



RESOLUTION R20-___

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
ADOPTING TIOGA INN SPECIFIC PLAN AMENDMENT #3 AND THE MITIGATION
MONITORING AND REPORTING PROGRAM, AND CERTIFYING THE
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

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

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

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

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

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

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

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

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

WHEREAS, the FSEIR was released on February 29, 2020, and, in response to public comment and suggestions, was re-titled as the Tioga Community Housing Project, and included the new Alternative #6, which was accepted by the applicant and determined to be the new preferred alternative due to reduced visual and other impacts, and included other project changes; and

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

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

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

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

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

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

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

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

General:

- A. Staff is authorized to make corrections that do not affect project substance or meaning, such as grammatical and typographical errors, numbering corrections, formatting changes, etc.

Specific Plan Refinements:

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

C. Add the following species to the Specific Plan Plant Palette:

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

D. Add Secondary Fire Access map to the Specific Plan (https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/tioga_in_n_secondary_fire_120_access.pdf).

E. Add the following language to the Specific Plan Open Space-Support designation: The Open Space-Support designation shall also permit construction and maintenance of a permanent secondary emergency access road, to be located in the southwest quadrant of the Tioga site.

F. Eliminate the commercial propane service and relocate the propane tank to 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.

G. Add to the Specific Plan the following new Implementation Measure 1f(9): Onsite employees shall have first priority for vacant housing units, and rental practices shall comply with the California Fair Employment and Housing Act (FEHA) and the federal Fair Housing Act (FHA). In the event of a conflict with FEHA/FHA or a future grant award for project implementation, the grant requirements and FEHA/FHA shall take precedence.

H. Add to the Specific Plan the following new Implementation Measure 1f(10): Automated External Defibrillator (AED) units shall be provided on the community housing site in compliance with standards established by the American Heart Association, including use of a 3-minute maximum response time to determine the required number of AED units and where the units should be located on the project site.¹

I. Move from mitigation measures to the Specific Plan the following Implementation Measure 2a(5): The applicant shall provide Mono County Public Health Department with monthly measurements and recordings of static water levels, pumping water levels, pumping rates and pumped volumes for the onsite wells. The monthly measurements shall be provided to the County for at least the first year to establish a

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

baseline; monitoring shall continue on at least a quarterly basis thereafter and results provided to Mono County Public Health.

- J. Add Specific Plan 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.”

Subsequent Environmental Impact Report (SEIR) Additions and Revisions:

- K. Incorporate the description, analysis, and plan sheets (full site concept plan, housing concept plan, and landscaping concept plan) of the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of the staff report for the 13 October 2020 Board of Supervisors meeting as the preferred alternative.
- L. Incorporate the environmental impact analysis of Alternative 6 and Alternative 7 (as applicable to the refined Alternative 7) from Attachment 5 to the staff report for the 6 August 2020 Board of Supervisors meeting, including the Lines of Sight and Visibility Cones from Navy Beach and South Tufa Parking Lot (Exhibits 3 and 4), and the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of the staff report for the 13 October 2020 Board of Supervisors meeting.
- M. Add 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.
- N. Refine 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 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.

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

Phase	# Units	Schedule
1	30	The 30 Phase 1 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.
2	40	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 1 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.

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) and phase II building permits have been issued. All Phase 3 units will be in the westernmost row of units.
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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)).

- P. Add Mitigation Measure SFTY 5.7(e-3) (Emergency Access to SR 120): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-foot irrevocable easement from SCE to the property owner, shall be bladed annually to maintain full easement width, and shall be maintained to be passable by vehicles year round, to be recorded prior to issuance of project building permits.

- Q. Add Mitigation Measure SVCS 5.8(a-2) (Shuttle Service): A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase 1 units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin the operating season, at minimum, each year no later than July 4, and end the operating season each year no sooner than Labor Day. The operating season may be expanded for additional periods as needed based on an annual survey of the Lee Vining community and Tioga Housing residents conducted by the property owner. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.

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

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

project shall commence within six months of the Board of Supervisors' approval of the Tioga Inn Specific Plan Amendment #3.

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

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.

- T. Add Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping): All landscaping shall be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading is complete. A landscaping or restoration specialist approved by the County shall monitor tree health, screening efficacy and replacement requirements for the first 5-years of growth. The landscape/restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan. 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.
- U. Refine Mitigation Measure AES 5.12(c) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:
- (a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded,

down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.² Kelvin color temperature should be approximately 2300K, and temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30 minutes following sunset, and 30 minutes prior to sunrise; (b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts to the least necessary for public health and safety. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart³ on pedestrian pathways. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens⁴;

(c) accent lighting shall be limited to residential lighting required by the building code for safety, and any up-lighting shall be prohibited;

(d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and

(e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

(f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and landscaping to screen project structures and lighting, subject to the five-year monitoring plan and tree replacement as needed, to screen direct light glare from offsite.

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

(a) A written narrative to demonstrate lighting objectives,

(b) Photometric data,

(c) A Color Rendering Index (CRI) of all lamps and other descriptive information about proposed lighting fixtures,

(d) A computer-generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines, and/or

(e) Landscaping information to describe potential screening.

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

SECTION TWO: The Tioga Community Housing Project Final Subsequent EIR (FSEIR) has been prepared for the Tioga Inn Specific Plan Amendment #3 in compliance with CEQA and the FSEIR reflects the County's independent judgment and analysis. The Board of Supervisors further finds that the FSEIR has been presented to, and reviewed by, both the Board and Planning Commission and, with the refinements described in Section One of this Resolution, is adequate and complete for consideration by the Board of Supervisors in making a decision on the merits of the Tioga Inn Specific Plan Amendment #3, including making the findings for the Statement of Overriding Considerations in the form set forth in **Exhibit A**, which is attached hereto and incorporated by this reference.

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

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

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

SECTION THREE: Having reviewed and considered all information and evidence presented to it including public testimony, written comments, the Draft and Final Subsequent Environmental Impact Report (DSEIR and FSEIR, respectively), the 1993 Tioga Inn Specific Plan and FEIR and staff reports and presentations, the Board of Supervisors makes the following findings regarding the Tioga Inn Specific Plan Amendment #3 and Preferred Alternative (Alternative #7-Hybrid Plan):

- A. *The proposed changes in the specific plan are consistent with the text and maps of the General Plan because:*

The proposed changes to the Tioga Inn Specific Plan, the Tioga Inn Specific Plan Amendment #3, Alternative #7 (Amendment), are consistent with General Plan policies directing the County to utilize the specific plan process for large-scale projects and consistent with Land Use Element policies to contain growth in and adjacent to existing community areas (LU Element Objective A, Policies 1, 2). The project site is an existing specific plan approved for development and is proximate to the existing town of Lee Vining, separated only by Highway 120 and one parcel owned by an electric utility company from the closest commercial property, about ¼ mile away. The amendment is also consistent with General Plan policies for amending Specific Plans (Chapter 36 and Chapter 48).

The Amendment is reasonable within the context of providing housing for the approved unconstructed commercial uses and compatible with surrounding and proposed development of the Tioga Inn Specific Plan, and does not alter the adopted Tioga Inn Specific Plan in a manner that makes it inconsistent with the text or maps of the General Plan.

Further, the Amendment is consistent with Housing Element programs that require specific plans for large-scale development within community expansion areas (Mono County General Plan Housing Element 1.8) to utilize mixed use developments to more efficiently and economically utilize the County's limited land base for housing (Mono County General Plan Housing Element 1.9).

In addition, the Amendment is consistent with the Land Use Element policy which "require[s] future development ... to provide a fair share of affordable and workforce housing units" through compliance with the Housing Mitigation Ordinance.

- B. *The proposed changes in the specific plan are consistent with the goals and policies contained within any applicable area plan because:*

As discussed in both the Draft and Final SEIR documents, the specific plan changes are consistent with area plan polices. The site has long been identified for development, with commercial hotel, housing, restaurant and other uses approved in 1993. The Amendment incorporates energy efficient designs such as solar panels, southern orientation, and a graywater irrigation system, and includes requirements stricter than the General Plan Dark Sky requirements (Chapter 23) to protect the night sky.

Small-town character is preserved by providing housing for future employees of the approved commercial components so that the existing housing stock is impacted less and induced growth/overcrowding in the existing Lee Vining townsite is limited. Overcrowding within Lee Vining would result in parking, traffic, and noise impacts, and generally a more urban environment as the density of people increases in town. Additional impacts include, but are not limited to, increases in rent and decreases in the already limited availability of units. In addition, a significant

portion of the infrastructure required to accommodate the increase in population, such as water and sewer, are provided on site. Other services and environmental impacts such as fire protection, emergency medical services, law enforcement, traffic, greenhouse gas emissions, etc., have been evaluated based on an increase of approximately 300 residents and mitigated when possible or identified as significant and unavoidable. Further, population estimates are well within General Plan build-out projections and do not exceed generally understood population definitions of small towns (e.g., less than 10,000 people) or the Census Bureau's definition of a rural area (less than 2,500 people). Finally, the population increase is generated by the previously approved restaurant and hotel, not by the proposed project. The proposed project affects the distribution of that population, increasing the likelihood that the employees will become residents of the Lee Vining area rather than living within existing residential structures in Lee Vining or commuting from adjacent communities such as Bridgeport, June Lake, Crowley Lake, and Mammoth Lakes. The Amendment also enhances and supports the area's tourism-based economy and economic sustainability.

The proposed project is consistent with the Mono Basin Area Plan as follows:

Policy 10.C.2. Support design practices that protect scenic vistas, energy efficiency, and "green" building practices.

- The development is located below the ridgeline on a lower plateau and is not silhouetted against the skyline. The project incorporates energy efficiency and green building practices, such as graywater irrigation, solar panels, and housing onsite with employment (e.g., jobs-housing balance).

Policy 10.C.3. Preserve the dark night sky of the Mono Basin.

Action 10.C.3.a. Require compliance with and enforce Dark Sky Regulations.

- Chapter 23, Dark Sky Regulations, is not only applied, but additional regulations are required such as the prohibition of seasonal light strings on walls facing US 395, limitation on lumens and kelvin light temperature, and the requirement of pedestrian bollard lighting rather than overhead lighting.

Action 10.D.2.d. Consult the Kutzadika'a Mono Lake Indian Community on potential impacts to cultural and historic resources as described in Government Code §65352.3, which outlines local government requirements for tribal consultation.

- Consultation was held and the voluntary mitigation measure offered by the applicant was accepted via email from the California Indian Legal Services attorney representing the Tribe on 13 January 2020. Responses have continued to be provided to any further comments submitted by Tribal members.

Objective A: Provide for the orderly growth of Lee Vining in a manner that retains the small-town character by directing future development to occur in and adjacent to Lee Vining.

- The project site is an existing specific plan approved for development and is proximate to the existing town of Lee Vining, separated only by Highway 120 and one parcel owned by an electric utility company from the closest commercial property, about ¼ mile away.

Objective C: Encourage building types and architectural design compatible with scenic and natural attributes of the Mono Basin.

- Through public comment, the building types have been reduced to one story structures with a maximum height of 16 feet, and a landscaping plan has been developed to ensure screening of

walls, windows, and roof in addition to lighting. Visual impacts are additionally reduced by the lowering of the grading line to sink the structures into the hillside of an existing moraine, the requirement of dark colors and non-reflective materials, and the vast distance from the site to scenic vista areas 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. This policy does not prohibit approval of projects with identified impacts; rather, the applicable policy would be General Plan Conservation/Open Space Policy 20.C.1, which requires a statement of overriding considerations through the Environmental Impact Report process. The statement is proposed in Exhibit A.

Objective D: Maintain, protect and enhance the natural, historical and recreational attributes of the Mono Basin.

- Cultural protections have been addressed through consultation with the Mono Lake Kutzadika'a Tribe and continued correspondence.
- Pedestrian connectivity is an existing issue that cannot be attributed entirely to the project, and therefore cannot be solely resolved by this project, and certain constraints make the construction of pedestrian connectivity infeasible at this time. However, the applicant will fund studies and work toward overcoming those barriers to pursue a trail or other connection from the project site to town.

Objective E: Promote well-planned and functional community uses that retain small-town character and increase quality of life.

- Based on population data in the FSEIR/DSEIR, the estimated project population of 300 plus the 2018 population of 167 results in a total population of 476. While this population is almost a threefold increase in the current population, it is less than the population from the 2000 Census (496). Therefore, the Mono Basin has supported such population levels in the past.
- The small-town character is retained by providing housing onsite for the commercial uses already approved. Without the project, the employees of those commercial uses will seek housing in Lee Vining, impacting the already inadequate housing stock which typically results in overcrowding. Overcrowding then results in parking, traffic, and noise impacts, and generally a more urban environment as the density of people increases in town.
- The assumption that the hotel will not be built without the housing is speculation. The hotel and restaurant are approved and therefore reasonably foreseeable under CEQA, and must be assessed under the cumulative impact evaluation.

Objective F: Provide appropriate public infrastructure and service capability expansion to support development, public safety, and quality of life.

- In terms of capacity needs, the Lee Vining Fire Protection District had raised concerns about the technical expertise to plan check and inspect the construction phase of the project, and the need for an evacuation plan. Mono County offered to cover the plan check and inspection needs at no cost to the District, and a specific plan implementation measure was added to require the development of an evacuation plan.
- The District more recently raised capacity needs in terms of volunteer numbers, funding, and an update to the Development Impact Fee (DIF) study. The FSEIR discusses that residents in the project are likely to volunteer, but a specific number could be mandated. The Mono County Counsel's office provides free legal services to the District, and the applicant has offered to

prefund the cost of the consultant, provided the cost is credited against the amount of DIF due for the proposed project when the building permit is due. The applicant has also offered to host a fundraising and volunteer drive for the District, and offer housing priority for onsite employees agreeing to volunteer.

- The population is still well below the build-out anticipated by the General Plan, and existing parking standards should provide for adequate parking. If older projects previously built in Lee Vining were not built to standards, those are existing impacts for which the proposed project is not responsible.

Goal 2: Grow a sustainable local economy with diverse job opportunities that offers year-round employment and wages that reflect the cost of living in the area.

Objective A: Plan for a diversified, sustainable economy.

Objective B: Enhance and support the existing tourism-related economy.

Objective C: Diversify the existing economic base and employment opportunities to achieve a more sustainable economy.

- Housing in and of itself is a major barrier for business retention and expansion. The 2018 Mono County Business Retention & Expansion Survey found housing is the greatest barrier to workforce retention and recruitment with 79% of businesses attributing availability/affordability of housing as the overriding barrier. Housing is most critical for seasonal frontline employees according to 62% of businesses, however nearly as many (59%) mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address housing issues by providing some employee lodging but only 34% of those say the amount is adequate.
- In the opinion of the Mono County Economic Development Department, improving the quality and quantity of visitor services is needed throughout the county and in Lee Vining

Policy 11.C.5. Support the revitalization of Main Street.

- The proposed project is not located on Main Street and therefore this policy is not applicable. Further, the policy does not prohibit, either directly or in an implied manner, any project that is not located on Main Street or directly supportive of Main Street revitalization. The intent of this policy was to support Main Street development, but there was no intention to penalize or prohibit other business efforts with no direct tie to Main Street.

Goal 3: Build a safe, Friendly community where people feel connected, work together to resolve community issues and are involved in community activities and events.

Objective A: Build healthy social connections and interactions that contribute to a sense of community.

Objective B: Encourage and support local events and programs that provide community and youth activities, capitalize on the tourist economy, and bring the community together.

Objective C: Encourage people to volunteer in the community and participate in events.

- The proposed project provides stable housing that contributes to a sense of safety and establishment, supporting the ability of people to feel connected to one other through proximity of both their residences and employment, interact together on a regular basis, and ultimately contribute to a sense of community both onsite and within the Mono Basin as a whole. The project also includes a day care facility, which provides for additional social stability and healthy family lives, and is open to offsite residents as well which will help bring community together. An offer has been made to the Lee Vining Fire Protection District to hold a fundraiser and volunteer recruitment drive, and the workforce supported by the project supports the tourist economy.

- C. *The site of proposed change in the specific plan is suitable for any of the land uses permitted within the proposed specific plan because:*

The project site contains existing and approved (but unconstructed) commercial uses and is large enough to provide a significant portion of needed infrastructure improvements, including roads meeting fire safe standards (LU Element Chapter 22 and 14 CCR §1273.00, et.seq.), an onsite wastewater treatment plant, and water supply from wells, among other infrastructure. The proposed residential uses are suitable for the site because they will provide housing for the approved commercial uses and phased to coincide with the expected generation of onsite employees, which is consistent with General Plan policies (LU Element, Objective A, Policy 1, Actions 1.2; and Housing Element Program 1.9). The gas pump and propane tank expansions are similar to commercial uses already in place on the site, and therefore are appropriate uses. The adjustment to the land use designations within the specific plan accommodate the development proposal, mitigate biological impacts, and increase overall open space acreage in recognition of the rural nature of the general landscape in the vicinity, and are therefore appropriate changes.

- D. *The proposed changes to the specific plan are reasonable and beneficial at this time because:*

The 2017 Mono County Housing Needs Assessment identified a need for 120-170 units to meet existing demand and accommodate future employment growth, and the Tioga Inn Specific Plan prior to this Amendment provided for 10 housing units for the approximately 187 employees estimated to be generated by the approved commercial uses. This Amendment provides up to 100 units, which will house significantly more employees on site and reduce impact to the community's housing stock. The phasing plan in the Amendment ties the construction of housing units to the construction of the commercial uses and the demonstrated occupancy of units. If the hotel is not built, then the project is limited to a maximum of 30 housing units to help meet the need of 120-170 units identified in the Housing Needs Assessment.

In addition, the 2018 Mono County Business Retention & Expansion Survey found housing is the greatest barrier to workforce retention and recruitment countywide with 79% of businesses attributing availability/affordability of housing as the overriding barrier. Housing is most critical for seasonal frontline employees according to 62% of businesses, however nearly as many (59%) mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address housing issues by providing some employee lodging but only 34% of those say the amount is adequate. This project will help address housing needs to improve workforce retention and recruitment.

- E. *The proposed changes to the specific plan will not have a substantial adverse effect on surrounding properties because:*

As described in the FSEIR for the project and in the associated Statement of Overriding Considerations, impacts have been reduced to the lowest possible level. The five significant effects are limited to impacts to the project site, adjacent transportation routes and rights-of-way, traffic (which exists without the project), wildlife, and the general scenic nature of the Mono Basin area, with no direct adverse effects to specific surrounding properties. The Statement of Overriding Considerations is included as **Exhibit A** and incorporated herein by this reference.

SECTION FOUR: The recitals to the Resolution are hereby adopted as findings of the Board.

SECTION FIVE: The Board of Supervisors hereby takes the following actions: 1) makes the findings and statement required by 14 CCR §§ 15091 and §15093, substantially in the form set forth in **Exhibit A** with any revisions specified in Section One, which is attached hereto and incorporated by this reference; 2) certifies the Final SEIR as refined by Section One of this Resolution; 3) adopts the Mitigation Monitoring and Reporting Program as refined by Section One of this Resolution; and 4) approves the Tioga Inn Specific Plan Amendment #3, Alternative #7, Hybrid Plan, as refined by Section One of this Resolution.

PASSED AND ADOPTED this 13th day of October 2020, by the following vote of the Board:

AYES :

NOES :

ABSENT :

ABSTAIN :

Jennifer Kreitz, Vice Chair

ATTEST:

APPROVED AS TO FORM:

Scheereen Dedman
Clerk of the Board

Stacey Simon
County Counsel

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

For the proposed Tioga Community Housing/ Tioga Inn Specific Plan Amendment #3 Project

I. INTRODUCTION

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

(a) "No Lead Agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

When a Lead Agency approves a project that will result in significant adverse effects that will not be avoided or substantially lessened, the Agency is required to balance the unavoidable environmental risks against the economic, legal, social, technological, or other benefits associated with the project. Pursuant to CEQA Guidelines §15093(b) (Statement of Overriding Considerations) if a Lead Agency finds that the benefits of a project outweigh its unavoidable adverse effects, then the adverse effects may be considered "acceptable." Further when an agency approves a project that will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the law requires the agency to make written statements of fact specifying the reasons for its approval, which must be based on the final EIR and/or other substantial evidence and information in the record. Accordingly, the process of balancing adverse effects against potential benefits requires Mono County to make such written findings of fact ("Findings"), and to adopt a Statement of Overriding Considerations. CEQA Guidelines §15093(c) indicates that the statement of overriding considerations should be included in the record of project approval and mentioned in the notice of determination. The Statement of Overriding Considerations is in addition to the Findings required under CEQA Guidelines §15091.

Pursuant to CEQA Guidelines §15093, Section VIII of this document contains a Statement of Overriding Considerations. The statement explains how the Mono County Board of Supervisors, as the decision-making body of Mono County, weighed the economic, legal, social, technological or other project benefits against the significant adverse project impacts as identified in the Subsequent EIR prepared for the proposed *Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3*. This document also lists and briefly discusses project impacts that are less than significant, and project impacts that are less than significant with mitigation. A table of contents for the Findings of Fact and Statement of Overriding Considerations is provided on the following page.

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II. FSEIR BACKGROUND AND PROCESS

Preparation of the *Tioga Community Housing Project, Tioga Inn Specific Plan Amendment #3 Final Subsequent EIR* ('FSEIR') began with the distribution of a Notice of EIR Preparation (NOP) and scoping meeting during October 2016. Following review of the 33 NOP comment letters, the project proposal was modified to eliminate proposed changes to the previously-approved hotel and full-service promontory restaurant, increase the proposed number of housing units, incorporate day care facilities, and change the distribution and acreage of open space areas.

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

Following close of the DSEIR public review period, the project was further modified in response to changes requested in the DSEIR comment letters.¹ Project modifications included a new Preferred Alternative 6 that was developed with the intent to lessen project impacts on scenic and visual resources, and to lessen project impacts associated with light and glare. The *Tioga Community Housing/ Tioga Inn Specific Plan Amendment #3 FSEIR* describes all project changes made since the DSEIR public review period ended, including the new Preferred Alternative 6.

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

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

III. SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS OF THE PROJECT

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

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

The new preferred Alternative 6, in combination with other new project mitigation measures and requirements, will substantively lessen project impacts on aesthetic resources. Additional substantive efforts were made to lessen the significant cumulative project impacts on deer movement, the significant direct and cumulative project impacts associated with unsafe pedestrian/cycling travel conditions between the project site and Lee Vining, and the significant unavoidable and adverse direct and cumulative impacts associated with vehicle turning movements at the SR 120/US 395 junction. However, despite concerted efforts, it was infeasible to reduce any of the significant project impacts to less than significant levels. Findings of Fact have been prepared to address each of the significant unavoidable adverse impacts identified above.

IV. ADMINISTRATIVE RECORD OF PROCEEDINGS

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

CONTENTS OF THE ADMINISTRATIVE RECORD
<i>(1) All project application materials.</i>
<i>(2) All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.</i>
<i>(3) All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this division.</i>
<i>(4) Any transcript or minutes of the proceedings at which the decision-making body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project.</i>
<i>(5) All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.</i>
<i>(6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.</i>
<i>(7) All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.</i>
<i>(8) Any proposed decisions or findings submitted to the decision-making body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.</i>

(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.

(10) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.

(11) The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation.

CEQA Guidelines §15074(c) requires that Findings must also specify the location and custodian of the administrative record. The administrative record of the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project shall be maintained and shall be available for public review at 437 Old Mammoth Road, Suite P in Mammoth Lakes, California, under the custody of the Mono County Community Development Department (CDD), until the CDD is moved to the new County offices at 1290 Tavern Road, Mammoth Lakes, California. Project files shall also be available at the Bridgeport CDD office at 74 N. School Street, Bridgeport, California.

V. CONSIDERATION OF THE ADMINISTRATIVE RECORD

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

VI. PROJECT IMPACTS THAT ARE LESS THAN SIGNIFICANT

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

1. **POPULATION, HOUSING, EMPLOYMENT.** No significant adverse impacts are foreseen for potential project impacts on Population, Housing or Employment. The project will not induce substantial unplanned population growth in an area, or adversely impact employment or living conditions, in Lee Vining, in the Mono Basin, or in Mono County as a whole, or displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. No Findings or Statement of Overriding Effects are required for these environmental factors.
2. **ENERGY AND UTILITIES.** No significant adverse impacts are foreseen for potential project impacts on Public Services, Energy and Utilities. The project will not create a need for new or modified governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services (police protection, schools, other public facilities, services and utilities). Further, the project will not result in a wasteful, inefficient, and/or unnecessary consumption of energy; or be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and fail to comply with federal, state, and local statutes and regulations related to solid waste, as discussed on DSEIR pages 5.8-7 through 5.7-13. Please see discussion in §VII for discussion of the significant

and unavoidable adverse impacts on public services associated with increased foot traffic between the project site and Lee Vining.

3. **AIR QUALITY AND GREENHOUSE GASES.** No significant adverse impacts are foreseen for potential project impacts on Air Quality & Greenhouse Gases. The project will not conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable increase of a criteria pollutant for which the project region is non-attainment, will not expose sensitive receptors to substantial pollutant concentrations, will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people, will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and will not conflict with an applicable plan, policy or regulation adopted to reduce greenhouse gas emissions. No Findings or Statement of Overriding Effects are required for these environmental factors.
4. **NOISE.** No significant adverse impacts are foreseen for potential project impacts on Noise. The project will not expose persons to or cause a permanent or temporary significant increase in ambient noise levels or result in noise levels exceeding adopted standards, will not expose persons to or generate excessive groundborne vibration or groundborne noise levels, and will not expose people residing or working in the project area to excessive noise levels for a project located in an airport land use plan or (where such a plan has not been adopted) within two miles of a public airport or public-use airport or a private airstrip. No Findings or Statement of Overriding Effects are required for these environmental factors.

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

1. **GEOLOGY AND SOILS.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly cause potential substantial adverse effects involving rupture of a known Alquist-Priolo earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, and/or landslides, as discussed on DSEIR pages 5.1-7 through 5.1-11.
 - *Mitigation Measure GEO 5.1(a-1) (Soils): Site specific soils reports with appropriate recommendations for proposed improvements shall be made at the time that improvements are being designed.*
 - *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*
 - *Mitigation Measure GEO 5.1(a-3) (Seismicity): Due to the project location in a zone of known active faulting, further geotechnical investigations shall be undertaken if soil removal and/or grading expose fault traces. This possibility shall be considered throughout the initial construction planning and earthwork phases.*
 - *Mitigation Measure GEO 5.1(b) (Low Impact Development): The Low Impact Development Best Stormwater Management Practices Program outlined in Mitigation HYDRO 5.2(a-6) shall be implemented through the life of the Tioga Specific Plan.*
 - *Mitigation Measure GEO 5.1(c) (Supplemental Geotechnical Studies): Additional geotechnical studies shall be prepared, prior to Grading and/or Building Permits approval, to examine subsurface soil and groundwater conditions on all project areas that were not analyzed as part of the 1993 Final EIR. Areas to be studied shall at a minimum include land underlying the workforce housing project, the propane tank storage area, the proposed site of the new water storage tank, and all areas that would be newly impacted by the proposed septic and wastewater treatment system.*
2. **HYDROLOGY AND WATER QUALITY.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly violate water quality standards or a water quality control plan, or sustainable groundwater management plan, or otherwise substantially degrade surface or groundwater quality; violate any wastewater treatment or discharge requirements or require new wastewater treatment facilities; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume, or a lowering of the local groundwater table level that would impact the

production rate of nearby wells, or jeopardize the sufficiency of water supplies to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or substantially alter drainage patterns in a manner that would result in substantial erosion, siltation, flooding or runoff or exceed existing or planned drainage systems; or place housing or structures in a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or impede flood flows; or expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as discussed on DSEIR pages 5.2-15 through 5.2-30. No Findings or Statement of Overriding Effects are required for these impacts. Please see §VII for discussion of the significant and unavoidable adverse impacts associated with the potential for the project to expose people or structures to inundation by mudflow.

- *Mitigation Measure HYDRO 5.2(a-1) (Slope Restoration and Monitoring): The Shrubland Revegetation Plan requirements outlined in Mitigation BIO 5.3(a-1) shall be included as a condition of approval in the building permit issued by Mono County. Purposes of the revegetation plan are to control erosion, reduce offsite runoff flow, control weeds, sequester carbon, enhance aesthetic values and to provide forage and shelter for wildlife.*
- *Mitigation Measure HYDRO 5.2(a-2) (Buffer Zone and Exclusion Fencing): Buffer areas shall be identified and exclusion fencing shall be installed to protect surface water resources outside of the project area, and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters outside the project area. Construction equipment shall be required to use existing roadways to the extent possible.*
- *Mitigation Measure HYDRO 5.2(a-3) (Minimal Vegetation Clearing): Vegetation clearing shall be kept to a minimum. Where feasible, existing vegetation shall be mowed so that after construction, the vegetation can reestablish more quickly and thereby help mitigate the potential for storm water impacts.*
- *Mitigation Measure HYDRO 5.2(a-4) (Spill Prevention and Response): Mitigation Measure HYDRO 5.2(a-7), which is detailed in Section VI.B.2 below, is designed to protect surface and groundwater quality through spill prevention and response measures features that will effectively reduce the surface and groundwater contamination. The County therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in DSEIR §5.2.*
- *Mitigation Measure HYDRO 5.2(a-5) (Onsite Storm Flow Retention): A comprehensive drainage study shall be developed which includes all phases of the project and implements the Low Impact Development Standards outlined in GEO 5.2(b). The project shall incorporate features to remove sediment from stormwater before it is discharged from the site. The project shall retain runoff from new impervious surfaces, and surfaces disturbed during construction. Retention shall be achieved by directing runoff to drywells or landscaped areas that provide infiltration. Sediment removal and retention systems shall be designed to accommodate all runoff resulting from a 20-year storm event of 1-hour duration. It must be demonstrated that the stormwater system is designed in such a way that when the retention capacity is exceeded, runoff leaves the site in keeping with pre-project drainage patterns, and will not cause the design capacities of any downstream drainage facilities to be exceeded.*
- *Mitigation Measure HYDRO 5.2(a-6) (Stormwater BMPs): In compliance with Mono County General Plan Appendix §25.010, the Low Impact Development Best Stormwater Management Practices Program (LID BMPP) provided herein shall be implemented throughout the life of the Tioga Specific Plan. Purposes of LID implementation are to keep polluted runoff water out of the rivers and lakes, use the chemical properties of soil and plants to remove pollutants from water, design subdivisions to clean their own stormwater rather than dumping it into streams or lakes, and preserve the natural water flow of the site beyond required codes and 'business-as-usual'. The measures to be implemented are shown below:*

Low Impact Development Features of the Tioga Community Housing Project	
NATURAL DRAINAGE CONTROLS	<i>Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.</i>
RUNOFF COLLECTION AND TREATMENT	<i>Stormwater runoff will be collected into the new stormwater retention system, which is sized to accommodate a conservative infiltration rate of 5 minutes per inch. Treatment will be provided by bioswales located in the landscaped areas of the parking lot. Additional treatment facilities may be provided including placement of oil removal inserts in the inlets, or a separate oil treatment unit.</i>
ONSITE FLOW RETENTION	<i>Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.</i>
INFILTRATION	<i>Use of rock swales & collection features to enhance filtration of pollutants.</i>

RUNOFF SEPARATION	<i>Channels and/or swales will be used to create a separate between roads and pedestrian paths.</i>
ROAD DESIGN	<i>Road improvements will be the minimum required for public safety and emergency access, and will continue to feature traffic calming features including curvilinear design, low speed limits, posted turn restrictions, high visibility internal signage.</i>
CLUSTER DESIGN	<i>Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.</i>
VEGETATION RETENTION	<i>Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.</i>
SCREENING	<i>The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.</i>
WATER USE FOR LANDSCAPING	<i>The project will comply with provisions of the Department of Water Resources Model Water Efficient Landscape Ordinance.</i>

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

Spill and Leak Best Management Practices of the Tioga Community Housing Project	
SPILLS	<i>Ground surfaces at the gas station and housing area shall be regularly maintained in a clean and dry condition, including snow removal during winter months.</i>
	<i>Drip pans & funnels shall at all times be readily available to gas station customers & staff for use when draining or pouring fluids.</i>
	<i>At least 2 spill containment and cleaning kits shall at all times be readily available and properly labeled, with instructions, at all times for use by gas station customers and staff</i>
	<i>Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff & customers, with instructions that the absorbent material is to be poured onto spill areas, and then placed in covered waste containers for disposal. Wash down of spills shall be strictly prohibited.</i>
LEAK CONTROLS	<i>Drip pans & funnels shall at all times be accessible and readily available for use with stored vehicles.</i>
	<i>Drip pans shall be placed under the spouts of liquid storage containers.</i>
TRAINING	<i>All gas station employees, as well as the housing manager, shall be trained on spill & leak prevention practices annually.</i>
	<i>Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.</i>
FUELING	<i>Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.</i>
	<i>Signs shall at all times be posted advising gas station customers not to overfill or top-off gas tanks, and all gas pumps shall be outfitted with automatic shutoff fuel dispensing nozzles.</i>
	<i>Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.</i>
	<i>Rags and absorbents shall at all times be readily available for use by gas station staff & customers in case of leaks and spills.</i>
	<i>Outdoor waste receptacles and air/water supply areas shall be checked by gas station employees on a daily basis to ensure that receptacles are watertight and lids are closed.</i>
WASTE TREATMENT PLANT	<i>WWTP BMPs shall at a minimum include (a) work areas, walkways and stairwells shall be maintained clear of loose materials and trash. (b) Spills such as grease, oil or chemicals shall be cleaned up immediately, (c) Combustible trash (such as paper, wood and oily rags) shall not be allowed to accumulate, (d) All chemicals and combustible liquids shall be stored in in approved containers and away from sources of ignition and other combustible materials, (e) Oily rags shall be placed in metal containers with lids, (f) Adequate clearances shall be maintained around electrical panels, and extension cords shall be maintained in good conditions. Remote security scans shall be conducted on a daily basis, with weekly walk-through inspections, bi-annual site reviews, annual BMP plan oversight inspections, and reevaluation of the WWTP BMP plan no less than once every 5 years.</i>

WASHING	<i>No vehicle washing shall be permitted at the gas station or housing area unless a properly designed wash area is provided & designated on the project site.</i>
	<i>If a wash area is provided on the project site, it shall be located near a clarifier or floor sump, properly designed, paved and well-marked. Gas station employees (as well as the housing manager, if relevant) shall be trained in use and maintenance of the designated wash area. Washwaters shall be contained, cleaned and recycled.</i>
	<i>Detergents sold & used at the gas station shall be biodegradable and free of phosphates.</i>

- *Mitigation Measure HYDRO 5.2(b-1) (Wastewater Treatment): Upon installation of the new wastewater treatment system the existing septic tank will be properly decommissioned, and the existing leachfield will be used only for disposal of treated effluent during the winter months when effluent flows are at a minimum and the subsurface irrigation system is suspended due to freezing conditions. Leach field size will be determined by LRWQCB requirements, based on the application rate for the treated wastewater effluent.*
- *Mitigation Measure HYDRO 5.2(b-2):(Leachfield Percolation Standards): Percolation rates for the new leachfield shall be determined in accordance with procedures prescribed by LRWQCB. Where the percolation rates are faster than 5 MPI, the minimum distance to anticipated high groundwater shall be no less than 40 feet, based on information provided by the well logs drilled within 600' of the anticipated disposal location. Note that the criteria for achieving a minimum 40' distance to groundwater with percolation rates faster than 5 MPI was developed for effluent from septic systems, whereas project effluent from the wastewater treatment plant will be secondary treated and denitrified. Thus the required depth to groundwater may be modified during LRWQCB permitting.*
- *Mitigation Measure HYDRO 5.2(b-3) (Effluent Treatment Standards): The package plant shall be designed to produce a treated secondary denitrified effluent achieving a total nitrogen concentration of 10 mg/L. The treatment plant's performance goals for BOD, TSS, T-N, coliform, etc. shall meet the US EPA secondary treatment standards.*
- *Mitigation Measure HYDRO 5.2(b-4) (Title 22 Compliance): Operation of the proposed subsurface drip irrigation system will require either an approved Title 22 engineering report from Division of Drinking Water (DDW), or a letter from DDW stating that the project does not need to satisfy Title 22 criteria; the alternative leach field location shown on the Tioga Workforce Housing Concept Plan shall replace the proposed leachfield location if required for Title 22 Compliance.*
- *Mitigation Measure HYDRO 5.2(b-5) (Groundwater Quality Monitoring): At a minimum, the project will provide 1 upgradient and 2 downgradient monitoring wells, in locations and at depths to be established by the Lahontan Board during the Wastewater Treatment Plant permit approval process. Monitoring well locations and depths of well construction will be as proposed by a licensed hydrogeologist as part of a Work Plan for permitting of the WWTP, as reviewed and accepted by the Board.*
- *Mitigation Measure HYDRO 5.2(b-6) (Nitrogen Removal): In the event that data from the groundwater monitoring wells show a sustained increase in groundwater salinity levels, nitrogen removal systems will be added to the package wastewater treatment system as needed to maintain baseline salinity levels in the underlying groundwater aquifer.*

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

- *Mitigation Measure BIO 5.3(a-1) (Shrubland Vegetation): Proponent shall prepare a Revegetation Plan for the purpose of returning all areas that are temporarily disturbed by the project to a condition of predominantly native vegetation. Mono*

County will review this plan for approval within 60 days of the start of project construction. The revegetation plan will, at a minimum, include locally derived seed or plants from the following list of species, in order to emulate remaining Great Basin Mixed Scrub on-site: Jeffrey pine, single-leaf pinyon, antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses. The Plan must also include methods and timing for planting, supplemental inputs including plant protection and irrigation using treated sewage effluent, success criteria that include a return to at least 50% of pre-project native vegetation cover within five years, and a monitoring and reporting program that includes annually collected revegetation progress data, data and trends summary, and photographs for transmittal to Mono County prior to December 1 of each of the first five years following project construction (or until all success criteria are attained). Monitoring data collection and reporting shall be performed by a qualified botanist who has been approved by Mono County. A map shall be included with the Revegetation Plan that shows the location of all areas that will be temporarily disturbed during grading and earthwork.

- *Mitigation Measure BIO 5.3(a-2) (Rockcress Avoidance):* The construction contractor shall be required to install temporary fencing along the western edge of the existing roadway where it approaches the Masonic rockcress population, in order to prevent accidental damage due to incursion by equipment. Fencing shall remain in place through the completion of all construction phases.
- *Mitigation Measure BIO 5.3(a-3) (Nesting Bird Survey):* A pre-disturbance nesting bird survey shall be conducted within seven days prior to the start of vegetation and ground-disturbing project activities, by a qualified biologist, if construction is scheduled to begin during the period March 15 – August 15. All potential nesting habitat within 200 feet (passerine birds) or 600 feet (raptors) from the project-related disturbance limits will be included in the survey. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Appropriate measures (at a minimum including nest buffering and monitoring) will be decided in consultation with CDFW on a nest-by-nest basis.
- *Mitigation Measure BIO 5.3(a-4) (Badger and Denning Fox Survey):* A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.
- *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance):* Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.
- *Mitigation Measure BIO 5.3(a-6) (Revegetation of Temporarily Disturbed Areas):* The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:
 - (a) *TOPSOILS:* During earthwork, topsoil that must be disturbed in relatively weed-free habitats will be removed to a depth of 12" and stockpiled at the margins of temporarily disturbed areas for reuse during replanting. Stockpiles will be used within one year of the completion of construction. During storage, topsoil will be armored to (a) minimize dust emissions, and (b) optimize survival of native seeds during replanting.
 - (b) *SCREENING:* Trees to be planted onsite for screening include native single leaf pinyon, Jeffrey pine, quaking aspen, and seeded mountain mahogany. Non-native Italian poplar sterile male transplants may be used in areas where rapid screening growth is desired. Screening trees will be planted densely to compensate for up to 50% mortality prior to maturation. Irrigation and plant protection will be provided as needed to attain optimal tree growth, tree health, and screening efficacy.
 - (c) *BITTERBRUSH:* Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 7-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250' of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.

(d) **SEED MIX ADJACENT TO ROADS:** The seed mix to be used adjacent to roads (including the protected corridor along US 395) shall consist of 1) curl-leaf rabbitbrush (*Chrysothamnus viscidiflorus*, 1-2 ft. maximum ht.) and 2) desert peach (*Prunus andersonii*, 2 ft.), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.

(e) **WEED CONTROL:** Weed control will be practiced in all temporarily disturbed habitats. Soil stockpiles will be included in weed controls. As the most invasive weeds in the project area are annual species, annual control scheduling will include at least one control application prior to flowering and seed production. If an herbicide is used, it will be done by a licensed applicator. Weed control efficacy will be evaluated for the first five years following the completion of construction-related disturbance, during annual monitoring in fall.

(f) **MONITORING:** Landscape plantings shall be monitored over a period of 5 years by a qualified biologist. The progress of revegetation will be evaluated at the end of each growing season and reported with regard to attainment of success criteria: 1) after 5 years, at least six live native shrubs per 4 square meters or 10% total living shrub canopy cover will be present, 2) within screening areas, at least one live tree per 4 square meters will be present, 3) weeds will together establish less than 10% canopy cover in sampled 4 square meter quadrats. If it appears at the time of annual monitoring that any of these success criteria may not be met after 5 years, recommendations for specific remediations including re-planting or additional weed control will be provided in the annual monitoring report.

- **Mitigation Measure BIO 5.3(a-6) (Signage):** Signage stating "Do Not Feed the Wildlife" shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.
- **Mitigation Measure BIO 5.3(d-1) (Shielding of Night Lighting):** Night lighting shall be shielded and in compliance with Chapter 23, Dark Sky Regulations, of the General Plan to maintain at existing levels the degree of darkness along the corridor of undeveloped vegetation between Tioga Inn developments and US395. Deer movements across the highway during spring will be facilitated by keeping this corridor open (no linear barriers, no brightly lit signs, no future revegetation or project development) so that movements will be deflected to the east and south of the new housing area rather than back across the highway.
- **Mitigation Measure BIO 5.3(d-2) (Burn Area Restoration):** All areas burned in 2000 within the property (14.8 acres, minus acres that are permanently converted to approved Tioga Specific Plan facilities) will be seeded using locally collected bitterbrush (*Purshia tridentata*), at a rate of 4 pounds/acre pure live seed. In addition, diverse shrubs and grasses with available locally collected seed (acceptable species are: antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses) will be spread, bringing the total application rate to 10 pounds/acre. Seeding will be performed just prior to the onset of winter snows in the same year that project construction is initiated. If, after a period of five growing seasons has passed, a qualified botanist finds that total live cover provided by native shrub and grasses has not increased to 20% above that measured at adjacent (unseeded) burn scar areas, then the entire burn area will be seeded again as described above.
- **Mitigation Measure BIO 5.3(d-3) (Protected Corridor along US 395):** Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future revegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.
- **Mitigation Measure BIO 5.3(d-4) (Waste Receptacles):** All waste receptacles will be designed to prevent access by ravens and bears. Signs will be clearly posted informing of the need to secure trash, pets, and stored food from wildlife access. Rental agreements will include restriction against storage of trash or unsecured food items outside residences (including in vehicles) for any length of time.

4. **CULTURAL RESOURCES.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to cause a substantial adverse change in the significance of a prehistorical or historical resource; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any tribal cultural resources or sacred lands, or human remains including those interred outside of formal cemeteries; or cause substantial change in the significance of a tribal cultural resource, as discussed on DSEIR pages

5.4-6 through 5.4-11. It should be noted that CULT 5.4(a) is a voluntary measure by the applicant as no evidence of potential tribal cultural resources were found on site.

- *Mitigation Measure CULT 5.4(a) (Discovery of Archaeological Resources):* Prior to initiation of any earthwork on the project site, the Mono Lake Kutzadika'a Tribe shall receive reasonable compensation in an amount equivalent to 50 hours of time and travel costs. The Tribe may use the 50 hours of compensated time for training of the onsite construction crew and/or for tribal monitoring, with the allocation of time to be at their discretion. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried archaeological resources which would require implementation of the procedures described below. The interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork. Tribal monitors are invited to observe the work at any time, either as paid professionals within the 50-hour pre-discovery allotted compensation or as non-paid volunteers. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by Tribal cultural resource experts assisted by a qualified archaeologist. The selection of the archaeologist will be approved by Mono County, the Mono Lake Kutzadika'a Tribe, Bridgeport Indian Colony, and the project proponent. The Tribal cultural resource experts and the archaeologist shall be fairly compensated. Work shall not resume in the defined area until sufficient research and data collection are conducted to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the Tribal cultural resource experts and archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Evaluation and recommendations shall be developed in collaboration with the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony, and the tribes shall be responsible for determining who will monitor the subsequent ground disturbance. Post-discovery, the tribal monitor shall receive reasonable compensation² for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.
- *Mitigation Measure CULT 5.4(b) (Discovery of Paleontological Resources):* All construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried paleontological resources. In the event of the discovery of paleontological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by a qualified paleontologist. Work shall not resume in the defined area until the paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.
- *Mitigation Measure CULT 5.4(c,d) (Discovery of Human Remains):* No evidence of Native American burials, which are considered Tribal Cultural Resources, was found in the project area. However, unmarked Native American graves may, potentially, be encountered during ground disturbance or excavation. Because no cultural tribal resources have been identified on the project site but the potential exists for subsurface resources that cannot be seen at this time, the interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork, and are invited to observe the work at any time without compensation. All construction plans that require ground disturbance and excavation shall contain an advisory statement that (1) there is potential for encountering human burials, (2) the Indian communities have been invited to observe the work at any time without compensation, (3) if human remains are encountered, all work shall stop immediately and the County shall be notified, and (4) that human remains must be treated with respect and in accordance with State laws and regulations. In the event of the discovery of human remains at any time during construction, by either project personnel or the Tribal monitor, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery and the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony shall be notified. California Health and Safety Code §7050.5 stipulates that if human remains are discovered during project work, the specific area must be protected, with no further disturbance, until the

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

county coroner has determined whether an investigation of the cause of death is required. If the human remains are determined to be those of a Native American, the coroner must contact NAHC by telephone within 24 hours. PRC §5097.98 states that NAHC must then notify the most likely descendant community, which then inspects the find and makes recommendations how to treat the remains. Both laws have specific time frames, and PRC 5097.98 outlines potential treatment options. Representatives of the most likely descendant community shall be responsible for determining who will monitor the subsequent ground disturbance. The tribal monitor shall receive reasonable compensation for time and travel costs involved in developing recommendations for and treating the remains, and for monitoring subsequent ground disturbance. Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed \$40.

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

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

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

Mitigation Measure 5.6(a-1) (Phasing Plan). Development of the Tioga Community Housing Project shall be phased in accordance with the schedule below.		
Phase	# Units	Schedule
1	30	The 30 Phase 1 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.
2	40	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 1 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.
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) and Phase II building permits have been issued. All Phase 3 units will be in the westernmost row of units.

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)).

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

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

8. TRAFFIC AND CIRCULATION. With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities; conflict with CEQA §15064.3 Guidelines for Determining the Significance of Transportation Impacts; result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks; or result in inadequate emergency access, as discussed on DSEIR pages 5.9-8 through 5.9-12. Please see Section VII for discussion of the significant and unavoidable adverse impacts associated with increased hazards due to a geometric design feature or incompatible uses.

- *Mitigation Measure TFFC 5.9(a-5) (Access Rights): The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.*
- *Mitigation Measure TFFC 5.9(a-6) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*

- *Mitigation Measure TFFC 5.9(a-7) (YARTS Access): The project plan shall incorporate a pedestrian pathway between the Community Housing area and the YARTS bus stop, and a pedestrian crosswalk at the Vista Point entry.*

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

Alternative 7 includes plan modifications replacing all Phase 1 and Phase 2 multi-unit structures with mainly detached and some attached units, single story design throughout, a landscaped berm below each parking lot, additional specifications for paint colors and roofing materials, additional grading to lower pad elevations in specified locations, a phasing plan that allows construction of Phase 3 units only if and when occupancy of the Phase 1 and 2 units reaches 80%, and other design elements to achieve a lower profile and reduced visibility from offsite location. Alternative 7 also incorporates a detailed landscape screening plan (with long-term monitoring and replacement provisions) to reduce to less than significant levels all project views from key offsite locations including South Tufa and Navy Beach and US 395.

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

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

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.

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

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

1. HYDROLOGY AND WATER QUALITY – Potential for Mudflows. It has been determined that the proposed project would have a small but significant potential to expose people and structures to adverse impacts resulting from a volcanic eruption and associated mudflows (if in winter). USGS monitors the Long Valley Caldera for volcanic earthquakes, which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions. However, no mitigation measures have been identified to reduce the risks of eruption-related mudflows to less than significant levels. This impact is considered to be significant, adverse and unavoidable.

a. MITIGATION: The previously presented Mitigation Measure GEO 5.1(a-2), shown again below, has been incorporated into the FSEIR to attenuate risk through the installation of desilting basins, rip rap and other measures to minimize mudflows and earthflows.

- *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*

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

i. Facts and Reasoning that Support the Finding: Numerous programs are in place to detect potential volcanic hazards and to attenuate risk in the event of volcanic activity and/or mudflows and earthflows. The USGS conducts ongoing monitoring to detect volcanic earthquakes (which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions). Additionally, the project includes multiple design features (desilting basins, rip rap and other measures) to reduce mudflows and earthflows. Volcanic hazards are not considered to be one of the most prevalent natural hazards in Mono County due to the uncertain timing and frequency of volcanic events, and due to ongoing monitoring. However, Lee Vining is located in an area of known volcanic risk, and thus potentially subject to mudflows associated with the rapid melting of heavy snowpacks during a volcanic eruption. Large mudflows, such as the one that occurred in 1989 in the Tri-Valley area, can be destructive, particularly at the mouths of canyons such as Lee Vining canyon. Although the chance of a volcanic eruption in any given year is very small, and although the eruption itself would likely be comparatively small, USGS does anticipate that future eruptions will occur in the Long Valley area. The potential for adverse impacts resulting from a volcanic eruption (and associated mudflows if in winter) is therefore considered to be potentially significant and unavoidable.

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

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

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

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

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

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

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

- MITIGATION:** Mitigation Measures SVCS 5.8(a-3) and SVCS 5.8(a-4), shown below, have been incorporated into the FSEIR to reduce the impacts on public services associated with increased foot traffic between the project site and Lee Vining. Since unsafe foot traffic has been identified as an existing hazard, even the No Project alternative would result in continued significant unsafe pedestrian travel along area freeways, although

the current extent of foot travel is lower than would occur with the project as proposed. However, while pedestrian traffic is expected to increase with the project, no data exists from the Mono County Sheriff, California Highway Patrol, Mono County, or Caltrans to conclusively determine that pedestrian safety incidents will increase. Instead, the determination of a significant impact on public services is based on an anecdotal comment by a credible source (the Mono County Sheriff) and the fact that no dedicated pedestrian connection currently exists, as well as anecdotal comments and concerns by residents and the public.

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

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

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

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

The potential for locating an at-grade path across SR 120 to Lee Vining Creek was preliminarily analyzed during FSEIR preparation, and was determined to be infeasible as part of the current project. Key factors

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

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

4. TRAFFIC AND CIRCULATION – Potential for Traffic and Circulation Hazards associated with the US 395/SR 120 Intersection during Midday Peak Housing Conditions (with or without the Project).

Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.9-11 to 5.9-12 and DSEIR Appendix L, it has been determined that the proposed project will contribute to deficient operation and excess delays at the junction of US 395/SR 120 that impact eastbound vehicles on SR 120 making a left-turn onto northbound US 395 during mid-day peak season conditions.

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

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

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

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

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

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

The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4). All of the potential mitigation alternatives were considered during extensive discussions with Caltrans. Recommendation TFFC 5.9(a-4) was discussed with YARTS. None of the potential modifications was found to be feasible by Caltrans, or by YARTS, at this time.

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

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

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

that the proposed project will create a new source of light and glare, and will adversely impact day and nighttime views.

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

- *Mitigation Measure AES 5.12(c-2) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:*

(a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded, down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.³ Kelvin color temperature should be approximately 2300K,⁴ and Kelvin color temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30 minutes following sunset, and 30 minutes prior to sunrise.

(b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts to the least necessary for public health and safety. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart⁵ on pedestrian pathways unless alternate spacing is required by public health and safety needs. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens per bollard fixture⁶;

(c) accent lighting shall be limited to residential accent lighting required by the building code for safety, and any up-lighting shall be prohibited;

(d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and

(e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

(f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and landscaping to reduce direct light glare seen from offsite, subject to the five-year monitoring plan and tree replacement as needed.

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

(a) A written narrative to demonstrate lighting objectives,

(b) Photometric data,

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

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

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

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

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

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

b. FINDINGS:

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

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

The project will be required to comply with all applicable requirements of the Mono County Outdoor Lighting Ordinance (Land Use Element, Ch. 23, best known as the 'Dark Sky Regulations'), and the Scenic Combining District (Land Use Element Ch. 8). The requirements associated with these adopted General Plan components will work with Mitigation AES 5.12(c-2) to further minimize project impacts on light and glare. It is anticipated that these mitigations and requirements will effectively eliminate direct views of project lighting from offsite locations. However, neither the regulatory requirements above nor the design modifications associated with Alternative 6 will fully eliminate the indirect 'glow' of lighting.

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

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

potential for the project to adversely impact light and glare is therefore considered to be significant and unavoidable.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

As required by Public Resources Code §21081(b) and CEQA Guideline §15093, the County of Mono has balanced the benefits associated with the proposed project against the unavoidable adverse impacts that would result. The County has included all feasible mitigation measures and Specific Plan implementation measures within the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project. The County has also examined alternatives to the proposed project, and has determined that adoption and implementation of the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3*, as proposed and including Alternative 6 as the new Preferred Alternative, is the most desirable and most feasible and most appropriate action at this time. The other alternatives (including the proposed project as shown in DSEIR Exhibit 3-3, Tioga Workforce Housing Project Plan and Site Context Map), while meritorious, are rejected as infeasible based on consideration of the relevant factors discussed in DSEIR §7 and in FSEIR Topical Response #3.

VIII.A Significant Unavoidable Impacts. Based on the information and analysis set forth in the FSEIR and summarized in Section III of these Findings, it has been determined that implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project would result in project-specific significant and unavoidable adverse impacts related to:

- HYDROLOGY: Exposure of people and structures to catastrophic mudflows resulting from a volcanic eruption;
- BIOLOGICAL RESOURCES: Cumulative impacts (only) to deer movement in the project region; direct project impacts on biological resources are less than significant;
- PUBLIC SERVICES: Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining;
- TRAFFIC: Deficient operation and excess delays associated with turning movements from eastbound SR120 onto northbound US 395 during peak season midday conditions (this significant impact would occur with or without the proposed housing project);
- AESTHETICS: Project impacts on light and glare

VIII.B Benefits of the Proposed Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3, and Overriding Considerations. The County of Mono has independently reviewed the information in the FSEIR and the record of proceedings for the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project. The County has also made a reasonable and good faith effort to eliminate or substantially lessen the impacts that would result from the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 Project* by including mitigation measures and specific plan implementation measures and actions that effectively mitigate potential environmental impacts to the greatest extent feasible.

Based on a review of the full record of proceedings, the Mono County Board of Supervisors has determined that the benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its unavoidable significant effects. Each of the considerations identified below represents a sufficient basis to justify project approval, independent of the other considerations. The substantial evidence supporting the various benefits can be found in the preceding sections of these Findings of Fact, which are hereby incorporated by reference into this Section (VIII.B), and in the documents found in the Record of Proceedings as defined in Section IV. The Mono County Board of Supervisors finds that the *Tioga Community Housing/Specific Plan Amendment #3 Project* will have the following specific economic, legal, social, technological, or other benefits:

THE PROJECT WILL PROVIDE NEEDED HOUSING: The 2017 *Mono County Housing Needs Assessment*⁷ identified a need for 120-170 new housing units in the unincorporated area by 2022, based on current needs and projected demand. The *Assessment* found that 50-100 units would be required to address current needs, and an additional 70 new units would be required to accommodate new housing demand from anticipated employment growth. Fully 44% of Mono Basin residents responding to the *Assessment* survey reported that friends or family lived with them due to a lack of housing. These data indicate that the project will respond not only to housing needs associated with employees of the Tioga hotel and restaurant elements approved in 1993, but has the potential to also contribute to meeting a portion of housing needs attributable to anticipated employment growth in the Mono Basin as a whole.

Existing and approved uses in the Tioga Inn Specific Plan support Mono County's primary economic drivers of tourism and outdoor recreation, and are estimated to generate 187 new employees at build out. The 187 employees will be hired to fill job positions on the project site whether the Tioga Community Housing Project is approved or denied. Without the project, however, the burden of housing these employees will fall on the very limited existing housing stock in Lee Vining, and on more distant surrounding communities. Given the existing housing shortage, the influx of these employees are likely to result in, among other things, rental price increases, increased competition for already scarce housing units, and overcrowding. Overcrowding, in turn, likely results in traffic congestion, insufficient parking, louder residential neighborhoods due to more people closer together, and other impacts. Taken together, these consequences from the lack of sufficient housing degrade the small town and rural character cherished by local residents and set forth in the Mono Basin Area Plan.

The project population would be well within Mono County General Plan growth forecasts for this area. Even at the high end of the forecast range for onsite residents, and the low ('practical') end of the County's growth forecasts, the project population would represent 12.1% of the total adopted population increases that can be expected in Mono Basin through buildout. The General Plan growth forecasts were adopted approximately 5 years ago, and the County's Land Use Element was developed with participation by the Mono Basin Regional Planning Advisory Committee (RPAC). The General Plan population forecasts for the Mono Basin are part of the project baseline (per the certified 2015 General Plan update EIR).

Existing and future employment opportunities on the Tioga project site and in Mono County generally are dominated by the tourism sector (62% of total County employment, well above average⁸). As noted in the 2009 study of tourism in Mono County,⁹ many of the tourism-based jobs are seasonal and part time. Employment at the Tioga hotel and restaurant will be highest in the summer season, when visitor numbers are at a peak. Employment opportunities on the project site will be reduced during the winter and shoulder seasons, and it is anticipated that Tioga workers will seek employment in other sectors during these periods. Seasonal workers in Mono County on average hold 1.4 jobs, and of the 37 existing employees at the Tioga site, 30% are employed by the ski industry during winter months. A cornerstone goal of the proposed housing project is to provide the flexibility for onsite workers to accommodate fluctuations in seasonal employment without the need for a seasonal change of housing.

Frequent changes in housing increase the isolation of working families, and reduce job security. Long commutes are a financial burden and diminish time with family. In contrast, the availability of stable housing is associated with positive and well-documented impacts on individual and family health and well-being. A 2019 survey by the Public Policy Institute of California (PPIC) found that California has a second-highest rate of cost-burdened households and homeless persons in the nation, and one of the highest poverty rates in the nation when housing costs are taken into account.¹⁰ The PPIC recommended policies to improve affordability and remove unnecessary barriers, with sustained cooperation of state

⁷ Mono County, *Housing Needs Assessment*, prepared by BBC Economics: https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5732/mono_county_housing_needs_assessment_bos_f.pdf

⁸ The Bureau of Labor Statistics estimates total civilian employment in California at 19.5 million as of November 2019; travel and leisure represented an estimated 2.0 million (10.3%) of those jobs. BLS, *Economy at a Glance*: <https://www.bls.gov/eag/eag.ca.htm>.

⁹ Mono County Department of Economic Development and Special Projects, *The Economic & Fiscal Impacts and Visitor Profile of Mono County Tourism in 2008*, January 2009. Prepared by Lauren Schlau Consulting.

¹⁰ Public Policy Institute of California, *California's Future: Housing*, <https://www.ppic.org/publication/californias-future-housing/>, 2020.

and local governments and developers, and use of private sector and philanthropic resources as a key strategic element moving forward.

Finally, the project is consistent with the goals and intent of multiple state policies and laws, including SB 167 (Housing Accountability Act), SB 330 (Housing Crisis Act) and AB 101 (Housing Development and Financing Act). These legislative actions were enacted to bridge the wide gap between housing supply and housing demand. These recent laws (1) stress the importance of a coordinated response between local and state governments and the private sector, (2) recognize the economic, environmental and social threats to the welfare of California residents posed by the lack of adequate housing, and (3) cite local government regulations and fees and policies as important factors in the high cost and limited availability of housing. SB 167 acknowledges that the impacts of housing scarcity include discrimination against low-income and minority households, hampered employment growth, reduced mobility, excessive commuting, air quality deterioration and other impacts. SB 330 acknowledges the increasing difficulty faced by employers seeking to secure and retain a workforce, and the difficulty faced by schools and governments and nonprofits in attracting and retaining teachers and staffing. AB 101 focuses on incentivizing local agency efforts to prioritize projects that will meet identified housing needs, and tools to better enforce housing element law. These State housing laws and policies consider all housing types, including those that are affordable by design and market rate, to be part of the solution, in addition to units deed restricted to certain income levels.

The project applicant anticipated the need for additional onsite employee housing (and sought county approval to amend the Specific Plan accordingly) before these legislative requirements were enacted. As such, the project is not eligible for the discretionary considerations these laws would otherwise provide. However, the applicant's early recognition of housing need and voluntary commitment to work with local government to provide that housing, is a cornerstone benefit of the proposed project and an essential step toward fulfilling the need for adequate housing to secure the welfare of California residents.

For the reasons set forth above, the Board of Supervisors finds that the housing benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its environmental impacts.

THE PROJECT WILL SUPPORT ECONOMIC DEVELOPMENT: The proximity of housing to employment has been identified as a crucial component of economic competitiveness.¹¹ Long commutes and limited housing opportunities contribute to high employee turnover rates and difficulty recruiting employees, both of which impact businesses in Lee Vining.

The 1-year impact of building 100 single family homes in a typical state has been estimated by the National Homebuilders Association to include \$28.7 million in income for residents of the state, \$3.6 million in taxes and other revenue for the state and local governments in the state, and 394 local jobs. The long-term recurring annual impacts include \$4.1 million in income for residents of the state, \$1.0 million in taxes and other revenue for the state and local governments in the state, and 69 jobs in the state.¹² These national findings are echoed in a 2016 study by the McKinsey Global Institute. McKinsey found that the California housing shortage costs the state economy over \$140 billion per year in economic output. The impacts include an estimated \$50 billion per year in lost consumer spending, and an overall \$90 billion estimated loss in California construction activity.¹³ The impact of housing scarcity on the California economy was an important factor in recent housing legislation (AB 101, SB 167, and SB 330) as noted above.

¹¹ Joint Center for Housing Studies of Harvard University Neighborhood Reinvestment Corporation, *Employer-Assisted Housing: Competitiveness Through Partnership*. September 2000 https://www.jchs.harvard.edu/sites/default/files/mpill_woo-8.pdf

¹² National Association of Homebuilders, Housing Policy Department: *The Economic Impact of Home Building in a Typical Local Area Income, Jobs, and Taxes Generated*, April 2015.

¹³ McKinsey Institute, *A Tool Kit to Close California's Housing Gap: 3.5 million homes by 2025* <https://www.mckinsey.com/-/media/McKinsey/Industries/Public%20and%20Social%20Sector/Our%20Insights/Closing%20Californias%20housing%20gap/Closing-Californias-housing-gap-Full-report.pdf>

Regional economic development will be further supported by the proposed addition of a third gas pump island to serve commercial vehicles and motorists on US 395 and SR 120. Conveniently located and adequately-sized fueling stations strengthen freight activities through reduced transit times, improved reliability and reduced cost of shipments, improved opportunity for just-in-time deliveries, integration of markets and other benefits that support business growth and expansion.

For the reasons set forth above, the Board of Supervisors finds that the economic benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its environmental impacts.

THE PROJECT WILL SUPPORT CONSERVATION: Multiple design and technological components have been integrated into the project design to promote long-term conservation. These include a subsurface irrigation system that will utilize treated wastewater from the package treatment plant to meet half of onsite irrigation demand during the summer season, supporting the growth of newly planted native species and substantially reducing use of groundwater supplies. Electric vehicle charging stations will be provided in the housing complex for use by the housing residents to reduce use of fossil fuels. Solar panels will be provided on all project rooftops facing southward to meet an estimated half of project energy demands.

Open space acreage will increase, with a near doubling of acreage in the most-protected Open Space-Preserve category and fully 70% of the entire Tioga site designated for open space. Protection of area wildlife will be strengthened by new restrictions on unleashed pets and a new protected corridor along US 395. A new onsite bus stop will be provided for ESTA and a free shuttle service to Lee Vining will be operated during the peak season, at a minimum, to reduce personal automobile use by residents and by future hotel guests. Additionally, the provision of an onsite housing option for project employees will reduce daily home-to-work travel requirements, with long-term ancillary benefits for traffic, air quality and greenhouse gas emissions.

EPA has identified multiple 'smart growth' features that contribute to GHG reduction and climate change resilience.¹⁴ Project features that would correspond to the EPA smart-growth features include:

1. **Compact Form:** a 2008 study ([Growing Cooler \(PDF\)](#) published by ULI and partially funded by EPA, concluded that compact development can reduce vehicle miles traveled by 20- 40 %, and carbon dioxide emissions by 7-10%, compared to conventional development. The project site is located within ¼ mile of the nearest commercially zoned lot, which is considered walking distance and therefore a compact form. A subsequent study, [Moving Cooler](#), found that a combination of more compact development & investments in transit/other transportation options could reduce GHG emissions from transportation by 9-15% by 2050. Air quality benefits will be further enhanced by onsite or site-adjacent transit services (ESTA, YARTS, shuttle, space for ESUSD buses).
2. **Use of Existing Infrastructure:** EPA found that use and reuse of existing infrastructure takes advantage of previous investments and the energy already expended to build them. The project will utilize or expand on existing facilities including water production, snow removal equipment, solar power systems, onsite entry and access roads, and gas pump facilities. Additional energy efficient project features include use of Energy Star appliances, LED lighting, and provision of onsite facilities (laundry, storage, staffed child care with play and meeting areas) to reduce travel to offsite facilities.
3. **Proximity of homes to jobs, stores, parks and schools:** EPA found that proximity of homes to jobs and services resulted in less driving and shorter trips. The project prioritizes onsite employees for the housing units, fully implementing this smart growth feature.
4. **Green Spaces:** EPA found that green spaces sequester CO₂ by conserving ecologically valuable land and promoting development in previously developed areas. The proposed project incorporates a net 0.7-acre increase in overall Open Space acreage, with almost twice the acreage of the most-protected Open Space-Preserve designation (from 14.8 acres to 27.8 acres if approved). In whole, more than two thirds of the total Tioga property acreage would be designated for Open Space use (47.2 acres of open space on the 69-acre property).

¹⁴ Environmental Protection Agency, <https://www.epa.gov/smartgrowth/smart-growth-and-climate-change>

For the reasons set forth above, the Board of Supervisors finds that the conservation benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its environmental impacts.

THE PROJECT WILL HAVE SOCIAL BENEFITS: At each stage of the CEQA process, the project has been modified in accordance with comments received from responsible agencies and residents of the Mono Basin and beyond. Whereas the original project proposal included the addition of a third story on the previously approved hotel, and additional square footage in the previously-approved promontory restaurant, both of these proposed elements were eliminated from the proposal in response to public comments on the Notice of EIR Preparation. The project now incorporates a voluntary secondary emergency access, right-of-way for a future trail leading from Vista Point Drive to the US 395/SR 120 junction as an initial link (recommended by Caltrans) for future pedestrian connectivity to Lee Vining, and shuttle services that will be available free of charge to residents of the Mono Basin as well as the project site, as requested by the public to increase the connectivity between the project and the Lee Vining community. The project commitment to prepare a feasibility study for creation of a pedestrian and cycling trail to link the project site to Lee Vining is a further response to community requests for enhanced interaction between Lee Vining and the Tioga site.

A Phasing Plan has been developed that establishes a direct relationship between the development of the commercial components and number of housing units constructed. The Phasing Plan also stipulates that construction of the most visible units, all of which are located in Phase 3, may not commence unless and until occupancy of the Phase 1 and 2 units reaches 80%. The onsite Day Care center will be part of the Phase 1 improvements, staffed and available for use by residents of the Mono Basin as well as project residents. A dedicated pathway between the Day Care facility and a new school bus stop for ESUSD and/or the onsite shuttle and/or resident car-pools will facilitate the proximity and safety of student transportation while minimizing use of personal vehicles.

Multiple design improvements have been made over the course of the project review in specific recognition of the comments made by area residents, and the values expressed in the Mono Basin Community Plan. The original multiunit two-story residential structures have been replaced by single story attached and detached units, with substantial landscaping commitments to effectively screen offsite views of the project from key visitor sites including South Tufa, Navy Beach, and the US 395 Scenic Corridor. The proposed plan includes lighting restrictions that go well beyond the County's Dark Sky requirements, in recognition of the importance of the Mono Basin as an important tourist site for night-photography, and the high value placed by Mono Basin residents on preserving dark night skies.

The applicant has voluntarily agreed to compensate the Kutzadika'a Indian Tribe for onsite monitoring (although not required by results of the archaeological report), and to provide a secondary emergency access in response to a request by the LVFPD (although not required by CalFire). The applicant has also offered to prefund an update to the LVFPD Development Impact Fee study to facilitate a new fee structure that would increase LVFPD revenues from the project (and reimburse prefunding costs) and support expanded District facilities and operations.

These changes reflect a commitment by the applicant to enhance the welfare of the larger community not only through provision of essential housing, but also through specific commitments to serve the underlying goals and values of the larger Mono Basin community.

For the reasons set forth above, the Board of Supervisors finds that the social benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its environmental impacts.

IX. CONCLUSIONS

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Mono County Board of Supervisors finds that the unavoidable adverse environmental impacts associated with the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project may be considered "acceptable" due to the specific considerations listed above, which outweigh the unavoidable, adverse environmental impacts of the proposed project. The Mono County Board of Supervisors has considered information contained in the FSEIR prepared for the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as well as the public testimony and record of

proceedings in which the project was considered. Recognizing that significant unavoidable impacts may result from implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, the Board of Supervisors finds that the project benefits and overriding considerations outweigh the adverse effects of the Project. Having included all feasible mitigation measures as policies and actions in the project, and having recognized and acknowledged all unavoidable significant impacts, the Board of Supervisors hereby finds that each of the separate benefits of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as stated herein, represents an overriding consideration that warrants adoption of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption and implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3*.

Based on the foregoing findings and the information contained in the record, the Board of Supervisors hereby determines that:

1. All significant effects on the environment due to implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) have been eliminated or substantially lessened where feasible;
2. There are at the present time no feasible alternatives to the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) that would mitigate or substantially lessen the impacts; and
3. The remaining significant effects on the environment found to be adverse and unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

Exhibit B to Board of Supervisors Resolution R20-__

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

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

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

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