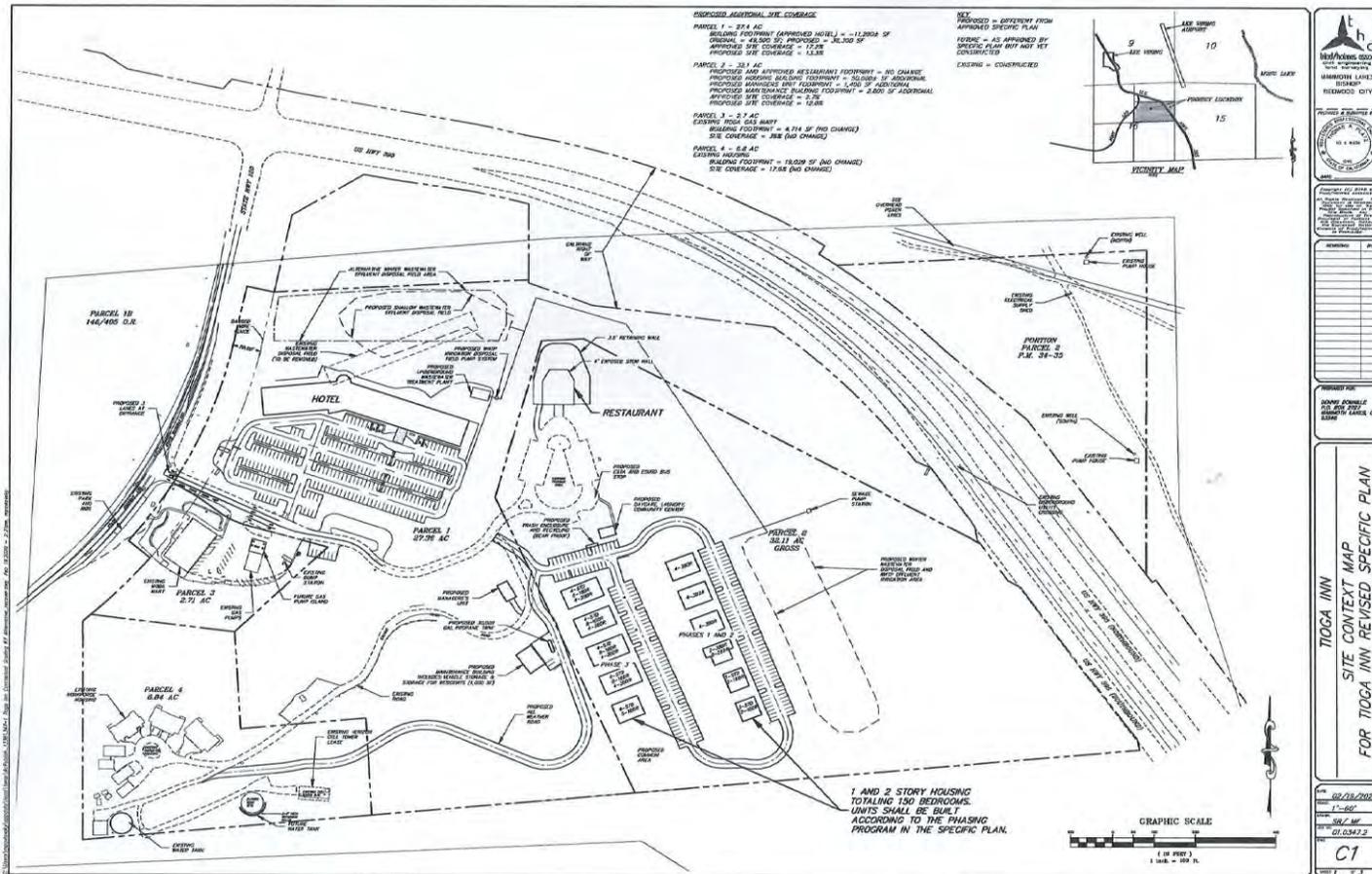


EXHIBIT 4-1. Alternative 6 Concept Plan

...Alternative 6 [also] incorporates changes to the unit interiors to increase the square footage for the studio units, and the 1- and 2-bedroom units. The added square footage will enhance the livability of units for future occupants...:"

TABLE 4-2. Tioga Community Housing Unit Sizes				
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ATTACHMENT M2

PROJECT IMPACTS ON LIGHT AND GLARE

SOURCE: Excerpts from FSEIR Topical Response #2, Light and Glare, Alternative 6, FSEIR pages 71-74)

"All lighting on the project site will be subject to requirements of the Mono County General Plan Chapter 23 Dark Sky Regulations [that identify] six specific objectives that include:

- To promote a safe and pleasant nighttime environment;
- To protect and improve safe travel;
- To prevent nuisances caused by unnecessary light;
- To protect night sky views;
- To phase out existing nonconforming fixtures; and
- To promote lighting practices and systems to conserve energy.

...The Tioga site poses challenging conditions not only because it is at an elevation higher than most of the Mono Basin scenic resources, but also because the gas station is open for 24-hours a day and thus requires lighting for safety, and because it is located in an area recognized for exceptional natural beauty and formally-designated scenic resources.

Chapter 23 requires use of lighting that minimizes contrasts in lighting levels between a project site and adjacent properties (which are, in this case, undeveloped). Chapter 23 includes the following partial list of requirements: (a) all lighting must be aimed downward or toward structures and retrofitted if needed to prevent glare, light trespass and light pollution, (b) use of low pressure sodium and mercury vapor lamps is prohibited due to energy use, and (c) outdoor lighting fixtures must use full cutoff luminaires with the light source downcast and fully shielded with no light emitted above the horizontal plane.¹

Chapter 23 also requires that an outdoor lighting plan be submitted in conjunction with design review, CUP applications, subdivision approvals, and building permits for any new structures. However, Mono County anticipates that the Project may not be subject to these requirements. To ensure that the significant concerns pertaining to project lighting are fully addressed, a new mitigation measure has been incorporated into the project as shown below:

NEW MITIGATION 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 Ch. 23 of the Mono County General Plan and provide detailed information including but not limited to: (a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted; (b) accent lighting shall be limited to residential accent lighting required for safety, and any up-lighting shall be prohibited; (c) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and (d) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.*

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

¹ Exceptions: fixtures with a maximum output of 100 lumens (equivalent to 1 10-watt incandescent bulb) may be left unshielded if the bulb is obscured from offsite view with a semi-translucent or frosted glass with an opaque top; and fixtures with a maximum output of 600 lumens (equivalent to 1 40-watt bulb) shall be fully or partially shielded using a solid or semi-translucent barrier provided the lamp is obscured from offsite view, produces no direct glare, and has an opaque top; and floodlights that do not meet the definition of 'full cutoff' may be used if permanently down-directed and no light projects above horizontal and fitted with external shielding to prevent glare and offsite light trespass.

- (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 motion sensors to trigger exterior lighting, and landscaping to shield offsite views of lighting. Further, the project shall be prohibited from allowing accent uplighting of architectural or landscape features, and prohibited from allowing 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.

As outlined in Mitigation AES 5.12(c-2), the Tioga project will be required to submit an Outdoor Lighting Plan and Mono County has authority to require additional information. The nature of the required additional information would be identified when and as needed to ensure that project lighting achieves the dark sky objectives, as applied to the exceptional circumstances of this site and this region. In addition to the Dark Sky requirements, the Tioga project is located within the 'Scenic Combining District' and subject to the standards therein. This overlay District regulates development in important scenic areas, and includes the following specific standards, all of which will apply to the proposed project:

"New development outside communities visible from State Scenic Highway 395 [US 395] shall be additionally restricted by the following standards:

- A. The natural topography of a site shall be maintained to the fullest extent possible. Earthwork, grading and vegetative removals shall be minimized. Existing access roads shall be utilized whenever possible. Existing trees and native ground cover should be protected. All site disturbances shall be revegetated and maintained with plants that blend with the surrounding natural environment, preferably local native plants;*
- B. New structures shall be situated on the property where, to the extent feasible, they will be least visible from the state scenic highway. Structures shall be clustered when possible, leaving remaining areas in a natural state, or landscaped to be compatible with the scenic quality of the area;*
- C. To the extent feasible new subdivisions shall not create parcels with ridgeline building pad locations;*
- D. Roofs visible from State Scenic Highway 395 shall be a dull finish and in dark muted colors;*
- E. Vertical surfaces of structures should not contrast and shall blend with the natural surroundings. Dark or neutral colors found in immediate surroundings are strongly encouraged for vertical surfaces and structures;*
- F. Light sources in exterior lighting fixtures shall be shielded, down-directed and not visible from US 395;*
- G. Fencing and screening shall not contrast in color, shape and materials with the natural surroundings. The use of landscaping to screen utility areas and trash containers is strongly recommended; and*
- H. Signs shall be compatible with the natural surroundings in color and shape. They shall be small in scale. No sign shall be placed or constructed in such a manner that it silhouettes against the sky above the ridgeline or blocks a scenic viewshed. The number, type, size, height and design of on-site signs shall be strictly regulated according to the County sign regulations."*

Additional lighting measures that may be imposed by Mono County to ensure project compliance with the Scenic Combining District standards. Suggestions included in DSEIR comment letters, including window treatments and light colors that minimize impacts to birds and wildlife,² may also be considered during the Scenic Combining District compliance review.

Implementation of the Chapter 23 Dark Sky Regulations and Scenic Combining District standards will not reduce potential project impacts on light and glare to a less than significant level, but will ensure that light and glare from the Tioga Community Housing Project (and all other project elements, approved and/or constructed) is reduced to the maximum feasible extent."

²Alan Bade and Wendy Gollop recommended, in their comment letter dated 21 August, that exterior lighting "should not be blue-rich light...the warmer wavelengths have much less impact on birds...the spectral output should minimize blue emission (CCT<3000K)"; they also suggested consideration of bird friendly glass including "acid-etched glass, UV grids, Frit and films...to reduce the probability of bird impacts. The rule of thumb is to have no more than a 2"x4" space of clear glass, with at least 1/8" etched or UV printed lines."

ATTACHMENT N

CONTROL OF DUST EMISSIONS

SOURCE: Excerpts from DSEIR §5.10 (Air Quality, pages 5.10-9 through 5.10-12), and FSEIR Letter 13 (Kutzadika'a Tribe) Comment #7 pages 211-212.

- **FUGITIVE DUST EMISSIONS** (From DSEIR §5.10 (Air Quality), pages 5.10-9 through 5.10-12):

IMPACT 5.10(a,b,c): Would implementation of the proposed RTP/General Plan Update conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, or exposure sensitive receptors to substantial pollutant concentrations?

Less than Significant with Mitigation. Air quality impacts generally occur directly or through chemical changes. Near an individual source of emissions or a collection of sources such as a crowded intersection or parking lot, levels of those pollutants that are emitted in their already unhealthy form will be highest. Carbon monoxide (CO) is an example of such a pollutant. Primary pollutant impacts can generally be evaluated directly in comparison to appropriate clean air standards. Violations of these standards where they are currently met, or a measurable worsening of an existing or future violation, would be considered a significant impact.

Many particulates, especially fugitive **dust** emissions, are also primary pollutants. Many pollutants, however, require time to transform from a more benign form to a more unhealthy contaminant. Their impact occurs regionally far from the source. Their incremental regional impact is minute on an individual basis and cannot be quantified except through complex photochemical computer models. Analysis of significance of such emissions is based upon a specified amount of emissions (pounds, tons, etc.) even though there is no way to translate those emissions directly into a corresponding ambient air quality impact. The GBUAPCD has not developed numerical thresholds that define a "substantial" increase in air pollution emissions. However, CEQA procedure will allow reliance on standards or thresholds promulgated by other agencies. For purpose of this project, the CEQA significance thresholds used by SCAQMD have been adopted as representative significance thresholds for this project. Projects with daily emissions that exceed any of the following emission thresholds are considered significant: Construction Activity Impacts. CalEEMod was developed by the SCAQMD to provide a computer model by which to calculate both construction emissions and operational emissions from a variety of land use projects. It calculates both the daily maximum and annual average emissions for criteria pollutants (as well as total or annual greenhouse gas (GHG) emissions) and has been adopted for use by most air pollution control districts in California. TABLE 5.10-2. Adopted Emissions Significance Thresholds (lbs/day) Pollutant Construction Operations ROG 75 55 NOx 100 55 CO 550 550 PM-10 150 150 PM-2.5 55 55 SOx 150 150 Lead 3 3 Tioga Workforce Housing Draft Subsequent EIR Air Quality and Greenhouse Gases 5.10-10 Although exhaust emissions will result from on and off-site construction equipment, the exact types and numbers of equipment will vary among contractors such that such emissions cannot be quantified with certainty. However, estimated construction emissions were modeled using CalEEMod2016.3.2 to identify maximum daily emissions for each pollutant during project construction using typical equipment fleets for project activities.

The operational emissions reflect the fact that only Phase II EPA certified wood burning appliances will be permitted in the workforce housing units or other new construction, consistent with General Plan Conservation /Open Space Element Policy 23.A.6 (Reduce emissions from wood-burning appliances), Action 23.A.6.a (Require that all new woodburning appliances be Phase II EPA certified). With this assumption, the project would not cause operational

emissions to exceed their respective adopted CEQA significance thresholds. Operational impacts are therefore concluded to be less than significant, and no mitigation for operational activities (including construction emissions and photochemical smog) is required.

The measures below are offered only as recommendations, and are not included in the Mitigation Monitoring and Reporting Program presented in EIR §10. As noted, the project applicant intends to implement energy efficient features including solar panels on the roof tops of south-facing structures to minimize use of power, and use of a subsurface dripline irrigation system that directs treated effluent from the package treatment plan to landscaped areas and back in a closed loop.

MITIGATION RECOMMENDATION – POLLUTANT EMISSION REDUCTION AQ 5.10(a-1) (Construction Emission Reduction): Although impacts are less than significant and no mitigation is required, it is recommended that the measures below be incorporated into the project to further minimize construction-related emissions.

Fugitive Dust Control

- Apply soil stabilizers or moisten inactive areas.
- Prepare a high wind **dust** control plan.
- Address previously disturbed areas if subsequent construction is delayed.
- Water exposed surfaces as needed to avoid visible **dust** leaving the construction site (typically 2-3 times/day).
- Cover all stock piles with tarps at the end of each day or as needed.
- Provide water spray during loading and unloading of earthen materials.
- Minimize in-out traffic from construction zone
- Cover all trucks hauling dirt, sand, or loose material & require all trucks to maintain at least 2' of freeboard
- Sweep streets daily if visible soil material is carried out from the construction site

[[NOTE: Because dust impacts were found to be less than significant, the mitigation recommendation was determined to be unenforceable and deleted from the FSEIR mitigation program. The Board could direct that one or both recommendations be included as conditions of approval, or as Specific Plan implementation measures.]]

- **VEGETATION MANAGEMENT DUST CONTROLS** (From FSEIR Response to Letter 13 Comment #7, pages 211-212)

7. COMMENT (Noxious Weeds): Each land owner is responsible for the control of noxious weeds on private property. With the discovery of noxious weeds on the property and proposed effluent irrigation, the site will be altered such that noxious weeds will find favorable conditions to thrive on the property. A noxious weed plan is needed. If the project is approved there will be hundreds of people and cars coming in and out of the property, spreading weed seed to areas throughout California and other states. Simply stating that control is not feasible given the extent of noxious weeds is not a solution to the problem. Each land owner must do their part.

RESPONSE (excerpt): As noted in comments submitted by the Kutzadika'a Tribe, noxious weeds are a serious concern for this and other projects in the region. DSEIR §5.3.2.1 (beginning on page 5.3-9) notes that non-native plants are prominent in the study area, and are considered to have become firmly established all along the alignment of US 395 in the Lee Vining area and elsewhere in Mono County. The discussion states that control efforts are unlikely to succeed, due to the absence of a comprehensive regional control plan. The proposed project has potential to cause the further spread of certain invasive weeds that currently are present in sparse numbers but produce abundant, easily transported seed. Notably, cheat grass has locally attained a distribution that encompasses the entire study area and the nearby landscape, and appears to have delayed or in some areas arrested vegetative return or succession to self-sustaining Big Sagebrush Scrub or Great Basin Mixed Scrub communities. The cheat grass population now remains far more robust than any other species that has colonized the area impacted by the wildfire that burned much of lower Lee Vining Canyon in May 2000. The project landscape program calls for removal and stockpiling of the top 12 inches of native soil material, to be used in replanting of graded surface directly following completion of earthwork on the site. Use of the stockpiled soils for replanting will preserve populations of native annuals in topsoil seedbank, and preserve native symbiont microflora/microfauna that speed native shrub growth during recovery, and greatly enhance seed germination and early survivorship since the topsoil (in

comparison with compacted/disturbed subsoil) will provide a much better seedbed. The increased soil organic matter enhances water holding and nutrient availability, while decreasing compaction. Coarse material if stockpiled and spread on top increases safe sites for germination & young plants, and decreases non-native success. The project biologist indicates that it is not feasible to remove invasive seeds as part of the stockpile/replanting process, and instead recommends aggressive weeding to prevent re-stocking of the weed seedbank in the soil. This approach results in weed seedbank depletion over time, is considered a feasible approach, and will be used on the project site.

Weeds are correlated with fire risk. Mono County has analyzed wildland fire hazards in each community through the Community Wildfire Protection Plan (CWPP). The CWPP has identified 17 of the 36 communities in Mono County to be at extreme or very high fire risk; Lee Vining is not identified as a high risk community. With a CWPP rating of 30, Lee Vining ranks among the communities with the lowest fire hazard; only Bridgeport has a rating more favorable than Lee Vining. Based on these factors, the CWPP recommendations for Lee Vining (all of which are part of Mitigation Measure 5.7(e-1)) include, among other elements, the routine clearing of weeds and flammable vegetation to at least 30 feet away from propane tanks. CWPP recommendations for Lee Vining are part of Mitigation Measure BIO 5.7(e-1), and the Tioga Specific Plan includes Policy 3d, Implementation 3d(1), which requires that routine project operations shall include at least weekly inspection and repair of irrigation and diligent removal of non-native growth.

Additionally, this FSEIR includes a new Mitigation Measure BIO 5.3(a-6) that details implementation and monitoring measures for the revegetation of areas temporarily disturbed due to earthwork and grading. As shown, BIO 5.3(a-6) includes actions to control weeds on the project site, with monitoring to assess weed control efficacy during the first 5 years following the completion of construction-related disturbance. The measures below are also included in the updated Specific Plan (see Implementation Measure 3a(1)):

NEW MITIGATION 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 8-13), 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 feet 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 application prior to flowering and seed production. 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.

ATTACHMENT O1

SHUTE MIHALY WEINBERGER LLP COMMENTS ON DSEIR CONCERNING GREENHOUSE GASES, AND RESPONSES

SOURCE: FSEIR Letter 15 (Shute Mihaly Weinberger LLP), Comment #II.B.5, and Response, FSEIR pages 71-74)

- **"II.B.5 COMMENT (Significant Effects - Greenhouse Gas Emissions):** CEQA requires the lead agency to analyze and mitigate a Project's potentially significant cumulative impacts. CEQA defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Guidelines §15355. An effect is "cumulatively considerable" when the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Guidelines § 15065(a)(3). A proper cumulative impact analysis is "absolutely critical," *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1217, as it is a mechanism for controlling "the piecemeal approval of several projects that, taken together, could overwhelm the natural environment," *Las Virgenes Homeowners Federation, Inc. v. County of L.A.* (1986) 177 Cal.App.3d 300, 306. GHG emissions in particular are inherently cumulative. In evaluating GHG emissions, the County must focus on the Project's "incremental contribution" to climate change, which may be "cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions." Guidelines §15064.4(b).

The SEIR fails to analyze the GHG impacts of the Project in combination with the GHG impacts from the previously approved elements (i.e., the hotel and restaurant), either as part of the stand-alone GHG section or in the cumulative impact analysis section. This flaw is particularly problematic in light of the fact that the 1993 FEIR did not include any analysis of climate change. Because of these omissions, there is no analysis of the GHG emissions resulting from the hotel and restaurant available to the public. Nor is there any evidence that the GHG emissions from the already approved but not constructed elements of the Specific Plan are included in the SEIR's GHG baseline. The unstudied GHG impacts could be independently as well as cumulatively considerable. The hotel and restaurant alone are anticipated to draw robust tourist traffic, often from distant locations, resulting in potentially significant transportation-related emissions. Indeed, as the SEIR's VMT analysis indicates, the Project's cumulative VMTs are almost four times more considerable than the VMTs generated by the workforce housing alone. SEIR 5.9-10. Because this analysis is absent, however, and cumulative GHG emissions from already-approved elements are not included in the County's GHG calculations, the County's conclusion that the Project will not meet the 3,000 MT CO₂e threshold of significance is not supported by substantial evidence. The County must re-do these calculations taking into account all of the Project's elements.

The SEIR's silence as to the cumulative GHG emissions impacts of the previously approved and newly proposed Project elements is not permissible. CEQA Guidelines § 15130(a) (setting forth the requirement that an EIR shall discuss cumulatively considerable effects and "briefly describe its basis for concluding that [an] incremental effect is not cumulatively considerable."). The SEIR must be revised to calculate the Project's cumulative increase in GHG emissions and assess its significance.

RESPONSE: The DSEIR Air Quality and GHG Analysis did consider GHG impacts of the proposed housing project, but inadvertently omitted consideration of the cumulative GHG emissions associated with the proposed housing project in combination with emissions from the reasonably foreseeable future elements associated with the previously-approved but unconstructed Tioga hotel and restaurant. The Air Quality and GHG Analysis has been updated in this FSEIR with a cumulative GHG assessment.

The input assumptions for operational GHG emissions calculations, and the GHG conversion from consumption to annual regional CO₂e emissions, are summarized in the CalEEMod2013.2.2 output files found in FSEIR Appendix E. Total operational and annualized construction emissions for the proposed project are identified below in Table 5-8.

Table 5-8. Operational Emissions MT CO₂e for Direct and Cumulative Project Uses			
Consumption Source	Proposed Project Only*	Cumulative Projects Only**	Total Proposed and Cumulative Projects
Area Sources	72.6	0.0	72.6
Energy Utilization	202.3	503.6	705.9
Mobile Source	651.2	1,319.5	1,970.7
Solid Waste Generation	23.1	92.9	116.0
Water Consumption	20.6	15.6	36.2
Construction	16.4	17.4	33.8
Total	986.2	1,949.0	2,935.2
Guideline Threshold	3,000	3,000	3,000
Exceeds Threshold?	No	No	No

*no wood burning fireplaces

**hotel and restaurant

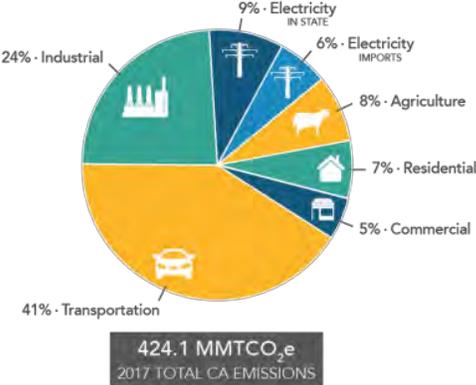
As shown in Table 5-8, total project GHG emissions would be below the proposed SCAQMD significance threshold of 3,000 MT adopted for use in evaluated project impacts. Direct and cumulative GHG emissions are thus less than significant, and no mitigation is required.”

ATTACHMENT O2

COMPARISON OF EPA SMART GROWTH LAND USE FEATURE WITH PROJECT FEATURES

SOURCE: EPA, <https://www.epa.gov/smartgrowth/smart-growth-and-climate-change>. **NOTE:** This table compares features of the Tioga project with 'Smart Growth' features identified by EPA as contributing to GHG reduction and climate change resilience. It was not part of the public record, and is presented only as informal supplemental information.

EPA SMART GROWTH MITIGATION	PROJECT FEATURES THAT CORRESPOND TO EPA MITIGATION	NOTES
<p>"Build compactly and use energy-efficient, green building techniques which reduce emissions from both electricity generation and transportation.</p> <ul style="list-style-type: none"> ○ Growing Cooler (PDF), a 2008 study published by ULI and partially funded by EPA, concluded that compact development can reduce vehicle miles traveled by 20 to 40 % compared to conventional development. Based on the amount of development that will take place and the percentage of that development that could reasonably be expected to be compact infill, the study estimated that compact development could reduce carbon dioxide emissions by 7 to 10 percent in 2050. ○ A subsequent study, Moving Cooler, found that a combination of more compact development & investments in transit/ other transportation options could reduce GHG emissions from transportation by 9 to 15 percent by 2050." 	<p>In Alternative 6, the 100-unit housing complex (including day care and berms) occupies about 480,000 sf of land (11 acres) in 32.1-acre Parcel 2 for an overall unit density of about 9.1 units/acre. The DSEIR residential layout occupied about 525,000 sf of land (12.1 acres) for an overall unit density of about 8.3 units/acre. Both the original plan and proposed Alternative 6 comply with development standards in the Mono County Land Use Element for the 'Multi- Family Residential-High' (MFR-H) land use designation, three or more units, which establishes a minimum lot size of "(number of units) x 2,904 sf." The 100-unit Tioga Community Housing Project would thus have a minimum allowed lot size of 290,400 square feet. Alternative 6 would meet the County's minimum lot size requirement for MFR-H, and would be more compact than the original plan.</p>	<p><u>Compact Form:</u> The compact form of the Tioga housing complex is consistent with compact development goals and will thus contribute to reduced vehicle miles travelled and reduced carbon dioxide emissions.</p> <p><u>Transit:</u> Transit services on or directly adjacent to the project site (including intra-regional service by ESTA, school transportation by ESUSD, transit into Yosemite by YARTS, and an onsite Shuttle to provide regular transportation between the site and Lee Vining) will, reduce greenhouse gas emissions from transportation..</p>
<p>Reuse existing infrastructure and buildings to take advantage of previous investments and the energy already used to build them.</p>	<p><u>Existing Facilities:</u> Existing facilities to be used by the project include water production facilities, septic leachfield (for winter disposal), snow removal equipment and internet facilities, solar power, onsite entry and access roads, and propane facilities.</p> <p><u>New Construction:</u> The project will require all-new construction for the housing units (with solar panels), the water storage tank, the third gas pump island, the WWTP and new subsurface irrigation system, new roads into and around the housing complex, and supplemental propane.</p>	<p>Additional energy-efficient project features will include use of Energy Star appliances, LED lighting, and provision of a wide range of onsite facilities (laundry, storage, staffed child care services, play and meeting areas) to reduce travel to offsite facilities.</p>
<p>Put homes, jobs, stores, parks, schools, and other destinations close to each other so that people can easily walk, bike, use public transit, or drive shorter distances.</p>	<p>A primary project objective is to provide onsite housing and play areas for onsite employees, with nearby schools and services.</p>	<p>The bus and onsite shuttle services will enable residents to access schools and services without use of personal vehicles.</p>
<p>Preserve green space, which can sequester CO₂, by conserving</p>	<p>Compared to the existing Specific Plan, the proposed project incorporates a net 0.7-acre increase in overall Open</p>	<p>Open Space acreage (68.4% of total area) will conserve</p>

<p>ecologically valuable land and promoting development in previously developed areas, which helps reduce pressure to build on undeveloped land.</p>	<p>Space acreage, with almost twice the acreage of the most-protected Open Space-Preserve designation (from 14.8 acres to 27.8 acres if approved). In whole, more than two thirds of the total Tioga property acreage would be designated for Open Space use (47.2 acres of open space on the 69-acre property).</p>	<p>ecologically valuable land & provide housing and services on a developed site, reducing construction pressure on undeveloped lands.</p>
<p>EPA SMART GROWTH ADAPTATION FEATURES</p>	<p>PROJECT FEATURES THAT CORRESPOND TO EPA ADAPTATION FEATURES</p>	<p>NOTES</p>
<p>Determine which areas are both well-connected to existing development and less vulnerable to current and projected climate change impacts such as wildfires, sea level rise and higher storm surges, and riverine flooding, and encourage growth in these areas.</p>	<p>The project area is located near existing development (onsite and in Mono Basin) and in a 'State Responsibility Area' and CalFire has primary financial responsibility for wildfire prevention and suppression. CalFire designates the project area as having a 'moderate' fire hazard risk. The project site is not subject to sea-level rise, storm surges or riverine flooding.</p>	
<p>Discourage building in areas that are currently or are projected to be more vulnerable to climate change-related impacts. Making it easier to build in safer areas can help relieve pressure to develop in more vulnerable areas.</p>	<p>Transportation is by far the largest contributor to GHG emissions in California, followed by industry, electricity, agriculture, residential development and commercial development:¹</p>  <p>The Attorney General's Office² has identified 5 primary impacts of global warming in California:</p> <ul style="list-style-type: none"> • Sea level rise, coastal flooding, coastal erosion • Drought from losses to the Sierra snowpack and water supply • Forestry and higher risk of fires • Damage to agriculture, and • Habitat destruction and ecosystem loss 	<p>Direct & cumulative project GHG emissions are below the significance level. Onsite transit services and solar panels would reduce GHG emissions associated with transportation & electricity.</p> <p>The project site is not exposed to sea level rise or coastal flooding, and does not have agricultural uses. Onsite well water supply is sufficient to meet project needs, and the onsite graywater reuse system will provide at least half of irrigation supply for onsite plants, thus minimizing drought risk. The project has been impacted by significant wildfires but is in an area with a 'moderate' risk of wildfires and the proposed secondary access will exceed CalFire code requirements. The site is in an ecologically diverse area and would contribute to 6.5-acres of habitat loss and threaten ecosystems through increased human activity. However, all uses would be within the footprint of an approved Specific Plan, and mitigation would reduce direct impacts on biological resources to less than</p>

¹ California Air Resources Board, GHG Current California Emission Inventory, 2020: <https://ww2.arb.ca.gov/ghg-inventory-data>

² California, Office of the Attorney General, *Climate Change Impacts in California*, 2020, <https://oag.ca.gov/environment/impact>

		significant levels.
Preserve large, contiguous areas of open space to better protect ecosystems that may be under pressure from climate change. Open space preserved along water bodies can also absorb flood waters and reduce flooding in developed areas	Project approval will result in a 0.7-acre overall increase of open space, but will almost double the acreage in the most-protected Open Space-Preserve category. The Open Space-Preserve area includes a new 'protected corridor,' along the full length of the ENE project boundary adjoining US 395, that is specifically intended to redirect deer movements to lands east and south of the new housing area, rather than back across highways.	None of the site boundaries is located along a water body.
Coordinate land use and transportation infrastructure decisions, and incorporate climate change projections into these decisions. The Langston-Brown School and Community Center in Arlington, Virginia, is an energy-efficient building that includes passive survivability techniques to keep the structure cool if the power goes out. It also has two cisterns that collect rainwater from the roof to reuse for nonpotable uses	Several passive survivability techniques are proposed:: (a) Cooling-load avoidance strategies: Solar panels and insulated propane water and space-heating ducts will provide cooling-load avoidance. (b) Natural ventilation: All residential units will have "openable" windows to allow for natural ventilation. (c) Highly efficient thermal envelopes: High 'R-Value' insulation will be used in unit construction, and renewable onsite solar energy will meet about half of energy demand. (d) Passive solar gain and natural daylighting ³ : Housing structures in Alternative 6 (unlike the original plan layout) are located on the east-west direction with the longest dimension facing south. This change will better support passive solar gain and natural daylighting.	
Encourage water- and energy-efficient buildings and land use patterns so that communities can continue to thrive if energy prices rise. This strategy can also help communities and their residents better cope with drought and extreme heat	Incorporation of the subsurface graywater reuse capability is expected to reduce use of potable groundwater for irrigation by half, and the onsite solar system is anticipated to reduce onsite residential fuel consumption by half.	
Upgrade stormwater systems to better manage heavier storm flows, and consider using green infrastructure to reduce the amount of runoff from paved surfaces	The project incorporates Low Impact Development (LID) features to protect water quality and retain stormflows onsite. LID elements include natural drainage controls, runoff retention and treatment, onsite flow retention and infiltration, road/path runoff separation, traffic calming features on interior roads, compact design, and compliance with the Model Water Efficiency Ordinance, among others.	
Encourage green roofs, parks, street trees, and other elements that can reduce ambient air temperatures and filter pollutants from stormwater runoff and the air	The project will include extensive landscaping, with native and native-compatible species, to provide screening, soil stabilization, habitat and cooling.	
Design buildings with adaptation and resilience in mind. For example: o Modular buildings that can more easily be moved, renovated, and deconstructed as a community or tenant's needs change and as climate-related impacts change. Strategies include exposed mechanical fasteners, disentangling utilities from the structure, using moveable walls and	Passive survivability techniques will be used including high R-value insulation, and placement of housing structures with east-west orientation where the longest dimension will face south.	

³ Building Green, *Passive Survivability*, 2020: <https://www.buildinggreen.com/op-ed/passive-survivability>.

<p>ramps, using standard-sized modular building components and assemblies, and easy-to-understand information on construction drawings and documents.</p> <ul style="list-style-type: none">○ Buildings designed for passive survivability can help ensure that even if the power goes out, the building will stay at a safe temperature. Passive survivability techniques such as better insulation and operable windows often save energy and reduce costs as well.		
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ATTACHMENT S

VALIDITY OF 1993 ENTITLEMENTS

SOURCES: FSEIR text excerpts including (1) Topical Response 2 (EIR Scope of Analysis, FSEIR pages 105-107), and (2) response to Comment Letter 15 (from Shute Mihaly Weinberger LLP) Comment #1 (project scope and 1993 entitlements).

1. "EIR SCOPE OF ANALYSIS: From FSEIR Topical Response 2, FSEIR pages 105-107.

The comment letter received from Shute Mihaly & Weinberger, LLP, suggests that conditions pertaining to the project and to the surrounding community have changed so significantly since the 1993 Tioga Inn Final EIR was certified that the current CEQA review should consider all project elements, including those that were approved in 1993. The provisions governing subsequent EIRs are provided in CEQA Guidelines §15162, which is provided in Table 4-7 below.

TABLE 4-7. CEQA Guidelines §15162 - Provisions for Subsequent EIRs

15162. Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

As stated in DSEIR §1.1, the requirements of §15162 were the basis for preparation of the Workforce Housing Draft Subsequent EIR. In considering the provisions of §15162, Mono County CDD, as Lead Agency, determined that the proposed Tioga Community Housing Project would require an amendment to the Tioga Inn Specific Plan, and that this Specific Plan Amendment represented a substantial change in the project and required major revisions in the previous Tioga Inn Final EIR due to the involvement of potentially significant new environmental impacts.

As described in the Notice of EIR Preparation (October 2016), the project initially included changes to the previously approved hotel and full service restaurant as well as 80 new housing units, 1 new Gas Pump Island with 1 new underground storage tank and an overhead canopy with lighting (for a total of 3 islands), demolition of the existing 300,000-gallon water storage tank and construction of a new 300,000-gallon potable water storage tank in the same general location, addition of one new 30,000-gallon propane tank and removal of the existing propane tanks, modification to the location of designated open space areas, and modifications to the entry road configuration. Following receipt of comments on the Notice of EIR Preparation, the project proposal was modified to delete changes to the hotel and restaurant, to allow construction of up to 100 Community Housing units, and to modify the wastewater treatment plant to include subsurface treated water for landscape irrigation.

In compliance with requirements of CEQA §15162, Mono County CDD (CDD) determined that the scope of the analysis for the revised project would focus on (1) substantial changes in the proposed project that may involve new significant effects or substantially more severe environmental effects than were previously analyzed, (2) changes in the project circumstances that may involve new significant effects or substantially more severe environmental effects than were previously analyzed, (3) new information that was not and could not have been known in 1993 that shows one or more new significant environmental effects, or effects that are substantially more severe, or feasible alternatives and mitigations that were previously judged infeasible, or feasible alternatives and mitigations that would substantially reduce one or more significant effects. Project elements of the previously certified 1993 FEIR were excluded from the new EIR analysis only if they remained wholly unchanged; the unchanged elements included the approved but as-yet unbuilt 120-room hotel, the approved but as-yet unbuilt full-service promontory restaurant, and all elements that had been constructed and for which no changes were proposed (the delicatessen and the hilltop housing units). However, all elements of the previously-approved Tioga Inn Specific Plan and 1993 Final EIR (whether built or unbuilt) were analyzed in the current DSEIR Cumulative Impact Assessment.

The determination to exclude unchanged prior approvals from the new FSEIR analysis recognizes that these elements were previously analyzed in detail and that the time for challenging the sufficiency of the environmental review for these uses has long-since expired. The focus was placed squarely on the new and changed project elements and circumstances that warrant subsequent environmental review.

CEQA provides no expiration date for the reliability of environmental documents, stating instead: "...if the original environmental document retains some informational value despite the proposed changes, then the agency proceeds to decide under CEQA's subsequent review provisions whether project changes will require major revisions to the original environmental document because of the involvement of new, previously unconsidered significant environmental effects." *Friends of College of San Mateo Gardens v. San Mateo Community College Dist.* (2016) 1 Cal.5th 937, 944.

Under those subsequent review provisions (see Public Resources Codes §21166 and CEQA Guidelines § 15162), and as stated above in Table 4-7, if an agency determines that there are substantial changes to a project or its circumstances that will require major revisions to the existing EIR, then it must prepare a subsequent or supplemental EIR that explores those environmental impacts not already considered in the initial document. The remedy is not to dispose of the original EIR and start from scratch. Indeed, "the purpose behind the requirement of a subsequent or supplemental EIR ... is to explore environmental impacts not considered in the original environmental document ... The event of a change in a project is not an occasion to revisit environmental concerns laid to rest in the original analysis because only changed circumstances are at issue." *Friends of College of San Mateo Gardens* 1 Cal.5th 323, 950 citing *Save Our Neighborhood v. Lishman* (2006) 140 Cal.App.4th 1296 and *Mani Brothers Real Estate Group v. City of Los Angeles* 153 Cal.App.4th 1398–1399.

In this instance, it would appear the MLC, through counsel, is improperly challenging the initial EIR (for which the time to do so has long passed). The MLC does not get a second bite at the apple and contrary to its argument, the initial EIR has

not been rendered wholly irrelevant, but retains its integrity as an environmental document on which Mono County can legally rely in its decision-making process in conjunction with a subsequent EIR which addresses changes in the project and in surrounding circumstances. This satisfies its obligations under the law.

Furthermore, this approach is not an example of piecemealing, as the initial project was analyzed in its entirety by the original EIR, the proposed changes to the project are also being analyzed in their entirety by the subsequent EIR, and the effects of the initial project and the currently proposed project are considered in the cumulative impact analysis of the subsequent EIR."

2. **PROJECT SCOPE AND 1993 ENTITLEMENTS:** From FSEIR Comment Letter 15 (Shute Mihaly Weinberger LLP) Comment #1, FSEIR pages 217-218.

"1. COMMENT (Project Scope should include 1993 Entitlements): CEQA requires agencies to evaluate the environmental impacts of Projects as a whole. It is a violation of CEQA to divide a Project into several smaller pieces and analyze their environmental impacts separately. *Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1346 ("[E]nvironmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.").

Moreover, although Public Resources Code section 21166 requires an agency to proceed via a subsequent EIR when there are substantial changes in a project that will require major revisions to an EIR that section does not apply when the Project and surrounding circumstances have changed so drastically that the prior environmental document is no longer relevant to the decision-making process. *Friends of College of San Mateo Gardens v. San Mateo Community College Dist.* (2016) 1 Cal.5th 937, 951. Under such circumstances, "it is only logical that the agency start from the beginning." *Id.*

The proposed Project and surrounding conditions have changed so dramatically since the 1993 FEIR was approved well over 20 years ago that that document is no longer relevant to the decision-making process. The County must therefore start again with a new EIR for the whole Project, including the workforce housing village, new gas island, hotel, and restaurant. The changes to the Project itself since 1993 are so vast that they are a change in kind rather than a change in scale. In particular, the ten incidental residential housing units proposed in 1993 have transformed into a 150-bedroom workforce housing village that would dwarf the existing population of neighboring Lee Vining, tripling or quadrupling the size of that community in one stroke.

Conditions in the surrounding community have also changed so significantly that the 1993 analysis is no longer relevant. To name a few examples:

- The onsite deli now attracts up to 3,000 people per day to the Project site during peak periods. SEIR 4-11. These visitors were not envisioned in the 1993 FEIR, which did not contemplate a popular deli as part of the convenience store.
- In 1993, Mono Lake had not yet been protected from its then threatened status due to excessive water diversions. In a 1994 decision, the State Water Resources Control Board protected the Lake from ecological collapse, leading to an increase in lake levels of 9 feet over the next 25 years and allowing the Lake to become a major tourist destination. Thus, the 1993 FEIR considered the visual and aesthetic impacts of the hotel and restaurant in an entirely different context from the one that exists at present. Today, visual impacts must be considered in the context of Mono Lake as a major, pristine scenic resource and attraction.
- Mono Basin has experienced a large number of significant wildfires since 1993. Before that time, large wildfires were less common, as... in much of California. The State as a whole has experienced some of the most devastating wildfires in its history in the last several years. As a result, the context for the wildfire risk analysis has completely changed.
- Finally, in 1993, there was no Mono Basin Community Plan ("Community Plan"). That document, developed in 2012 and incorporated into the Mono County General Plan, describes the needs and aspirations of the Mono Basin community to better guide decision-makers in evaluating future land use decisions. Community Plan 1. The 1993 FEIR does not account for this significant statement of the community's own goals and values.

Completing a new EIR for the Project as a whole would allow the County to understand the full range of the Project's environmental impacts and thus enable it to consider a more complete range of alternatives. For example, one alternative to be considered is siting all of the contemplated uses within the original development footprint approved in 1993. This feat could be accomplished without compromising Project objectives by relocating hotel parking underground to make room for additional housing in its place. In addition to achieving Project objectives, this alternative would reduce environmental impacts—e.g., by relocating workforce housing off of the bluff, thereby lessening visual impacts. This alternative, and others, are discussed in greater detail in Section II.C of this letter, below.

In sum, because the 1993 FEIR is no longer relevant, the County must start again and proceed with a new EIR that addresses the environmental impacts of the Project as a whole—including the restaurant, hotel, workforce housing village, and additional gas island. Without a new EIR considering all of these elements at once, the County would be improperly segmenting the Project and failing to evaluate all of its potentially significant environmental impacts, as well as feasible mitigation measures and alternatives to lessen or avoid such impacts.

RESPONSE: CEQA provides no expiration date for the reliability of environmental documents; instead, "...if the original environmental document retains some informational value despite the proposed changes, then the agency proceeds to decide under CEQA's subsequent review provisions whether project changes will require major revisions to the original environmental document because of the involvement of new, previously unconsidered significant environmental effects." *Friends of College of San Mateo Gardens v. San Mateo Community College Dist.* (2016) 1 Cal.5th 937, 944.

Under those subsequent review provisions (see Public Resources Codes section 21166 and CEQA Guidelines section 15162), if an agency determines that there are substantial changes to a project or its circumstances that will require major revisions to the existing EIR it must prepare a subsequent or supplemental EIR that explores those environmental impacts not already considered in the initial document. The remedy is not to dispose of the original EIR and start from scratch. Indeed, "the purpose behind the requirement of a subsequent or supplemental EIR ... is to explore environmental impacts not considered in the original environmental document ... The event of a change in a project is not an occasion to revisit environmental concerns laid to rest in the original analysis because only changed circumstances are at issue." *Friends of College of San Mateo Gardens* 1 Cal.5th 323, 950 citing *Save Our Neighborhood v. Lishman* (2006) 140 Cal.App.4th 1296 and *Mani Brothers Real Estate Group v. City of Los Angeles* 153 Cal.App.4th 1398–1399.

In this instance, it would appear the MLC, through counsel, is improperly challenging the initial EIR (for which the time to do so has long passed). The MLC does not get a second bite at the apple and contrary to its argument, the initial EIR has not been rendered wholly irrelevant, but retains its integrity as an environmental document on which Mono County can legally rely in its decision-making process in conjunction with a subsequent EIR which addresses changes in the project and in surrounding circumstances. This satisfies its obligations under the law.

Furthermore, this approach is not an example of piecemealing as the initial project was analyzed in its entirety by the original EIR, the proposed changes to the project are also being analyzed in their entirety by the subsequent EIR, and the effects of the initial project and the currently proposed project are considered in the cumulative impact analysis of the subsequent EIR. Please also see the discussion provided in Topical Response #13 regarding the DSEIR scope of analysis."