

**TIOGA COMMUNITY HOUSING PROJECT  
FINAL SUBSEQUENT EIR**

**BOARD OF SUPERVISORS  
HEARING**

**29 JUNE 2020**

# Meeting Ground Rules

- Please be respectful – this is a formal public meeting
- Please follow instructions to give public comment
- The Chat Room is disabled. For Technical Assistance, please email [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov), or call 760.924.1800
- Participants are encouraged to be courteous and respectful
- Please focus comments on project substance, not on people or personalities

# Project Documents

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

- **The Draft Subsequent Environmental Impact Report (SEIR) is posted at the web address above, was incorporated by reference in the Final SEIR, and referenced throughout the staff report**
- **The Final SEIR, and the consolidated DSEIR-FSEIR, were published to the same web page with the Draft SEIR documents**
- **The web page is included in the staff report and referenced, along with the documents, throughout the report**

# PUBLIC PARTICIPATION

- **Notice of Preparation**
  - Scoping meeting held in Lee Vining in October 2016.
- **Draft SEIR**
  - Maximum 60-day comment period (June 24, 2019, - August 13, 2019) extended an additional eight days.
  - Two public meetings, one before the Planning Commission (June 20, 2019) and one in Lee Vining (July 30, 2019).
- **Final SEIR**
  - No public review period required. Document released 48 days prior to Planning Commission meeting; special public meeting in Lee Vining on March 3, 2020.
- **Additional Meetings and Outreach**
  - Emergency responder site visit on August 20, 2019, including Lee Vining Fire Protection District and Mono County Emergency Medical Services, among others.
  - Planning Commission site visit on Sept. 19, 2019.

# PROJECT REVISIONS

- The project description for the Tioga Community Housing Project in the FSEIR has been modified from the DSEIR
- The FSEIR clearly indicates that the **New Preferred ALTERNATIVE 6** replaces the preferred alternative in the DSEIR\*\*
- The New Preferred Alternative 6 is clearly stated as the proposed project in the staff report
- All modifications, including Alternative 6, are in response to comments on the DSEIR
- The modifications will be detailed later in this presentation

**\*\*See Table 2-1 in the FSEIR under Section 2, Substantive Project Changes in Response to DSEIR Comments.**

# TIOGA INN PROJECT HISTORY

## ORIGINAL TIOGA SPECIFIC PLAN (1993):

- Hotel (2 stories, 120 rooms)
- Full-service Restaurant
- 10 hilltop Residential Units (8 were built)
- Gas Station with 2 Gas Pump islands
- Convenience Store (4,800 square feet); note that the expansion of the deli kitchen was approved via Director Review in 2012
- Infrastructure (water storage, propane, septic system)

# TIOGA INN PROJECT HISTORY

## SPECIFIC PLAN AMENDMENT #1 (1995):

- Allowed construction of a 2-bedroom apartment above the convenience store
- Shifted location of the water storage tank
- Revised phasing to construct convenience store before the hotel

# TIOGA INN PROJECT HISTORY

## 1993 SPECIFIC PLAN AMENDMENT #2 (1997):

- Clarified promontory location of full-service restaurant
- Affirmed that water & sanitation facilities could serve only the Tioga Specific Plan
- Prohibited project access onto US 395 due to grading requirements, associated visual impacts, and access limitations
- Clarified Specific Plan financing
- Allowed public restroom/shower/laundry facilities in the hotel
- Set development standards for the hotel and full-service restaurant
- Provided new details regarding Master Sign Program and night lighting

# Project Description

## PROPOSED SPECIFIC PLAN AMENDMENT #3 (2020):

- Community Housing complex with up to 150 bedrooms in up to 100 units within 11 structures (5 of which are two-story and 6 of which are single story), and staffed daycare facilities
- Demolition of 6 unpermitted employee housing cabins
- New gas pump island with four fueling stations, underground storage tank, and overhead canopy
- Replacement of 300,000-gallon water storage tank with new tank of same size in same general location
- New 30,000-gallon propane tank will be located adjacent to the Maintenance Building
- New Wastewater Treatment Plant with subsurface irrigation system, expanded septic system with leachfield for winter disposal
- Changed layout of open space areas with expanded acreage of open space
- Additional parking for transit, park & ride, and oversized vehicles
- New internal access roads

# SCOPE OF CURRENT EIR ANALYSIS

- Scope of current EIR analysis was shaped by requirements of CEQA §15162 (Subsequent EIRs)
- A Specific Plan Amendment was required, and Mono County CDD determined that environmental impacts were potentially significant
- Therefore an EIR was required and, per §15162, the EIR focus must on:
  - *Substantial changes in the approved project that may involve new significant effects or substantially more severe effects than previously identified*
  - *Substantial changes in project circumstances that result in new or more severe significant effects than previously identified*
  - *New information since the previous EIR was certified showing one or more new significant or more severe environmental impacts than previously identified*
  - *The identification of feasible alternatives or mitigations with potential to substantially reduce one or more significant effects of the project*
- Elements of 1993 SP & FEIR were excluded from current CEQA analysis only if they remained wholly unchanged; ALL elements of 1993 project were analyzed in Cumulative Assessment
- The Tioga SEIR baseline is defined as physical conditions at the time the NOP was released. This is consistent with CEQA Guidelines §15125, which states: *"An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the NOP is published..."*
- The baseline does not address conditions that will exist when the hotel & restaurant are constructed, since neither of these approved uses was constructed at the time the CEQA analysis began
- There is no expiration date in CEQA for the reliability of certified EIRs apart from the significant changes in the project and surrounding circumstances, all of which were examined in the current CEQA documents

# CEQA PROCESS

- **NOP:** Notice of Subsequent EIR Preparation was released & a scoping meeting was held during October 2016. Project was revised in response to NOP comments.
- **Draft SEIR:** was completed & distributed for Public Review on 14 June 2019; the 60-day DSEIR Public Review ended on 13 August 2019 and was extended to 21 August.
- **COMMENTS RECEIVED:** In all, 904 comment letters are included in FSEIR:
  - **AGENCIES** (6 letters): Caltrans, CalFire, ESTA, LRWQCB, LVFPD, Mono City FPD
  - **ORGANIZATIONS** (3): MLC, Californians for W. Wilderness, Sierra Club-Toiyabe Chapter
  - **TRIBES** (1 letter): Mono Lake Kutzadika'a Tribe
  - **LEGAL** (1 letter): Shute Mihaly Weinberger (for MLC)
  - **INDIVIDUALS** (196): 196 personal letters from individuals
  - **GENERATED** (697): 697 letters using a 'generated format' provided by MLC
- **LATE COMMENTS:** 78 additional letters were received too late for inclusion in FSEIR, but all are summarized and responded to in the Planning Commission staff report.
- **COMMENT LETTER SUGGESTIONS:** Comment letters were detailed and focused on the scope of issues raised, and offered suggestions for lessening significant effects
- **PROJECT CHANGES:** As with NOP, recommendations in the DSEIR comment letters formed the basis for many project changes. The changes included new **PREFERRED ALTERNATIVE 6**.

# FSEIR OVERVIEW

- FSEIR is organized to address the full range of issues raised

- **14 Topical Issues:**

#1:	Aesthetics, Project Design, Preferred Alternative 6
#2:	Light and Glare
#3:	Alternatives
#4:	Pedestrian Connectivity and Safety
#5:	Deer Migration and Crossing
#6:	Secondary Access and Fire Safety Plan
#7:	Phasing Plan
#8:	Housing Need, Population, Occupancy, Objectives
#9:	Traffic Impacts at the SR 120/US 395 Junction
#10:	ESTA, ESUSD & YARTS Bus Stops, and Parking
#11:	Water Quality and Water Supply
#12:	Significant Unavoidable Adverse Impacts
#13:	EIR Scope of Analysis
#14:	Impacts on Community Plan & Community Character

- **Formal Responses to 19 Comment Letters**

# PREFERRED ALTERNATIVE 6

Modified project 'Alternative 6' was developed to lessen project impacts on aesthetics, light & glare

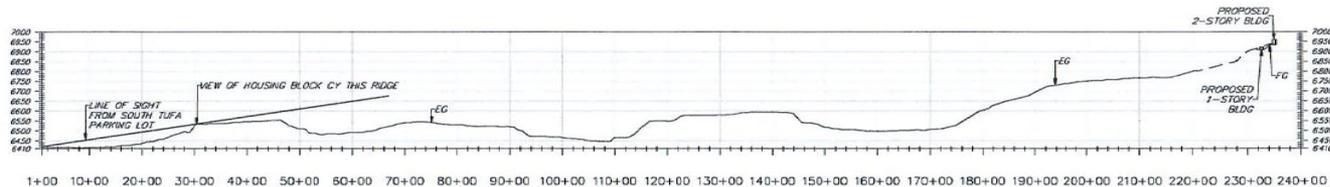
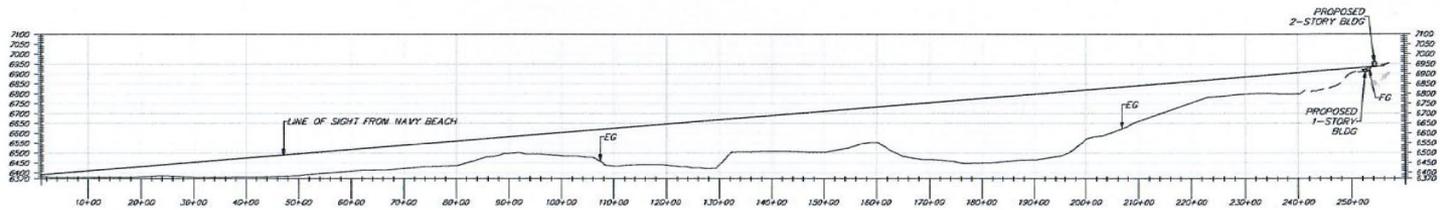
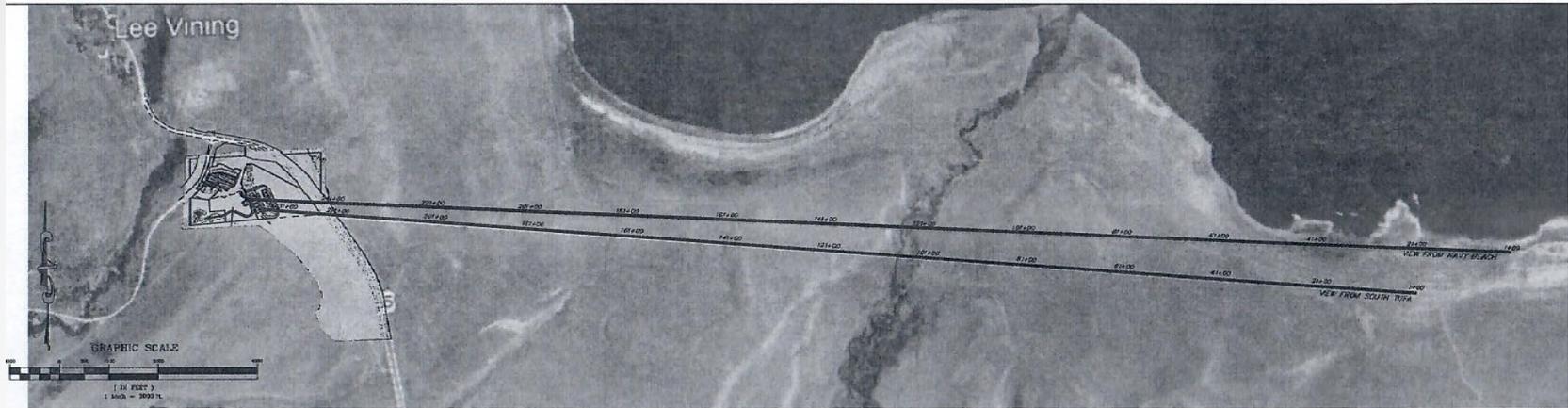
## COMPARISON OF ORIGINAL PLAN AND ALTERNATIVE 6

ISSUE	CHANGE
Pad Elevations	Pad elevations were lowered for northwestern-most units through additional grading
Roof Elevations	Eliminates second-story on all 6 of the (E-most, most visible) lower row of structures
Housing Structures	Total number of housing structures reduced from 15 to 11
Form and Orientation	The form of the housing structures was changed from long rectangular structures (with the longest walls facing east) to nearly square (shortest walls facing east)
Housing Footprint	Area of housing footprint reduced by modifying layout of project components from 6 rows (4 rows housing, 2 rows parking) to 4 rows (2 rows housing, 2 rows of parking)
Daycare Relocated	The day care facility was relocated from a central point in the housing complex to the north end of the complex to achieve a more compact layout
Materials and Paint Colors	Shaker Gray paint will now be used on all east-facing project walls, and project roofs will be constructed of materials with a dull finish and dark muted colors
Outdoor Lighting Plan	Requirements were added for submittal of a detailed outdoor lighting plan to minimize light and glare impacts to the maximum feasible extent, per identified performance standards
Landscaped Berms	3-ft landscaped berms are provided directly below each of the 2 main residential parking lots to minimize visibility from offsite locations, eliminate direct views of lighting, filter 'glow'

# LINE-OF-SIGHT STUDIES

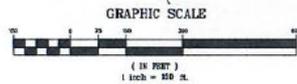
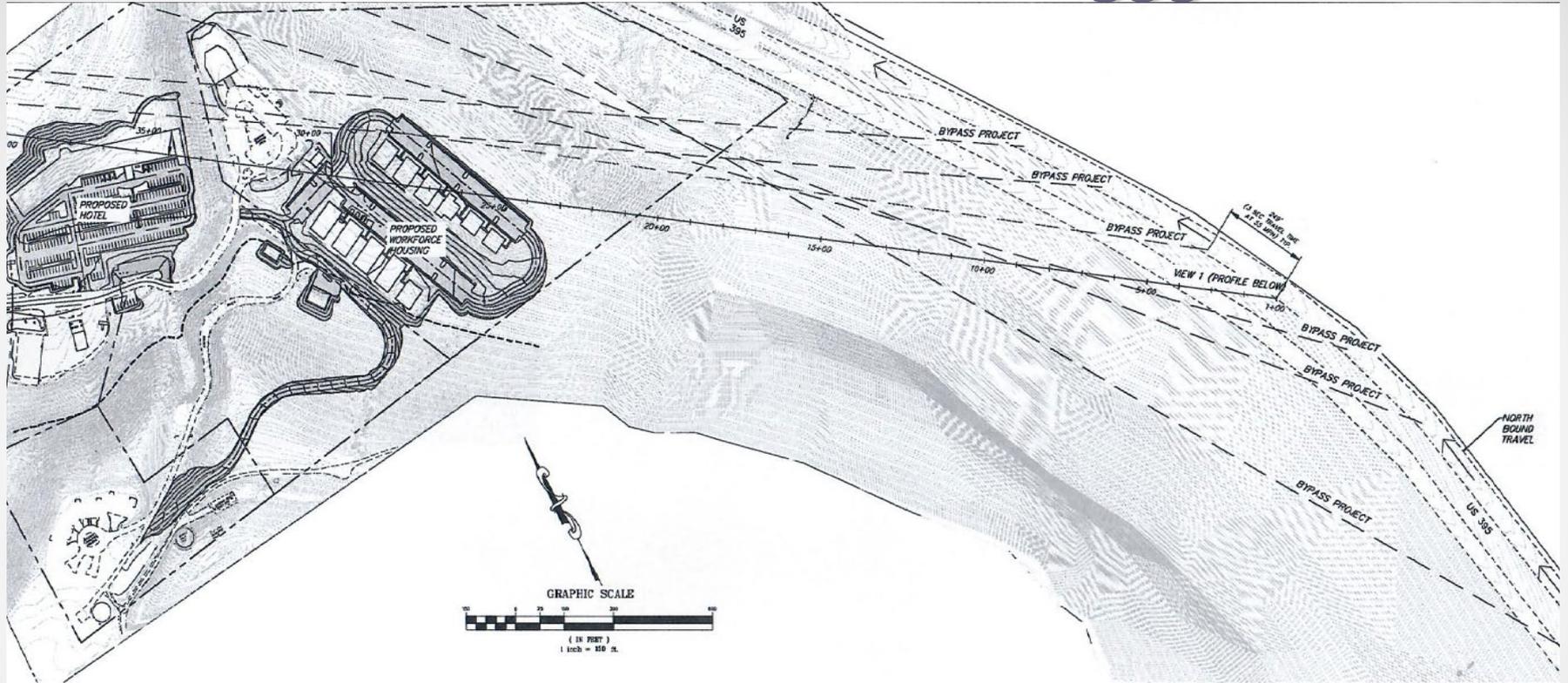
- **LINE OF SIGHT** studies were prepared by Triad Engineering to determine extent to which Alternative 6 reduces project visibility from South Tufa, Navy Beach, US 395:
  - **FROM NAVY BEACH:** Three of the 2-story structures on the upper row of housing units would be visible from Navy Beach. The 1-story units on the lower row would not be visible. The units that would be visible from Navy Beach are included in Phase 3, to be constructed only if occupancy in the Phase 1 & 2 units reaches 80%
  - **FROM SOUTHTUFA (Parking Lot):** Due to an intervening ridgeline, the residential structures would be entirely blocked from views at the South Tufa parking lot
  - **FROM SOUTHTUFA (at Water's Edge):** Project views from the beach at South Tufa would be similar to views from Navy Beach
  - **FROM US HIGHWAY 395:** One-foot of roofline on three 1-story units in the lower row would be visible to north-bound motorists on US 395 for about 3 seconds

# LINE-OF-SIGHT TO S. TUFA, NAVY BEACH

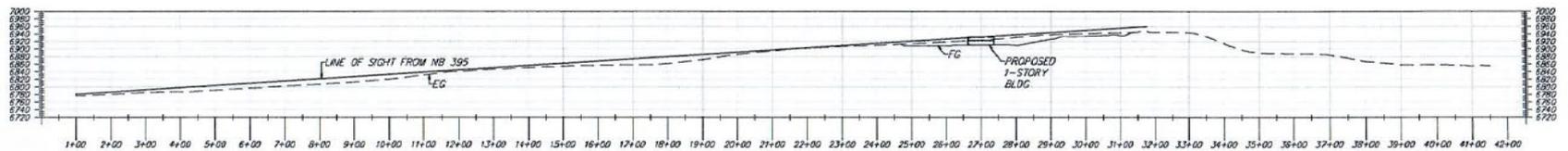


VIEW FROM SOUTH MOUND LAKE  
SCALE  
HOR: 1"=100'  
VER: 1"=250'

# LINE-OF-SIGHT TO US 395



VIEW 1



SCALE:  
 HOR: 1"=150'  
 VER: 1"=150'

# Daytime Photo: Housing Area from South Tufa

(no magnification)



# UPDATED PROJECT ISSUES & ELEMENTS

TOPIC	FSEIR UPDATE
Preferred Alternative	<ul style="list-style-type: none"> <li>The proposed project as identified in DSEIR Exhibit 3-3 has been replaced by a new modified 'Alternative 6,' shown in FSEIR/DSEIR Exhibit 3-3</li> <li>Alternative 6 is now the proposed project; the project design shown in DSEIR Exhibit 3-3 is no longer proposed.</li> </ul>
Alternatives	FSEIR provides full concept plans for Alternative 6 and for DSEIR Cluster Alternative
Day Care	FSEIR clarifies Day Care center will be staffed & open to onsite/Mono Basin residents
EV Charging	At least 2 EV charging stations will be provided in the residential complex
Eviction	Specific Plan now identifies 3 Eviction Causes: short-term rentals, unleashed pets, improper trash disposal
Solar Panels	Will be used only on roofs orienting to the south/southwest/southeast
Unit Sizes	Increased square footage for studio/1-bedroom/2-bedroom units
Defibrillators	Two to be provided (1 each in daycare center and manager's unit)

# UPDATED PROJECT ISSUES & ELEMENTS

## Pedestrian Connectivity to Lee Vining

- Sheriff commented there is existing unsafe pedestrian travel along SR 120 & US 395 in the project vicinity. Project would add additional uses & people which would likely increase pedestrian travel
- DSEIR recommended construction of a safe pedestrian/cycling connection between the site and Lee Vining, with the property owner contributing funds equivalent to the legally-allowable fair-share of total costs
- All options require Caltrans action, as connection would either involve crossing SR 120 to access a trail across SCE property or would involve improvements along US 395
- Project team held substantial discussions with Caltrans during FSEIR preparation. Two main options were discussed:
  - *A trail on the Tioga Inn property linking to future Caltrans pedestrian/cycling improvements at US 395/SR 120 junction;*
  - *A Trail crossing from Vista Point to Lee Vining Creek (following SR 120 freeway rescission action and SR 120 redesignation as a conventional highway)*
- Neither option was found to be feasible:
  - *Caltrans has no plans to pursue improvements at US 395/SR 120 junction; does not concur with FSEIR significance finding on pedestrian safety*
  - *Caltrans expressed concerns re: safety of at-grade crossing on SR 120 near Vista Pt Dr. due to high speeds, poor sight distances*
  - *Caltrans also had concerns re: public uses on LV Creek due to SCE facilities, maintenance costs, lack of logical connections across Creek, cost of elevated pathways, hazards of at-grade crossing*
- Instead, Caltrans suggested an ADA sidewalk between Vista Pt. Dr. & US 395, based on prospect Caltrans may construct pedestrian safety features at SR 120/US395, though Caltrans did not commit to those improvements
- The ADA sidewalk & reserved ROW were added as a project requirement, to hold open the potential for a future link
- MITIGATION is now proposed for a trail, and for regular shuttle service (both discussed below)

# UPDATED PROJECT ISSUES & ELEMENTS

<p><b>Deer Passage</b></p>	<ul style="list-style-type: none"> <li>• DSEIR identified cumulative impacts on deer movement as a significant project effect, and recommended construction of a deer crossing under US 395 as mitigation;</li> <li>• Following extensive discussion, this was found infeasible based on results of a 2016 Caltrans study of wildlife collisions on District 9 highways</li> <li>• Study identified 6 collision 'hotspots': US 395 around Mammoth airport was #1 hotspot, the project area was not among the 6 hotspots</li> <li>• Even if project area was a hotspot, Caltrans had concerns about a Lee Vining Creek crossing due to roadway geometrics and SCE facilities</li> <li>• For these reasons project area is not among those that will be considered for a deer passage</li> <li>• FSEIR conclusions unchanged: direct impacts are less than significant, cumulative effects are significant and adverse</li> </ul>
<p><b>Secondary Access</b></p>	<ul style="list-style-type: none"> <li>• Site is under CalFire jurisdiction with a moderate fire hazard rating</li> <li>• CalFire FSEIR comments confirmed the project would meet fire code as originally designed, with a single point of access</li> <li>• However, CalFire recommended a secondary access for added fire protection.</li> <li>• The recommendation was incorporated into the FSEIR</li> <li>• A secondary access will be provided, as discussed a little later in this presentation</li> </ul>
<p><b>Evacuation Plan</b></p>	<p>The updated Specific Plan includes new Implementation Measure 2b(5) requiring collaborative preparation of a public safety evacuation plan prior to LVFPD issuance of a 'will serve' letter</p>

# UPDATED PROJECT ISSUES & ELEMENTS

## DSEIR Recirculation

- Several comments suggested DSEIR recirculation to clarify the project purpose, revisit alternatives, and other concerns
- CEQA Guidelines §15088.5(a) calls for recirculation when significant new information becomes available including:
  - New significant impacts
  - Substantial increase in the severity of an impact
  - Feasible alternative is rejected that would lessen a significant impact
  - DSEIR so fundamentally inadequate as to preclude meaningful public review and comment
- None of conditions cited in §15088.5(a) apply to project: no significant new impacts, no substantial increase in the severity of an impact, no alternative rejected that would lessen effects, and DSEIR was not so inadequate as to preclude meaningful public review and comment
- Project has been substantially revised (new Alternative 6, mitigations), but none of the changes require recirculation of the Draft SEIR

# UPDATED PROJECT ISSUES & ELEMENTS

Bear-Resistant 'Cans'	All waste receptacles to be of bear-resistant & raven-resistant design
Grant Funding	Grant funding is no longer part of any mitigation measures
Cultural Resources	<ul style="list-style-type: none"> <li>• DSEIR did not find evidence of cultural resources; mitigation addressed events if resources discovered; voluntary monitoring</li> <li>• In subsequent meetings &amp; in their DSEIR comment letter, the Kutzadika'a Tribe pointed out that cultural resources unearthed during construction may not be recognized, and asked that Tribal monitors be compensated</li> <li>• To address concerns, applicant voluntarily modified mitigation to provide the Tribe with up to 50 hours of compensated time for training of onsite construction crew</li> <li>• Following additional consultation, mitigation was further modified to allow the Tribe to use the 50 hours for training and/or monitoring, at the Tribe's discretion. This was acceptable, and included in FSEIR</li> </ul>
Landscaping Plan	<p>New MM 5.3(a-6) requires preparation of a detailed Revegetation Plan with specific measures for topsoil health, dense planting, native species/bitterbrush dominant, weed controls (herbicides only by licensed applicator), and monitoring. Two photos of the existing hilltop housing show how landscaping screens views from offsite; due to closer proximity, visibility in these photos exceeds what would be visible from Navy Beach/South Tufa, and Shaker Gray paint will better hide the buildings than the hilltop housing paint color.</p>

# VIEW OF HILLTOP HOUSING FROM MONO MARKET



# VIEW OF HILLTOP HOUSING FROM 120/395 JUNCTION



# UPDATED PROJECT ISSUES & ELEMENTS

## Impact on LV Community Plan and Community Character

- General Plan goals & policies provide guidance for specific areas, issues; a nexus must be established between an impact & GP policy to be legally enforced by County
- Most service providers (ESUSD, Post Office, Public Health, EMS, Social Services) anticipated no difficulty in serving this project
- The Tioga housing population is estimated to be in the range between 194-300, and likely will fluctuate over time (as has the population of Mono Basin, which since 1990 has ranged between 196 and 398)
- FSEIR discussed how project preserves 'small community character' of LV by providing housing onsite for the 150 employees to be generated by approved components (hotel and restaurant) rather than placing that burden on the town's housing stock, and phasing construction of housing so 70 of 100 units will not be built if the hotel is not built
- Because these employees are reasonably foreseeable, they are subject to CEQA cumulative impacts analysis. However, they are not considered as part of the baseline. The intent is to provide housing onsite if and when the hotel and restaurant are built (through phasing) and reduce the burden on Lee Vining and surrounding communities
- Project is consistent with Area Plan policies including energy efficiency, dark sky (standards are stricter than required), provision of housing, and economic development goals
- The new Phasing Plan will enable the Lee Vining community and service providers to adapt incrementally and will also limit the number of units constructed if the hotel is not built

# UPDATED PROJECT ISSUES & ELEMENTS

## Lee Vining Fire Protection District (LVFPD)

- In its comments on the DSEIR, LVFPD identified concerns about the project including 1) difficulties that may be experienced by LVFPD to provide fire infrastructure review and permitting, 2) the need for an Emergency Plan, 3) the need for a secondary evacuation route, 4) verification that EMS services can be provided to the project, and 5) onsite defibrillators and personnel trained in facilities management.
- The FSEIR response noted that 1) LVFPD has options to meet infrastructure review and permitting duties and Mono County CDD will provide assistance as needed, including plan check service (at no cost to LVFPD); the project applicant is also willing to fund a DIF update provided costs can be credited toward project impact fees; 2) a new Specific Plan implementation measure 2b(5) requiring collaborative preparation of a public safety evacuation plan prior to LVFPD issuance of a Will Serve Letter, 3) voluntary provision of a 40' nonrevokable easement for secondary emergency access, to be recorded prior to issuance of any building permits on the project site; 4) Mono County EMS has confirmed that it can provide service to the project; and 5) two defibrillators will be provided in the housing complex, and trained facilities managers will reside onsite and will conduct annual training and walk-through with LVFPD firefighters as needed.
- LVFPD has indicated a preference for the secondary access to be onto US 395. However, Tioga SP Amendment #2 states "there shall be no access to the project from US 395," and Caltrans indicated in early project communications that it would not approve access onto US 395.
- LVFPD has also urged that the Shuttle Service commence when housing residents take occupancy (rather than when hotel operations begin), and this request has been incorporated into a revised Shuttle Service Mitigation Measure for consideration by the Board.
- Lastly, LVFPD requested that a trail system be provided from the project site into Lee Vining to address the potentially significant safety impacts of pedestrian travel on area highways; in response, new Mitigation SVCS 5.8(a-4) (Pedestrian Safety) has been added for Board consideration; with Board approval, this effort would commence within 2 months of project approval.

# UPDATED PROJECT ISSUES & ELEMENTS

## Housing Need and Population

- Project objective per DSEIR §3.3 is to provide sufficient onsite housing to accommodate a majority of onsite employees
- As noted, approved SP elements will add 150 new jobs to the 37 existing jobs (187 total)
- The 100 proposed housing units would thus house about two thirds of the new employees
- Mono County seasonal workers hold ~1.4 jobs on average
- Many of the site workers will hold second jobs
- Goal is to enable employees to fill seasonal job changes without having to move
- Project will comply with new Housing Mitigation Ordinance requirements
- Project population is well within General Plan growth estimates (practical & theoretical) that were adopted less than 5 years ago, with Mono Basin RPAC participation
- FSEIR analysis does not change the General Plan build-out calculation methodology. Instead, it compares the estimated population increase to the historic Mono Basin population figures, and to the adopted General Plan growth estimates

# UPDATED PROJECT ISSUES & ELEMENTS

## Vehicle Miles Travelled (VMT) & Green-house Gas Emissions (GHG)

- Concerns were raised that DSEIR analyses of traffic impacts & cumulative GHG emissions did not adequately explain the basis for estimates of Vehicle Miles Traveled (VMT), or adequately inform public of potential impacts on traffic and GHG
- SB 743 (2018), which does not apply to this project, requires jurisdictions to discontinue use of Level-of-Service (LOS) and instead use VMT to analyze traffic impacts beginning July 2020. Neither Caltrans nor Mono County has yet adopted VMT thresholds (as of mid-June)
- However, VMT was estimated using data from the AQ assessment that was based on California Emissions Estimator Model software ('CalEEMod).' CalEEMod is an industry standard tool and accepted basis (used by Mono Co. & Caltrans) to evaluate emissions & AQ impacts; it's also the model recommended by the California APCD to quantify emissions, and used by almost all air districts in the state
- CalEEMod is based on default data provided by the air district in each region (here GBUAPCD) and based on specific land uses and geographical project location
- In CalEEMod, each trip type has an associated primary trip length based on project location, urbanization characteristics, and trip lengths for rural & urban settings. Equation values (supplied by GBUAPCD) include home to work, home to shopping, and home to other
- Data are input to CalEEMod, and conclusions are based on model results
- Analysis results indicate that cumulative project impacts on GHG would be below the significance threshold, as discussed in response to FSEIR Letters #14 and #15
- Note that propane will be used for all space and water heating on the site; no wood-burning stoves or fireplaces will be provided in the units

# UPDATED PROJECT ISSUES & ELEMENTS

## Traffic Impacts at the SR 120/US 395 Intersection

- DSEIR Traffic Analysis forecast the SR 120/US395 intersection would in the future operate at a deficient LOS (E or worse) during mid-day peak hour conditions, with or without the proposed project. Based on this finding, the DSEIR recommended two alternative mitigations:
  - *Installation of a traffic signal at the intersection, or*
  - *Conversion of the intersection to a roundabout*
- Either would improve conditions to less than significant levels; the DSEIR stated grant funds would be sought to finance these improvements; Caltrans indicated it would be the applicant's responsibility to fund improvements
- County met with Caltrans in Sept. 2019 to discuss their comment letter. At the meeting, Caltrans indicated the July traffic counts & projected traffic increases appeared to overestimate traffic on US 395 & at the intersection, since they were taken in July 2018 and thus reflected peak season conditions
- In response, more counts were taken in Oct. 2019. The October volumes were just over half the levels counted in July 2018 and indicate a 'less than significant impact.' Caltrans staff indicated the October counts were more representative of typical year-round conditions and recommended the Traffic Study be revised to reflect the October data.
- County staff agreed the July counts were not representative but viewed the October counts as also unrepresentative of 'typical' conditions. To be conservative, the County opted to use the July data in the updated report, and to include a 2%/yr. growth rate in background traffic. The updated analysis continues to show a significant impact at the intersection during peak season (July 4- Labor Day)
- The updated analysis also concludes that there is no feasible mitigation:
  - *Caltrans confirmed that a roundabout at the intersection is unfunded, not reasonably foreseeable at this time, and the Tioga traffic studies would not likely increase the statewide priority of this project enough for it to be competitive for funding.*
  - *Caltrans also indicated that the intersection does not satisfy traffic signal warrants for any of the analysis scenarios evaluated for the project, and that a traffic signal is not recommended.*
- Based on Caltrans' input, DSEIR mitigations calling for a roundabout or intersection signalization have been deleted, and impacts are identified in the FSEIR as significant and unavoidable, with or without the project. As noted, Caltrans does not agree with this significance determination

# UPDATED PROJECT ISSUES & ELEMENTS

## Project Title, 'Affordable Housing' Definition & Implications to Environmental Impacts

- Project was re-titled to “community housing” to avoid confusion about who could live there and implied income restrictions. ‘Community Housing’ has fewer embedded assumptions and was a better description of project intent
- ‘Community Housing’ also more clearly acknowledges the Fair Employment & Housing Act (FEHA), which protects apartment dwellers' right to enjoy access to housing based on 7 protected classes (race, color, religion, sex, national origin, disability and familial status), and protects against discrimination based on “source of income”
- The FSEIR clearly states the applicant’s intent that onsite employees will have the highest priority for housing, and housing not required for onsite employees will be made available to other applicants; this intent is reflected in a proposed new Specific Plan Implementation Measure 1f(9), discussed later.
- FSEIR also states the project will allow flexibility for onsite workers to accommodate seasonal employment opportunities, without need for a seasonal change of housing. Environmental impacts are assessed based on this flexibility
- No assumptions are made about income restrictions, and the FSEIR details how the project will comply fully with requirements of the new Housing Mitigation Ordinance

# SIGNIFICANT EFFECTS

FSEIR identifies 5 significant unavoidable adverse impacts:

IMPACT	SIGNIFICANT DIRECT & CUMULATIVE IMPACT	SIGNIFICANT CUMULATIVE IMPACT
HYDROLOGY: Exposure to Volcanic Mudflows	✓	
BIOLOGY: Impacts on Wildlife Movement		✓
SERVICES: Impacts on Police Services (unsafe pedestrian travel on SR120/US395)	✓	
TRAFFIC: Turning movements (E-bound SR 120 to N-bound US 395)	✓ (with or without project)	
AESTHETICS: Scenic Resources, and Light & Glare	✓	

# NEW COMMENTS

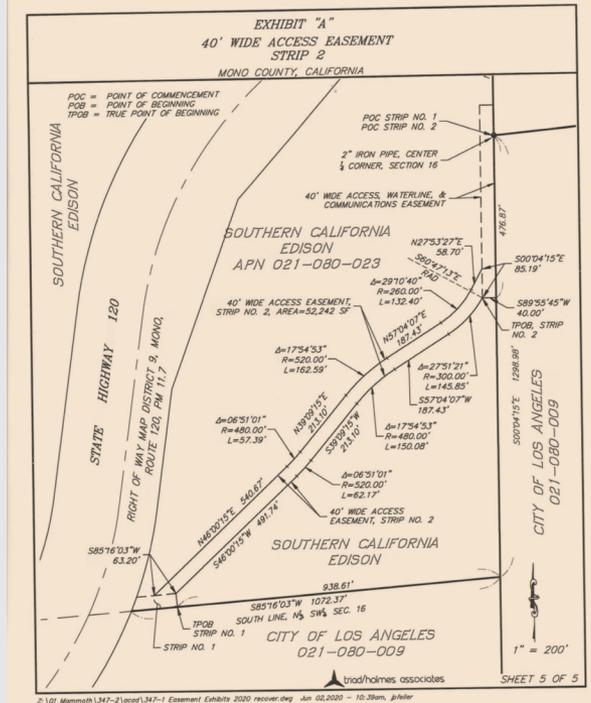
- **New comment letters received during April 2020 raised issues that were submitted to the Planning Commission for consideration and direction**
- **As discussed in forthcoming slides, responses to the new issues include suggestions for new mitigation measures (including wildlife signage and a shuttle service between site and LV), amended mitigation measures (including red fox surveys and phasing plan details), and new information for Board consideration**

# SIERRA NEVADA RED FOX

- One comment letter noted recent nearby sightings, and evidence of domestication, of the Sierra Nevada Red Fox (a State Threatened Species). To address these concerns, the Planning Commission recommended adding one new mitigation measure and modifying an existing mitigation measure as reflected below:
  - *NEW MITIGATION MEASURE BIO 5.3(a-6) (Signage): Signage stating "Do Not Feed the Wildlife" shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.*
  - *AMENDED MITIGATION MEASURE BIO 5.3(a-4): Badger **and Fox** Survey: A pre-disturbance denning badger **and denning fox** survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of ~~±00~~ **500** feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger **or fox** dens will be buffered by a minimum distance of ~~±00~~ **500** feet, until the biologist finds that den occupation has ended. **In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.***
- If the Board approves of these changes, the Final SEIR will be revised accordingly.

# SECONDARY ACCESS

- Another comment letter recommended that the secondary emergency access easement onto SR 120 be along the Gibbs Siphon Road, which is relatively flat and wide enough for vehicles to pass in opposite directions (as opposed to another nearby SCE easement that is narrower and has an uneven grade)
- The secondary access easement now being acquired from SCE by the project applicant is the Gibbs Siphon Road, as shown in this Exhibit taken from the easement acquisition documents:
- As previously noted, CalFire has confirmed that the secondary access is not required; provision for secondary access is a voluntary addition made by the project applicant
- A secondary access onto US395 was considered in Specific Plan Amendment #2 and rejected due to substantial grading requirements and associated visual impacts as well as limited US 395 access capability. SP Amendment 2 prohibits access from the site to US 395 (not including the water facilities east of US 395)



# CONNECTIVITY & SHUTTLE SERVICE

- A new letter suggested that a shuttle service linking the site to Lee Vining be provided by the applicant to create a safe alternative to walking or biking along the highway.
- The project applicant subsequently confirmed that shuttle service will be provided between the project site and Lee Vining, and the Planning Commission recommended that the commitment be incorporated for Board consideration as new Mitigation Measure SVCS 5.8(a-2). Subsequent to the Planning Commission meeting, it was suggested that the schedule be further clarified, shown below as initially recommended, and also shown with alternative wording based on recommendations received in the past week:

**NEW MITIGATION SVCS 5.8(a-2) (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 a minimum of 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.

## ALTERNATIVE SHUTTLE SERVICE WORDING FOR BOARD CONSIDERATION:

**MITIGATION SVCS 5.8(a-2) (Shuttle Service):** A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase 1 units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin operations each year no later than July 4, and end operations each year no sooner than Labor Day. The shuttle service will be free of charge and available for use by hotel guests, ~~and~~ residents of the Community Housing Complex, and the public.

- If the Board approves of either of these changes, the Final SEIR will be revised accordingly

# MODIFIED PHASING PLAN

- A new comment suggested that the Phasing Plan be modified to more directly link the construction of housing units to construction of the hotel
- As now described, Phase 2 of the housing complex would begin when the hotel construction application is **submitted** to Mono County
- The Planning Commission recommended that the Phasing Plan be modified to state that Phase 2 of the housing complex would begin when the hotel construction application is **deemed complete** by Mono County. To establish additional assurance, the Commission recommended the phasing plan be incorporated into a new Mitigation Measure 5.6(a-1) (Phasing), as outlined below, along with installation of infrastructure in Phase 1 as recommended by LDTAC

*NEW MITIGATION MEASURE 5.6(a-1) (Phasing): Construction of the Community Housing Units shall conform to the following phasing milestones:*

PHASE	# UNITS	SCHEDULE
1	30	The 30 Phase 1 units <b>and childcare facility</b> would be built following completion of grading for the housing project as a whole (including phases 1, 2 and 3). The goal is to have the 30 phase 1 units available for use by construction workers during the hotel and restaurant construction process. <b>Infrastructure for all three phases is to be completed in phase 1.</b>
2	40	Construction of the 40 Phase 2 units would begin at the time that the <b>hotel building permit application is deemed complete</b> by the Mono County Community Development Department. The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously-approved commercial job positions. <b>ALTERNATIVE PHASE 2 WORDING FOR BOARD CONSIDERATION:</b> Construction of the 40 Phase 2 units would be <b>authorized when the hotel foundation is complete signed off</b> by the Mono County Community Development Department. The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously-approved commercial job positions.
3	30	Construction of the 30 Phase 3 units would begin when the phase 1 and phase 2 units reach a combined 80% occupancy rate (i.e., when 56 of the Phase 1 and 2 units are rented). All Phase 3 units will be in the westernmost row of units.

- If the Board approves any of these changes, the Final SEIR will be revised accordingly

# SPECIFIC PLAN MEASURES

- To ensure that all onsite soils are stabilized during construction, it is proposed that the Board consider **REVISING** Specific Plan Implementation Measure 3a(1) (Revegetation Plan, as shown below:

*Policy 3a: Minimize site disturbance.*

*Implementation measure 3a(1): Prior to the issuance of occupancy permits for any of the site facilities, the planning director shall confirm that a Revegetation Plan has been prepared for the purpose of returning all areas that are temporarily disturbed by the project to a condition of predominantly native vegetation. Mono County will review this plan for approval within 60 days of the start of project construction. The measures outlined in Table 7-11 shall be used for the revegetation of all project areas that are temporarily disturbed during earthwork and grading. **Cut materials from the housing complex that are stored on areas of the project site outside of the housing complex shall be armored to minimize dust emissions, and shall also be revegetated in accordance with Table 7-11 if the cut materials will lie fallow for a period of 6 months or longer***

- To further clarify the priorities for housing occupancy, it is proposed that the Board consider a **NEW** Specific Plan Implementation Measure 1f(9), as shown below:

*Policy 1f: The Community Workforce Housing designation shall permit the following land uses*

*Implementation measure 1f(9): **Employees shall have first priority for housing, and rental practices shall comply with FEHA; in the event of a conflict, FEHA shall take precedence***

If the Board approves these changes, the Final Specific Plan will be revised accordingly

# ADDITIONAL INFORMATION-CONNECTIVITY

## Additional Notes on Connectivity

- A new Mitigation Measure SVCS 5.8(a-4)(Pedestrian Safety) is proposed for Board consideration:  
*The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR due to the lack of safe pedestrian passage over SR 120 (with the result that any trail would ultimately direct people to that unsafe crossing), the need for action by unwilling third parties over whom the County and the property owner lack legal control, (e.g., SCE and Caltrans), and other reasons. However, since the Planning Commission hearing on the project, staff from SCE and from Caltrans have stated that their agencies would now be willing to consider options for providing pedestrian/bicycle connectivity between the project site and Lee Vining.*  
*Accordingly, the property owner shall work collaboratively with SCE, Caltrans, the County, and the local community to pursue options for a pedestrian/bicycle connection to Lee Vining which include, but are not limited to: (1) a safe crossing of SR 120 combined with a trail across SCE property; and (2) an on-system sidewalk connector along US 395. If a feasible option is identified, as determined by County and involved agency(ies), with input from the property owner, then the property owner shall undertake agency coordination and environmental and engineering studies as required to characterize the baseline environmental conditions and potential environmental impacts associated with construction. The costs of this environmental review shall be borne by the property owner and its results shall be used by the property owner and agency(ies) to select a preferred project for subsequent permitting and implementation, in accordance with CEQA Guidelines section 15162.*  
*A fair-share calculation of the property owner's contribution to the cost of future project implementation shall be conducted as part of the environmental review process and shall be contributed by the property owner into a fund established by the implementing agency, or the County, for that purpose. The County, community, property owner or any involved agency may additionally seek grant funds towards project costs. This process (beginning with selection of options to be studied) shall commence within two months of Board of Supervisors' approval of the Tioga Community Housing Project.*
- If feasible, Measure 5.8(a-4) would reduce pedestrian safety impacts to less than significant levels. Because outcome is not yet known, impacts on pedestrian safety remain significant and unavoidable

# VISUAL IMPACTS-Housing Design

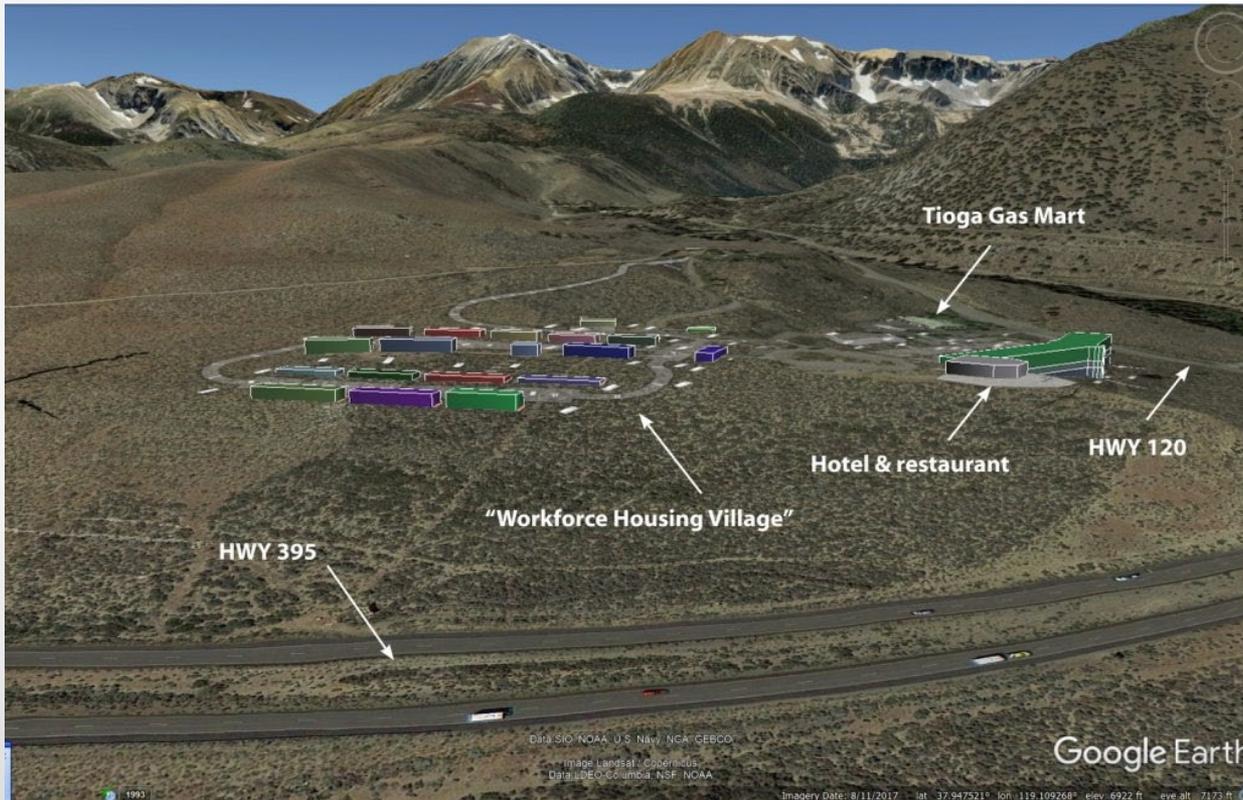
- **TWO-STORY UNITS:** A new comment recommended that impacts on aesthetic resources be further reduced by eliminating all 2-story housing structures on the site
- **UNIT LOCATIONS:** As currently proposed in Alternative 6, the E-most row of 6 structures would be of 1-story construction and the W-most row of 5 structures would be of 2-story construction; the 2-story units would be in the line of sight (at a 5-mile distance) from Navy Beach & also in the line of sight (at a 4-mile distance) from the water's edge at South Tufa
- **POTENTIAL CHANGE:** In response to this comment, the Planning Commission considered whether to recommend that the applicant further modify the Alternative 6 plan such that no units are in the line of sight from Navy Beach or from the water's edge at South Tufa, with adjustments to the number of stories, and/or base footprint and/or number of structures as needed to maintain a unit count of 100
- **ALTERNATIVE CHANGE:** The Commission also considered an alternative that would eliminate the Phase 3 units that in the line of sight from Navy Beach and South Tufa (a loss of about 30 units)
- **COMMISSION:** The Commission declined to recommend either option, and the Alternative 6 concept plan now before the Board remains as described in the FSEIR. The second story of 3 buildings on the upper row of structures would remain in the line-of-sight, at a distance, from Navy Beach and from the water's edge at South Tufa
- **FURTHER PLAN MODIFICATIONS:** It may be possible to modify Alternative 6, within the existing footprint, to entirely eliminate housing visibility from South Tufa/Navy Beach without reducing the number of units. Staff seeks Board input on guidelines for the modified plan which, when complete, could be submitted for Planning Commission review and approval if the revisions are consistent with Board direction. Potential consistency criteria could include: 1) No Visibility from Navy Beach or from South Tufa, 2) no increased visibility from US 395, and 3) no increase in the overall footprint of the housing complex
- **REDUCED DENSITY:** If a mitigation measure would reduce the density of housing, then the Board must find that there is no feasible alternative

# RESPONSE TO SELECT COMMENTS

- **Changes resulting from Shute Mihaley & Weinberger letter:**
  - Addition of prioritization requirement for onsite employees
  - Shuttle service trigger changed to completion of Phase I of housing units
  - Phase 2 trigger changed to construction milestone of hotel to better prevent construction of housing units without the hotel
- **Shute Mihaley & Weinberger letter inaccuracies:**
  - Asserted benefits in the Statement of Overriding Considerations are actually mitigation measures: In reality, most of the benefits are part of the project description, including the housing itself to address the need for more units, childcare facility, increase in open space, solar panels, reduction of greenhouse gas emissions due to onsite employment, reduced burden on community housing stock, and many others.
  - Project may be market-rate rentals that will further increase housing stress: The rental nature of the project excludes second homeowners and prohibition of short-term rentals excludes visitors, which are the two populations that absorb much of the housing stock in Mono County, leaving residents and employees as the main users of the project.
  - Letter does not recognize the infeasibility of trail to town and suggests creating a trail even without a safe crossing on SR 120: Such a trail would invite users to attempt an unsafe crossing and create a new hazard, which is not acceptable.
  - Staff did not indicate at any time that CEQA baseline included the hotel and restaurant, only that the hotel and restaurant are already approved regardless of the outcome of the current proposed amendment.
  - Several more that could be detailed...

# RESPONSE TO SELECT COMMENTS

- Mono Lake Committee generated significant comments based on misleading characterizations of visual impact



Posted Nov. 21, 2019:

- Inaccurate colors greatly exaggerate visual impacts.
- Not a relevant viewpoint: only (the very few) pilots and passengers flying over would see this view. Main locations of concern are US 395, South Tufa, Navy Beach, Lee Vining, and other higher visitation locations.

# RESPONSE TO SELECT COMMENTS

- **Other mischaracterizations of project aesthetics:**

- Project is located “on top of a highly visible bluff” or “on top of [a] ridge:” The project is located on a plateau below the top of the ridgeline/bluff. Higher mountain slopes rise above the bluff as well, masking the top of it.
- “...a new city-like skyline will block clear view of the Sierra Crest...” The project is not at the top of the Sierra Crest or on a skyline, and 100 units organized into 11 buildings is a large development (for Mono County) but not a new city.
- “...a new, concentrated ambient light source... will broadcast from an elevated location across the Mono Basin:” Lights will not be beamed or broadcast; they will be downward directed and localized.
- Analyses do not appropriately scale project size to the vast distances and viewsapes of the Basin.
- And many others...

- **Mischaracterization of housing impacts:**

- Project will not “induce” growth: The project absorbs 59-83% of the employees generated by approved uses. Without the project, 100% of those employees would impact the existing housing stock and small town of Lee Vining (or surrounding small towns)

- **Lack of connectivity between project site and town for pedestrians & cyclists:**

- The existing problem cannot be attributed to this project, only the incremental impact. A great deal of analysis has been done showing a mitigation measure is infeasible. Project actually reduces impact because employees housed onsite only need to go into town a couple times a week for services, compared to commuting to the project site five days/week for work if they lived in town.

- **And many others...**

# RESPONSE TO SELECT COMMENTS

- **Changes resulting from Mono Lake Committee Comments:**
  - Alternative 6, reducing visual impacts.
  - The new one-story concept, reducing visual impacts.
  - New trail mitigation measure.
  - Shuttle service mitigation measure and further refinement.
  - Further amendments to lighting plan to address nighttime impacts by limiting maximum lumens, light temperature, and defining low height pedestrian lighting.
  - Phasing plan and refinements to provide assurance housing will not be built out without the hotel.
- **And many others... the productive comments have been extraordinarily helpful to refining the project and much appreciated!**

# EASTERN SIERRA UNIFIED SCHOOL DISTRICT

- **NEW CONCERNS:** Just prior to Commission meeting, ESUSD submitted new correspondence discussing ongoing costs of staff, services and additional facilities
- **DEVELOPMENT IMPACT FEES:** The letter indicates the project could pose a financial burden on ESUSD, and that DIF fees would provide 1-time funding for capital costs but would not address ongoing costs of staffing
- **CLASS SIZE:** In communications with staff, ESUSD identified class size as a primary concern and cited need for 1-2 added teachers to maintain class size with new project students. Project would potentially impact the ESUSD goal of 12-15 students per class (K-3), but would not exceed the maximum class size under state regulations (no more than 24 students)\*\*
- **REVENUES:** The project would generate 1-time development fees of about \$113,000 and ongoing property tax revenues estimated at \$59,000 per year which would fund additional teaching resources if needed
- **SCHOOL FACILITIES ACT:** Local agencies are prohibited from using the inadequacy of school facilities as a basis for denying approval
- **CEQA:** Evaluates only the environmental impacts of new construction (not part of or required by the proposed project)
- **BUSING:** ESUSD also stated it would be difficult to provide bus service to the site, but there is no requirement for busing; neither ESUSD nor the applicant is obligated to provide transportation
- **RESOLUTION:** Staff Report provides further analysis for Board consideration, and recommends that no further action be taken

*[\*\*The projected 'worst-case' impact is to the 3<sup>rd</sup>/4<sup>th</sup> grade combo class which may exceed state standards of a maximum 24 students by 2 students (26), but the 2<sup>nd</sup>/3<sup>rd</sup> grade combo class has capacity for 3 more students]*

# REVISED DRAFT SEIR

- A new comment letter noted that the revised Draft SEIR was not published with the Final SEIR (prior to the Planning Commission meeting)
- Per CEQA §15132, the final EIR shall consist of:
  - (a) *The Draft EIR or a revision of the draft.*
  - (b) *Comments & recommendations received on the Draft EIR either verbatim or in summary.*
  - (c) *A list of persons, organizations, and public agencies commenting on the Draft EIR.*
  - (d) *Lead Agency responses to significant environmental points raised in the review and consultation process.*
  - (e) *Any other information added by the lead agency*
- Prior to the Planning Commission meeting, the Draft SEIR was incorporated by reference into the FSEIR, published to the same web page as the FSEIR, included as an attachment to the Planning Commission staff report, referenced throughout the staff report, and redline changes to the DSEIR were documented in the FSEIR (Section 2, Table 2-1)
- The consolidated FSEIR-DSEIR, completed in early June, updates the original DSEIR based on information contained in the FSEIR, and all changes are shown in redline
- The consolidated FSEIR-DSEIR has been included as an attachment to the Board of Supervisors' Staff Report, published to the County webpage, and referenced throughout the Staff Report

# FINDINGS & OVERRIDING CONSIDERATIONS

- A letter received just prior to the Commission meeting indicated the Statement of Overriding Considerations lacked substantial evidence
- CEQA §15093 requires decision-makers to balance the benefits of a project (economic, legal, social, technological, other) against its significant unavoidable impacts. If decision makers determine the benefits outweigh the environmental impacts, then impacts may be considered "acceptable." CEQA §15093 requires that the Statement of Overriding Considerations be supported by substantial evidence
- The Statement of Overriding Considerations before the Board of Supervisors identifies 4 benefits of the proposed project, and provides substantial evidence as briefly reviewed below:
  - ***The Project will provide Needed Housing:*** *The Statement cites multiple housing studies, numbers and statistics documenting the local and regional need for housing in Mono County*
  - ***The Project will support Economic Development:*** *The Statement references 2018 Mono County Business Retention & Expansion Survey which found housing is the greatest barrier to workforce retention and recruitment.*
  - ***The Project will support Conservation:*** *The Statement reviews project conservation features including a subsurface irrigation system using treated wastewater, electric vehicle charging stations, solar panels on south-facing roofs, onsite bus facilities, increased open space acreage (70% of total acreage), and revegetation with native plants*
  - ***The Project will have Social Benefits:*** *The Statement notes that the project has been modified at each stage of the CEQA process in response to comments received. Substantive design modifications include a new proposed Alternative 6, a secondary emergency access route, onsite trails (and now a new Shuttle Service), a Phasing Plan that links housing to development of the commercial components, a staffed onsite Day Care center that will be available for use by residents of Mono Basin as well as the project, and other social benefits*

# CLOSING COMMENTS & DISCUSSION

- **The FINAL SEIR is now complete, and the full record of environmental proceedings has been provided for review and consideration by the Board of Supervisors**
- **Public input has played a central role in this project, resulting in substantive project changes at each stage of review and comment**
- **DISCUSSION and QUESTIONS**