

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

October 13, 2020

To: Honorable Board of Supervisors

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

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

I. RECOMMENDATION

Recommended Action (applies to all options):

1. Receive staff report and presentation, hold public hearing and receive public testimony on the Tioga Inn Specific Plan Amendment #3 ("Project"), refined Alternative 7-Hybrid Plan ("Preferred Alternative"), and Final Subsequent Environmental Impact Report (SEIR) (Attachment 1).

Option 1: Certify the SEIR and Approve the Project and Preferred Alternative (Alternative 7 as refined), Incorporating Board Direction from the 6 August 2020 Public Hearing as Presented, or with Further Modifications.

Adopt proposed Resolution (Attachment 2): 1) certifying the Final Subsequent Environmental Impact Report (SEIR), making all required findings, and adopting the Statement of Overriding Considerations (Resolution Exhibit A); 2) adopting the Mitigation Monitoring and Reporting Program (MMRP; in Attachment 1) as recommended by the Planning Commission or with further modifications; and 3) approving the Project and Preferred Alternative (Alternative 7 as refined) as presented or with further modifications.

Option 2 – Deny the Project and Do Not Certify the SEIR.

If the Board of Supervisors determines that one or more of the unavoidable adverse environmental effects identified in the EIR are not outweighed by specific economic, legal, social, technological, or other benefits of the Project, then it would not adopt a Statement of Overriding Considerations for the Project, and would not adopt the proposed Resolution. Instead, the Board should specify which (or all) unavoidable adverse effects it finds to be unacceptable (i.e., not outweighed by the Project's benefits) and articulate its reasoning.

If the Board is unable to make one of the Specific Plan findings listed in Section Three of the proposed Resolution, then it must articulate which (or all) of those finding(s) cannot be made and explain its reasoning. (If the Board determines to make this finding, staff may ask for a short recess to develop appropriate language for the Board to make a formal motion.)

II. BACKGROUND AND PREVIOUS BOARD MEETINGS

The public hearing held at the Board of Supervisors meeting of June 29-30, 2020, included the following information in the staff report (available at <https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-35>):

- Project Document Availability
- Project Location, Land Uses & History
- Tioga Inn Specific Plan Amendment #3 Project Description, including Alternative #6 which was the preferred alternative at the time
- Environmental Review & Significant Impacts
- Public Hearing Notice & Comments, and Tribal Consultation
- Planning Commission Recommendation
- Additional Considerations including Eastern Sierra Unified School District, housing demand, and trail and SR 120 crossing
- Recommended Modification(s) including shuttle service mitigation measure modification, corrections to FSEIR visual analysis, Specific Plan modifications, lighting plan amendment
- Findings
- Attachments & Weblinks to Documents

In addition, several changes were proposed in the PowerPoint presentation to the Board of Supervisors in response to comments including addition of housing prioritization for employees and refinements to individual mitigation measures related to site disturbance, phasing plan, and shuttle, all of which would reduce impacts and were accepted by the applicant. At the meeting, the Board directed several modifications which are carried forward in the August 6, 2020, staff report, and directed a new alternative be crafted by combining Project elements from two different alternatives analyzed in the SEIR (Alternative 6 and the Cluster Alternative) in order to further reduce visual impacts of the Project, creating a Hybrid Plan Alternative.

The staff report for the public hearing held at the Board of Supervisors meeting on August 6, 2020, (<https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-37>) referred to the June staff report for background information that remained unchanged, and included the following new information:

- Modifications as Directed at the June 29-30 Meeting
- Project Clarifications: roundabout at SR 120/US 395 junction, protections for stockpiled soils, and response to hydrology concern raised in public comment letter
- Unresolved Issues and Further Modifications, Attachment 5: presentation of Alternative 7-Hybrid Plan, revisions to the visual analysis for Alternative 6, and the environmental impact analysis for Alternative 7-Hybrid Plan.
- Unresolved Issues and Further Modifications, Attachment 6: phasing of grading, evacuation routes to SR 120 and US 395, propane tank location, connectivity trail, deed restriction of units and Lee Vining Fire Protection District concerns.
- Public Hearing Notice & Comments

This staff report similarly attempts to minimize repetition of information that has not changed; past documents including the staff report from the June 29-30 and August 6, 2020, Board meetings should be referenced for that information. The focus is instead on responding to Board discussion of the Alternative 7-Hybrid Plan and information generated in response to public or Board comments.

Following the 6 August 2020 Board meeting and at the request of Supervisor Stump, a memorandum was sent to Supervisors regarding the “Expectation of Level of Detail in Specific Plan Site Plans.” The memorandum reviews the hierarchy of planning documents used to regulate development and the specific plan’s place within that hierarchy, the role of specific plans specifically within Mono County planning regulations, typical expectations of site plan detail, and staff determination of compliance with the site plan. The memorandum is available on the project webpage at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>.

III. REFINED PREFERRED ALTERNATIVE: ALTERNATIVE 7-HYBRID PLAN

INTRODUCTION & BACKGROUND

The Tioga Community Housing Project “Alternative 7-Hybrid Plan,” which consists of project elements previously analyzed as Alternative 6 and the Cluster Alternative, has been further refined consistent with discussion at the 6 August 2020 Board of Supervisors meeting. The refined plans (Attachment 3) are presented as the “Alt #7 Housing Concept Site Plan” (Alt 7 Concept Site Plan) with a plan sheet for both the full site and zoomed in on the community housing area, and “Landscape Concept Plan,” and primarily address the following issues:

- **LAYOUT:** Building layout has been refined for each of the three project phases. The future building permit application submittal must be deemed “substantially compliant” with the Alt 7 Site Plan by the Community Development Department (CDD; see Mitigation Measure AES 5.12(a,b-1)(Design Criteria below)).
 - PHASE 1: High level of detail and certainty regarding unit locations, orientation, layout and style.
 - PHASE 2: Moderate level of detail and certainty regarding unit locations, orientation, layout and style.
 - PHASE 3: Lowest level of detail and certainty regarding unit locations, orientation, layout and style.
- **LANDSCAPING:** The Landscape Concept Plan identifies the number, size, location and species of trees to be planted and is specifically designed to assure comprehensive screening of project elements which would otherwise be visible from offsite locations including South Tufa, Navy Beach, and US 395. Mitigation Measure 5.12(a,b-2)(Visual Screening & Landscaping) provides for the timing of the plantings and monitoring to assure plant establishment and survival. The Plan was prepared by Bob Weiland of Weiland Design Group, Inc., who specializes in landscape architecture. Further details on the Landscape Concept Plan are included below.
- **GRADING:** Clarify the relationship between proposed grading and required infrastructure for each phase of project development.

As further directed by the Board of Supervisors, the project development team and staff met with Supervisor Gardner on 10 August 2020 to learn his expectations for the level of detail to be provided in the site plan. The results of that meeting have been incorporated into the refined plans.

ALTERNATIVE 7-HYBRID PLAN REVISIONS SINCE 6 AUGUST 2020

The refined Alt 7 Concept Site Plan is provided in Attachment 3 and illustrates the phasing of all proposed 100 community housing units, as described below:

- **Phase 1:** Phase 1 contains the 30 units that, unscreened, would be least visible (without screening) from offsite locations. Phase 1 will consist entirely of small units including studios, 1-bedroom, and 2-bedroom units, with a combined maximum total of 38 rooms, the majority of which will be designed as individual

stand-alone and detached units. A small percentage of units are likely to be two-unit attached structures (e.g., duplexes). All buildings are separated by a minimum of 10 feet and connected to the adjacent parking area by a sidewalk. All 30 of the Phase 1 units are located on the lower-elevation eastern row of housing units.

- **Phase 2:** Phase 2 consists of 40 units with mid-level visibility from offsite locations (without screening), including the Manager’s Unit. The 40 Phase 2 units consist of studios, 1-bedroom units, and 2-bedroom units, with a combined maximum total of 54 bedrooms. As with Phase 1, most of the Phase 2 units are expected to be stand-alone and detached structures; a small number of the studio units would be designed as two-unit attached structures. All buildings are separated by a minimum of 10 feet and connected to the adjacent parking area by a sidewalk. All 40 of the Phase 2 units are located at the north end of the housing complex, with roughly half on the lower-elevation eastern row and half on the higher-elevation western row, except the Manager’s Unit which is located outside the building footprint to the west of the housing area.
- **Phase 3:** Phase 3 consists of up to 30 units located on the south end of the housing complex on the higher-elevation western row. Absent screening, the Phase 3 units would have the highest level of visibility from offsite locations. The design, layout, and form of the 30 Phase 3 units remains flexible to allow future construction of multi-unit structures, individual units, or a mix.

The final layout of Phase 3 units will be designed in response to demand for onsite housing and demographic characteristics of future tenants, which is unknown at this time. As discussed in DSEIR/FSEIR §5.6 (Population and Housing; Impact 5.6(a), page 5.6-9), the project proposal is flexible by design to respond to changing workforce demographics over time. Demographic research suggests that compared with current workers, the future workforce will be older, more educated, and with more females, but a declining share of mothers with young children, increasing numbers of unmarried individuals, and more racially and ethnically diverse than the current workforce. If these trends materialize, it is possible that the 3-bedroom units will not be in demand. Flexibility in design and layout will enable the final phase of project units to respond to changing tenant needs. In all cases, however, the Phase 3 unit total will not exceed 30, and the overall project will not exceed 150 bedrooms.

All units in Phases 1, 2 and 3 will comply with the California Building Code at the time the building permit is submitted and unit sizes have been reduced by about 20% from the sizes discussed in the Draft SEIR¹ in order to accommodate the individual-unit design.

Building Permit Site Plan Approval & Substantial Compliance

At the 6 August 2020 meeting, the Board considered requiring the Planning Commission to approve the final layout as submitted in a future building permit application. However, the Planning Division has historically relied on an analysis of “substantial compliance” to determine consistency of a building permit site plan with the governing specific plan document (see memorandum to Board of Supervisors regarding “Expectation of Level of Detail in Specific Plan Site Plans” at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>). The staff recommendation is to adhere to the standard practice of a “substantial compliance” determination, which is further defined below, for at least Phases 1 and 2, if not for all three phases.

Mitigation Measure AES 5.12(a,b-2)(Design Criteria) below generally identifies the criteria that define “substantial compliance,” and is essentially the same as previously proposed except it clarifies that the manager’s unit is outside

¹ As now proposed, the studio units are anticipated be about 220 square feet (sf), the 1-bedroom units about 288 sf, and the 2-bedroom units about 388 sf. Final unit sizes proposed in the building permit must be deemed substantially compliant as described in this section.

the building footprint and includes site plan review and approval by the Planning Commission as directed on 6 August 2020. The purpose of the mitigation measure is to ensure the building permit site plan design complies with the California Environmental Quality Act (CEQA) analysis (for visual impacts, in particular) and Specific Plan conditions even if the final layout may include slightly different configurations of building types, locations within the building footprint, or unit sizes or orientation than is approved in the Alt 7 Concept Site Plan. Change in layout between the planning phase and construction documents is not uncommon due to practical building and/or engineering considerations, developer preferences, cost efficiencies, market demand, etc., and therefore the “substantial compliance” evaluation is standard practice. In addition to substantial compliance, the CDD will evaluate the building permit application for compliance with all Specific Plan conditions and CEQA mitigation measures.

MITIGATION MEASURE AES 5.12(a,b-1)(Design Criteria): To be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria:

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

The site plan for each phase shall be reviewed and approved by the Planning Commission for consistency with the Specific Plan prior to building permit submittal.

Grading

To provide for traffic circulation, the fill necessary to create the Phase 1 building pad and parking area, the landscape berm, and ensure the landscape trees are planted as early as possible to maximize screening effectiveness, the grading for all three phases is proposed to occur at the same time as Phase 1 is constructed. Additional benefits of completing all grading in Phase 1 include maximizing the efficiency of the voluntary tribal monitoring provision, installing subsurface utilities to facilitate residents’ access to infrastructure through all phases, ensuring all fire safe egress improvements are completed with Phase 1, and preventing safety hazards such as use of heavy machinery near tenants and families and exposure of tenants and families to unnecessary noise and dust.

CONCEPTUAL LANDSCAPE PLAN

The August 2020 Board packet of materials included a Screening Tree Plan that had been prepared by Triad Holmes & Associates and has now been refined by Weiland Design Group into the Landscape Concept Plan (Attachment 3).

In preparing this Plan, Bob Weiland of Weiland Design Group, Inc., visited offsite locations including South Tufa, Navy Beach, and US 395 to ensure the landscape design would effectively screen structures from these viewpoints.

The Landscape Concept Plan consists of seven tree species, one shrub and one groundcover species. Four of the seven tree species will be a minimum height of 13-feet at the time of planting on top of the three-to-four-foot parking lot berm (for a total initial tree height of at least 16 feet) to provide effective screening at the outset, and two of the species would be planted in 24” boxes. All boxed tree species would be purchased one year in advance of planting to allow the root systems a full year to become established prior to planting. Mitigation measure 5.12(a,b-2)(Visual Screening & Landscaping) below provides for the timing, monitoring, and performance of the landscaping to ensure compliance with the CEQA visual analysis:

MITIGATION MEASURE 5.12(a,b-2)(Visual Screening & Landscaping): All landscaping shall be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading is complete. A landscaping or restoration specialist approved by the County shall monitor tree health, screening efficacy and replacement requirements for the first 5-years of growth. The landscape/restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan. If monitoring by the 5th year indicates that the visual analysis expectation has not been met to screen the structure walls, windows and roof from offsite locations, additional plantings will be added and annual monitoring will continue every year until the screening goal has been met.

Per this mitigation measure, all landscaping would be planted directly following completion of grading for all three phases to allow a minimum one-year of growth prior to completion of the Phase 1 housing units and more growth, and therefore improved screening, for phases 2 and 3.

Table 1 lists all proposed screening trees, shrubs and groundcover species including botanical name, common name, size at planting, size at maturity, and number of plantings proposed for each species. Species not currently listed in the Specific Plan Plant Palette are hereby added.

Table 1. TIOGA COMMUNITY HOUSING SCREENING CONCEPTUAL LANDSCAPE PLAN PLANT LEGEND					
Botanical Name	Common Name	Size at Planting	Size at Maturity	Initial Box Size	Number of Plantings
TREES					
<i>Betula Pendula</i>	White Birch	About 8'	30-40' tall x 15-20' wide	24" box	31
<i>Pinus Flexilis</i>	Limber Pine	13' tall min.	30-50' tall x 15-25' wide		16
<i>Pinus Nigra</i>	Austrian Pine	13' tall min.	40-60' tall x 15-25' wide		34
<i>Pinus Ponderosa</i>	Ponderosa Pine	13' tall min.	50-100' tall x 25-30' wide		16
<i>Picea Pungens 'Dark Green & Blue'</i>	Colorado Spruce	13' tall min.	30-60' tall x 10-20' wide		35
<i>Picea Pungens 'Fat Albert'</i>	Colorado Spruce	6' tall min.	15-20' tall x 10-12' wide	36" box	12
<i>Populus Tremuloides</i>	Quaking Aspen	About 7' tall	25-60' tall x 15-30' wide	24" box & 15 gallon	66
SHRUBS					
<i>Cornus Sericea 'Bailey'</i>	Red Twig Dogwood	About 3'	7-9' tall x 10-12' wide	1-gallon or 5 gallon	24

GROUNDCOVER					
<i>Symphoricarpos x Chenaultii</i>	'Hancock'			5-gallon @ 8' O.C.	1200

The proposed screening species include six eastern Sierra natives including the ponderosa pine, limber pine, birch, aspen, dogwood, and Hancock. Two additional species (Blue Spruce and Fat Albert) are native to the Rocky Mountains. To achieve significant screening from the outset, four of the species (limber pine, Austrian pine, ponderosa pine and Colorado spruce) will be planted at a minimum initial size of 13 feet on top of the three-to-four-foot parking berm; all four tree species can be sourced at the required initial planting size. Most of the species are evergreen, but the quaking aspen is deciduous and will provide fall color. In combination, the mix of species will present a natural and varied visual appearance and effective screening from near-ground-level to heights ranging up to 50-60' at maturity based on local weather conditions. Tree locations will not inhibit snow storage as snow can be stored in front of the trees (adjacent to the parking areas) and blown between the trees.

According to Bob Weiland, the following average growth rates with regular water can be anticipated for these species on this site:

- Ponderosa pines = 12"-18"/year
- Limber pines = up to 18"/year
- Austrian pines = 12"-18"/year
- Spruce = up to 12"/year

The layout of trees, shrubs and groundcover is consistent with fire safety and defensible space requirements. In order to create a fire safe clearance zone, none of the trees, shrubs or groundcover would be planted within 30 feet of structures. Plantings within 30-70' of the units would be maintained clear of low-lying branches and high-fuel plant materials, in compliance with State requirements.

To create a more natural appearance from offsite vantage points, the landscaped berms below each of the two main parking lots, which will also prevent vehicle headlights from being seen from areas off of the project site within the Mono Basin, will have undulating widths and variable heights ranging between three to four feet, as shown on the Landscape Concept Plan. In combination, the landscape trees and berm will provide effective screening from South Tufa, Navy Beach, and US 395 from the initial development phases throughout the life of the proposed Community Housing Project.

Irrigation Requirements

As noted above, the tree, shrubs and groundcover will be planted as soon as site grading is complete to provide maximum time for establishment and growth for the best screening performance. Irrigation will be provided in part by the wastewater treatment plant (WWTP) proposed as part of the project, which will be operational prior to occupancy of Phase 1 housing units. Initially, only Phase 1 units and existing onsite uses will contribute toward recycled water volume for landscape irrigation, and the balance of irrigation water needs will be provided by potable water. However, other uses that have not yet been constructed will not yet be using the potable water supply. As more onsite uses are constructed and consume more potable water, the recycled water volume will also increase, reducing the amount of potable water used for irrigation. At full build-out of all project elements, including the previously approved hotel and restaurant, treated wastewater is estimated to meet 50% of summer irrigation

demand on the project site. The projected water use falls within the previously published CEQA analysis (see Tioga Community Housing Revised Draft/Final Subsequent EIR, Section 5.2, Impact 5.2(b) starting on pdf page 124²).

The landscaping is required to meet irrigation requirements for water efficient landscaping, which is calculated in Table 2, the Water Efficient Landscape Worksheet (see below). The calculations assume irrigation would use Hunter MP rotors, which are above-surface spray rotors that are classified as drip irrigation by the State. The DSEIR describes the use of a Geoflow Subsurface Drip System (DSEIR p. 5.2-20), which is a more traditional subsurface drip irrigation system, and would meet or exceed the analysis using Hunter MP rotors. The water use calculations result in an irrigation demand about 25% lower than the state maximum allowed for landscaping irrigated with potable water, and 50% lower than the state allowance for landscaping irrigated with recycled water. Note that irrigation demand is based not on the number or mix of trees, but rather is based on the number of bubblers (2 per tree), the number of rotors (used to spray planting zones), and the estimated duration of sprinkler and rotor operations in a given period.

CEQA ANALYSIS

The CEQA conclusion from the August staff report has not changed (see Attachment #5 to the 6 August 2020 Board staff report). Aesthetic resource impacts from the visibility of the structures have been mitigated to less than significant levels by the requirement of single-story construction with a maximum roof height of 16'; an increased number and the placement of screening trees as set forth in the Landscape Concept Plan which is designed to block offsite views of walls, windows and roofs; the lowering of the grading line to sink the structures into the hillside, the requirement of dark colors and non-reflective materials, and the vast distance from scenic viewpoints which reduces the size and scale of the structures. Impacts to the night sky are also mitigated to less than significant with the addition of more restrictive dark sky lighting requirements; however, visual impacts remain significant overall because of downward directed lighting on the ground where none existed before.

² Available at:

https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/fseir_dseir_tioga_inn_cmpltn_06-05-20_sm.pdf

Table 2. WATER EFFICIENT LANDSCAPE WORKSHEET

WATER EFFICIENT LANDSCAPE WORKSHEET							
Project Reference Evapotranspiration (Eto)				42.9			
Hydrozone # / Planting Description	Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area (Sq. Ft.)	ETAF x Area	Estimated Total Water Use (ETWU)
Regular Landscape Areas							
1	0.3	Rotary	0.75	0.40	80,000.00	32000.00	851,136.00
ETWU Total							851,136.00
MAWA							957528.00
Notes:							
1. Irrigation Efficiency - 0.75 Spray Head, 0.81 Drip							
2. ETWU = Annual Gallons Required = (Eto*0.62*ETAF*Area)							
3. MAWA = Annual Gallons Allowed = (Eto) (0.62) [(ETAF*LA)+((1-ETAF)*SLA)]							
ETAF Calculations							
Regular Landscape Areas							
Total ETAF x Area		32,000.00					
Total Area		80,000.00					
Average ETAF		0.40					
Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.							
All Landscape Areas							
Total ETAF x Area		32,000.00					
Total Area		80,000.00					
Average ETAF		0.40					

IV. “VOLUNTARY” PROJECT MEASURES

At the 6 August 2020 meeting, the Board discussed that the project may offer “voluntary” measures to address concerns that have been raised. “Voluntary” measures are defined as project components, mitigation measures, or project conditions that are not required by any County regulation or to mitigate an environmental impact, but instead the applicant chooses to provide the measure to be responsive to issues or concerns and/or compromise.

The most significant voluntary project measure is the proposal of housing itself. Mono County prioritizes housing, especially “affordable” housing, as one of the top priorities in its strategic plan (from its 2019 priorities). As previously described, the 2017 Mono County Housing Needs Assessment identified a need for 50-100 housing units in the unincorporated area to address current needs and 70 new housing units by 2022 based on projected demand. No “affordability” ranges were defined for these units. The Assessment identified future housing needs as “largely determined by employment growth” and did not directly include the expected 300 employees generated by the previously approved hotel and restaurant. Housing is clearly a problem today that would be exacerbated by the construction of the previously approved hotel and restaurant.

Therefore, the decision by the project proponent to provide onsite housing targeted at employees is a voluntary measure in response to the housing crisis. While not deed restricted to certain income levels, the proposed project provides housing that is sized and constructed in a way that is intended to be affordable, can provide housing for 59%-83% of projected onsite employees, and now specifically stipulates that onsite employees have priority. At the state level, housing units of all types are considered key to alleviating the housing crisis and state housing policies encourage many types of units, including units that are affordable by design and market rate.

Again, no housing units of any type are required under the previous approval of the hotel and restaurant. The hotel and restaurant will only be subject to fees of \$2,000 per room for visitor accommodations and \$1.00 per square foot (sf) for commercial space at the building permit stage. The 120-room hotel will therefore generate \$240,000 in fees. Fees from commercial space are unknown as square footages are not defined in the specific plan, but even an unrealistically generous assumption of 10,000 sf of commercial space only results in \$250,000 to mitigate housing impacts. In comparison, the 2019 Housing Mitigation Ordinance nexus study defined \$344,552 as the cost to construct one 1,200 sf multi-family unit.

A number of other voluntary measures have already been incorporated into the project in response to public concerns as well and are listed below:

- Reduction in scale of the originally proposed project, which had included a third story on the previously approved hotel and expanded square footage of the previously approved promontory restaurant, in response to concerns about project size;
- Onsite day care center, open to the public and onsite residents and employees, in response to the need for child care;
- Lighting restrictions exceeding the County's Dark Sky requirements (General Plan Land Use Element Chapter 23) in recognition of the importance of the Mono Basin as a site for night-photography and the high value placed on preserving dark night skies;
- Acquisition from SCE of a secondary emergency access route in response to a CalFire recommendation and Lee Vining Fire Protection District (LVFPD) concerns;
- Offer to prefund an update of the LVFPD development impact fee (DIF) structure, provided the cost is credited back to the project's DIF cost when incurred, in response to currently unquantified fire district capital improvement needs;
- Onsite Automated External Defibrillator (AED) units in accordance with American Heart Association recommendations, as suggested by LVFPD;
- Offer to host a fundraising event to encourage donations and volunteer service in support of LVFPD operations and capacity;
- 50 hours of compensated time and travel for training the onsite construction crew and/or onsite monitoring for tribal cultural resources by the Kutzadika'a Tribe, which had been accepted in January 2020 via email confirmation from the California Indian Legal Services attorney representing the Tribe during consultation;
- Solar panels providing approximately 50% of total energy consumption which recognizes requests for "green building" design, climate change concerns, and issues related to greenhouse gas emission reductions;
- Recycled water with subsurface irrigation system providing approximately 50% of summer irrigation needs which recognizes requests for "green building" design, climate change concerns, and issues related to greenhouse gas emission reductions;
- Increase in overall Specific Plan open space by 0.7 acres, with a near-doubling of the most-protected Open Space Preserve acreage (from 14.8 to 27.8 acres) in recognition of the desire to retain as much open space character as possible;
- Multiple transportation improvements including onsite bus stops for the Eastern Sierra Transit Authority (ESTA) and Eastern Sierra Unified School District (if the District is able to provide a bus), a free shuttle system

between the project and Lee Vining available to the general public, and improved connections to the Yosemite Area Regional Transportation System (YARTS) stop in response to various access and traffic concerns raised; and

- A commitment toward assisting with the development of a future trail connecting the Tioga site to Lee Vining in response to concerns about pedestrian connectivity between town and the project site.

All of the measures listed above are provided voluntarily by the project proponent and are not required by County regulations or the environmental impact analysis.

V. ISSUES FOR DISCUSSION

At the August 2020 public hearing, the Board of Supervisors resolved several policy points and discussion issues, which are summarized in Attachment 4. Several other policy points and issues have been identified to help guide Board discussion below:

1. **Hydrology concerns:** At the 6 August 2020 meeting, the Board specifically asked about a comment letter regarding hydrology. A response to the letter and others requested by the Board are provided in Attachment 5. In addition, the following citations respond to and resolve hydrology concerns that have been raised in previous comment letters:
 - DSEIR Section 5.2
 - FSEIR Topical Response #11 (p. 97)
 - Staff report from 6 August 2020 starting on page 8

No further action is recommended.

2. **Propane tank use and location:** Proposed commercial use has been removed and the propane tank has been relocated onto the Tioga sub-parcel east of US 395, near the two existing Tioga wells. Screening of the propane tank will be provided, consistent with the conceptual landscaping standards outlined in Specific Plan Table 4-12, which requires that screening trees and shrubs be planted to provide a visual break of facility views as seen from the scenic highways. The approved Tioga Inn Specific Plan designates the eastern sub-parcel as “Open Space-Facilities,” which includes a propane tank among the allowed uses.³ Therefore, if this proposed project is denied, the propane tank could be installed at this location under the existing approved Specific Plan. Infrastructure exists to connect propane at this location to the uses on the west side of the highway.

For further information, see the 6 August 2020 staff report, Attachment 6. No further action is recommended.

3. **Affordable housing:** The need for housing units is more fully described above in Section IV. Voluntary Project Measures, as is the fact that the need is not broken down by affordability and that state housing policy often encourages all types of housing units, including those affordable by design and market rate, as part of the housing solution. Also, as a reminder, the project may only be held responsible for its

³ Tioga Inn Specific Plan Implementation Measure 1h(1).

incremental increase (i.e., the addition of multi-family housing units) to an impact and not for the existing condition (i.e., current housing deficit) or approved unbuilt uses (i.e., the hotel and restaurant).

The project shall comply fully with the County’s adopted Housing Mitigation Ordinance which will likely result in a minimum of three low-income units and in-lieu fees or four units, and the applicant also intends to meet the affordability requirements associated with any grant funding that is available to assist in meeting project development costs. To preserve flexibility in complying with potential grant eligibility requirements, there are no plans at this time to identify additional deed-restricted units on the project site.

For further information, see the 6 August 2020 staff report, Attachment 6. No further action is recommended.

4. **Evacuation Route to US 395:** Because no fire safe standard or identified CEQA impact requires an emergency access road to US 395, the County has no nexus to require provision of this road as part of the Specific Plan (see CEQA §15126.4(a)(4)(A)). However, the Lee Vining Fire Protection District (LVFPD) must issue a will-serve letter to the project at the building permit stage. The LVFPD could therefore determine on the basis of its authority and regulations that the access road is required in order to issue the will-serve letter. While the approval process would be under the authority of the LVFPD, the County would offer to plan check and inspect the construction of the road as part of the building permit.

To allow for this possibility, the following language is suggested for addition to the Specific Plan:

New Implementation measure 2b(7): If an emergency access road to US 395 is required by another agency with the authority to do so and the necessary permitting and CEQA analysis has been completed by that entity, then the Specific Plan may be modified by discretionary action of the Board to allow the road and to state “other than access to an emergency egress route and for authorized personnel to the parcels adjacent to US 395, there shall be no access to the project from US 395.”

For further information, see the 6 August 2020 staff report, Attachment 6.

5. **Lee Vining Fire Protection District concerns:** Following the Board of Supervisors’ hearing on June 29-30, staff requested an opportunity to speak with the Lee Vining Fire Protection District (LVFPD) Board of Directors about their concerns and needs to serve the Tioga Community Housing Project. LVFPD responded on July 6, 2020, with a written summary of concerns that served as a basis for the July 9, 2020, Zoom meeting with the LVFPD Board. The concerns and responses are summarized below in Table 2.

TABLE 1. LVFPD CONCERNS AND RESPONSES	
LVFPD CONCERNS	MONO COUNTY RESPONSES
CONNECTIVITY BETWEEN TIOGA SITE AND LEE VINING	
1. Enhanced Traffic, Cyclist and Pedestrian Safety - The District feels strongly that clear and enforceable mitigations must be adopted to remove the significant adverse impacts to pedestrian, cyclist safety and to mitigate vehicle hazards at the Hwy 120/395 intersection. The	Imposed requirements must be roughly proportional to the incremental impact of the project (see Dolan v. City of Tigard (1993)). As discussed below under the Connectivity Trail, the pedestrian connectivity issue is an existing condition and therefore development and

<p>two main components of protecting public safety as discussed would be:</p> <p>a. Off-highway pedestrian and cyclist connection to town - Language should be included in the project document to assure the public that a trail to town will be built prior to or concurrent with project initiation and detail how this mitigation will be structured to assure connectivity project costs will be borne by the proponent through bonding and/or concrete fair share commitments.</p> <p>b. Traffic calming - What actions can be included in the project document to assure the public that meaningful measures to enhance traffic safety at project ingress and egress, as well as the Hwy 120/395 intersection, will be required and implemented by the project proponent?</p>	<p>construction of the entire trail cannot be attributed solely to the proposed project. However, as also described below, a mitigation measure has been developed to ensure the project will contribute to an effort to develop a solution.</p> <p>With respect to the SR 120/US 395 intersection, the sole impact identified in the FSEIR is congestion (only during the peak season months) that would occur with or without the proposed project. No safety impact has been identified. The intersection is under Caltrans jurisdiction – please see the 6 August 2020 staff report for reaffirmation of Caltrans’ position that no feasible mitigation measure is available. As an added note, the County’s adopted Regional Transportation Plan does not contain specific language related to the SR 120/US 395 intersection, and the intersection has not been raised under any safety or other considerations or Local Transportation Commission project programming efforts.</p> <p>As cited in the FSEIR, the proposed project includes improvements to the Vista Point entry configuration, and Caltrans confirmed in its DSEIR comment letter that they are currently considering solutions for heavy traffic volumes and overflow parking on the SR 120 apron located east and west of the Vista Point entry. Caltrans recognizes that these uses can block intersection sight distance.</p>
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PROJECT-RELATED FINANCIAL IMPACTS ON LVFPD

<p>2. LVFPD believes that costs of plan review for fire code compliance should not be passed on to the District as currently proposed. Our limited budget should not be taxed for this project. We would like to see language in the project document that assures our District will be insulated from any and all project-required plan design review fees and ongoing compliance reviews.</p>	<p>The FSEIR, supplemental response to Supervisor Fred Stump, and 29-30 June 2020 public hearing presentation noted an option for Mono County to complete the building plan check and building inspections at no cost to the Fire District. This option assumes the County completes the plan check and inspections as part of typical building permit services. The County would not cover costs outside of the building/grading permit process and that may be imposed under the sole authority of the Fire District, such as an emergency access road to US 395, but could cover the cost to issue a grading permit and inspect the construction of the road.</p>
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	<p>With respect to development impact fees (DIF), the County stated at the 29-30 June 2020 public hearing that special districts are typically billed for consultant costs to update a DIF study the provides the basis for updated fees, but staff time through the County Counsel's office to provide legal services and assist with legal aspects of DIF imposition is provided free of cost. In the current project, however, the applicant has agreed to fund the DIF study up front, provided the amount is credited toward the eventual DIF that would become due when he builds the project. Prefunding of the DIF update is a solid step that would enable LVFPD to move quickly with the update.</p>
<p>3. While the document currently contains an estimate of Fire Mitigation Fees potentially due to the District at full project build out, it would help inform this discussion to see those fees calculated in step with the project's final proposed phasing.</p>	<p>The FSEIR and supplemental response to Supervisor Fred Stump stated that the LVFPD would receive fire mitigation fees at the current rate of \$0.50/square foot and the proposed project is approximately 75,000 square feet, plus additional fees would be assessed for the hotel and restaurant elements. The math calculation results in total fees for the proposed housing project (only) of about \$37,500. The exact amount to be billed at each phase depends on the size of the proposed units. However, based on rough percentages, Phase I is about 30% of full build out and would therefore result in 30% of total DIF (~\$11,250). Phase 2 is about 40% of the project (~\$15,000 in DIF), and Phase 3 is about 30% of the project (~\$11,250 in DIF). However, fees may change if the DIF study is prefunded and the new DIF is in place prior to final permits.</p>
<p>4. Additionally, it would help us understand the project's potential financial input to the District from annual property tax assessments tied to project phasing. Basically, what funds would actually be coming to the District.</p>	<p>Mono County Treasurer-Tax Collector Gerald Frank calculated that LVFPD would receive about \$250/year from property taxes at full project buildout of the Tioga Specific Plan (all uses).</p>
<p>PROJECT-RELATED CAPACITY IMPACTS ON LVFPD</p>	
<p>5. Following the direction of Supervisor Stump's discussion from the June 30 hearing, we acknowledge the difficulty of the project providing assurance to offset impacts on volunteer capacity, and also welcome the suggestion of an annual mitigation fee to</p>	<p>As stated in the FSEIR, the proposed Tioga project is a maximum of 100 new residential units. The 2019 County Housing Element estimated about 185 housing units in the Mono Basin as a whole. While the project significantly increases the number of new units, the complexity and size of the</p>

<p>support infrastructure, training, equipment and professional help to enhance our District's limited capacity. Our District has never served a project of this size and complexity.</p> <p>Moving forward we will require outside assistance to help us understand how we can best build our own capacity to meet the needs of the project while sustaining current service levels across the District.</p>	<p>individual units is comparable to the existing housing units currently being served. If a certain type of construction or spacing is of concern to the District in terms of structural complexity, the District should make their concern known and appropriate conditions could be considered for the Specific Plan.</p> <p>The concern about size and complexity appears to be related to the commercial components of the project (e.g., hotel and restaurant), which are not part of this project. However, the previously proposed Specific Plan implementation measure of developing an evacuation plan, which could be modified to a fire plan to be more comprehensive, is intended to help address this concern.</p> <p>As discussed at the 29-30 June 2020 public hearing, one or more formal incentives for onsite residents to serve as volunteer firefighters could be incorporated. For example, onsite employees willing to volunteer to for the LVFPD could be given priority for available housing or the project could be required to provide a certain number of volunteers. The applicant is volunteering to host a fundraiser to both raise funds and recruit volunteers. Additional suggestions from LVFPD for building capacity would be welcomed.</p> <p>Any existing lack of LVFPD capacity cannot be attributed to the proposed community housing project; the proposed project may be held responsible only for its incremental increase to impacts.</p>
PROJECT-RELATED FINANCIAL IMPACTS ON LVFPD	
<p>6. We have initiated a search for an independent consultant who can provide analysis of the District's needs in lieu of a spectrum of Project build-out possibilities from phased housing to final hotel and restaurant completion. We request that these costs be covered by the proponent.</p>	<p>Mono County can only require costs related and proportional to the impacts of the current housing project. Needs related to existing conditions and previously approved components, which appears to be the case with this request, cannot be required by the County.</p> <p>However, a timely update to the District's DIF fee structure would enable LVFPD to receive impact fees for all unbuilt Specific Plan components, including the previously approved uses that are not a part of the current project (because DIF is charged when the building permit is pulled). Since</p>

	equipment expenses qualify as ‘capital costs,’ they would be covered by the DIF fees.
FIRE SAFETY ACCESS	
7. The District is encouraged that plans are proceeding to guarantee emergency access as part of the project. Given the increasingly extreme fire behavior recently experienced in CA and Mono County, having reliable fire access is essential to the safety of residents and guests at project site. We look forward to evaluating a final set of plans with route details (including an annual maintenance plan) before the next Special Board of Supervisors Meeting.	Provision of the emergency access road onto SR 120 is a resolved issue listed in Attachment 4. With respect to fire access onto US 395, please see the discussion above. The County has no nexus to impose this requirement.

The recommendation is to accept the applicant’s voluntary offers to 1) fund the consultant cost for a DIF study provided the amount is credited toward the eventual DIF that would become due when the project is built; and 2) hold a fundraiser and volunteer recruitment event for the LVFPD.

6. **Connectivity Trail:** The FSEIR concluded that establishment of an at-grade trail connection between the project site and Lee Vining would be infeasible due to the fact that (a) such trail would ultimately expose pedestrians to potential hazards associated with high speed vehicles and limited line of sight distances as they cross Highway 120 to access the trail, (b) the connection would require action by other parties over whom the County and the property owner lack legal control (i.e., SCE and Caltrans), and other factors. Additionally, imposed requirements must be roughly proportional to the incremental impact of the project (see *Dolan v. City of Tigard* (1993)). The pedestrian connectivity issue is an existing condition and therefore development and construction of the entire trail cannot be attributed solely to the proposed project.

A Zoom meeting with Caltrans and SCE⁴ was held on 7 July 2020 to better characterize the agencies’ ability to collaborate with Mono County on connectivity options. Caltrans staff affirmed that they could consider options (excluding at-grade options) for providing pedestrian/bicycle connectivity between the project site and Lee Vining. SCE staff stated that it could not yet make a formal commitment to the connectivity trail effort, pending approval from several additional internal SCE departments, but did affirm that SCE considers the collaboration worth pursuing based on comments discussed during the meeting. It is worth noting that the formal acquisition of the Gibbs Siphon Road for emergency access has been ongoing for nearly four years and is not yet complete. No further information has been received from SCE.

In response to this discussion, Caltrans District 9 has provided the Mono County Community Development Department with information to redesignate SR 120 from a “freeway” to a “conventional highway,” which could facilitate progress on a safe crossing (see FSEIR Topical Response #4, p. 83), and submitted a funding application for this pedestrian connection project. While the competitiveness of the application is unknown, and potentially low, this conversation has initiated collaborative efforts to find solutions.

⁴ Caltrans’ staff participants in the Zoom meeting included Gayle Rosander (District 9 External Project Liaison) and Mark Reistetter (District 9 Encroachment Permits Office); SCE was represented by Richard Fujikawa (SCE Transmission & Distribution/Acquisition).

Because the trail is considered infeasible at this time and due to uncertainty of the ability to implement, as well as the fact that the entire trail is not attributable to this proposed project, the potential environmental impacts of the recommended mitigation measure below are not included in the current FSEIR nor in the Statement of Overriding Considerations for the Project, which is provided for in CEQA §15126.4(a)(5).

Based on input from both Caltrans and SCE, Mono County staff has refined draft Mitigation Measure SVCS 5.8(a-4) (Connectivity) to ensure the project contribute toward progress of a pedestrian connection, as shown below in a clean format (track changes not shown) for consideration by the Board of Supervisors:

MITIGATION SVCS 5.8(a-4)(Pedestrian Safety): The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for conflicts with high-speed vehicles); requirement for action by other parties over whom the County and the property owner lack legal control (i.e., SCE and Caltrans)and which, until recently, were unwilling to cooperate; and for other reasons including uncertainty of funding costs not attributable to the project and ultimate implementation. Infeasible mitigation measures need not be analyzed under CEQA and may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In addition, a pedestrian trail has been documented as an existing need and the proposed project may only be held responsible for its proportional and incremental contribution.

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

The other available option is to eliminate the proposed mitigation measure because it is infeasible at this time.

- 7. Refined Alternative #7-Hybrid Plan:** In response to Board direction, the Alt 7 Concept Site Plan was refined to provide more certainty about the layout of structures and the Landscape Concept Plan was refined to provide more detail as discussed in Section III. A mitigation measure was included to define the requirements of “substantial compliance” at the building permit stage (Mitigation Measure AES 5.12(a,b-1)(Design Criteria)) and the timing, monitoring, and performance standards for the landscaping plan (Mitigation Measure 5.12(a,b-2)(Visual Screening & Landscaping)).

Site Plan Review

A requirement for the Planning Commission to review and approve the building permit site plan was added to the Design Criteria mitigation measure, and the recommendation is to remove this language and adhere to the standard practice of a “substantial compliance” determination. See pages 5-6 above for the current proposed language of Mitigation Measure AES 5.12(a,b-1)(Design Criteria) including the Planning Commission approval requirement.

Phasing Plan & Grading

At the 6 August 2020, the Board directed that the grading permit for each housing phase shall allow only the minimum amount of earthwork required for that phase, plus an additional grading allowance to permit the installation of reasonable infrastructure improvements, subject to approval by the Planning Commission. Based on the rationale in Section III (see above, p. 6), the recommendation is to allow all grading in Phase I. The grading as directed by the Board at the August meeting currently stands as follows:

Mitigation Measure 5.6(a-1) (Phasing Plan). <i>Development of the Tioga Community Housing Project shall be phased in accordance with the schedule below.</i>		
Phase	# Units	Schedule
1	30	<i>The 30 Phase I units are authorized upon Specific Plan Amendment #3 approval along with the childcare facility. The goal is to have the 30 phase 1 units available for use by construction workers during the hotel and restaurant construction process.</i>
2	40	<i>Construction of the 40 Phase 2 units is authorized when the hotel core & shell inspection, or approximate equivalent (depending on type of construction), is signed off by the Mono County Community Development Department and all Phase I building permits have been issued. The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously approved commercial job positions.</i>
3	30	<i>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) and Phase II building permits have been issued. All Phase 3 units will be in the westernmost row of units.</i>

The grading permit for each housing phase shall allow only the minimum amount of earthwork required for that phase, plus an additional grading allowance to permit the installation of reasonable infrastructure improvements, subject to site plan approval by the Planning Commission (see Mitigation Measure AES 5.12(a,b-1)(Design Criteria)).

V. PUBLIC HEARING NOTICE & COMMENTS

A public hearing notice was published in The Sheet on 26 September 2020 (Attachment 6) and a courtesy notice was sent to the Mono Basin Regional Planning Advisory Committee (RPAC) on 29 September 2020 along with the Alternative 7-Hybrid Plan narrative description and concept plans. Notices were also sent to adjacent property owners at least 10 days in advance of the hearing and emails were sent to service providers that may be affected.

The Board and/or individual Supervisors requested responses to select comment letters, which are included in Attachment 5.

Written public comments received will be provided to the Board prior to the close of the public hearing.

VI. REVISIONS & FINDINGS

Revisions to mitigation measures and specific plan conditions proposed to date are comprehensively listed in Section One of the Resolution (Attachment 2) to ensure a clear understanding of project modifications. The Specific Plan Findings have also been updated in Section Three. In response to these revisions, the CEQA Findings of Fact and Statement of Overriding Considerations (Exhibit A to the Resolution) has been updated to reflect updated project benefits, environmental analysis, and mitigation measures for Alternative 7-Hybrid Plan.

If the Board certifies the FSEIR and approves the proposed Tioga Inn Specific Plan Amendment #3, with any modifications desired, the Board must adopt the findings contained in the proposed Resolution, including Exhibit A (Attachment 2).

VII. ATTACHMENTS & WEBLINKS TO DOCUMENTS

1. The Subsequent Final Environmental Impact Report (FSEIR) and Tioga Inn Specific Plan Amendment #3, along with other project documents, are available on the Mono County website at: <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>
2. Proposed Resolution R20-__ with Exhibits A and B
3. Refined Alternative #7-Hybrid Plan: Full scale concept site plan
4. Refined Alternative #7-Hybrid Plan: Housing area only concept site plan
5. Landscape Concept Plan for Alternative #7-Hybrid Plan
6. Summary of policy points and issues resolved at the 6 August 2020 Board meeting
7. Responses to comments requested by the Board
8. Public hearing notices