

**TIOGA COMMUNITY HOUSING PROJECT  
FINAL SUBSEQUENT EIR**

**BOARD OF SUPERVISORS  
SPECIAL MEETING**

**6 AUGUST 2020**

# OVERVIEW

- At the 30 June 2020 meeting, the Board of Supervisors asked staff to return with additional information on a range of identified topics
- In the process of gathering and preparing the additional information, particularly regarding the development of a new Hybrid Alternative, it was determined that the visibility analysis for Alternative 6 required corrections.
- Goals of this meeting are to (1) provide the full range of information requested by the Board of Supervisors at the last meeting, (2) correct the Alternative 6 visual analysis, and (3) provide additional information as appropriate through a review of 3 documents:
  - Compilation of Supplemental Information Requested by the Board of Supervisors
  - Analysis of new Alternative 7-Hybrid Plan, and Errata Sheet
  - Staff Report

# SUPPLEMENTAL INFORMATION

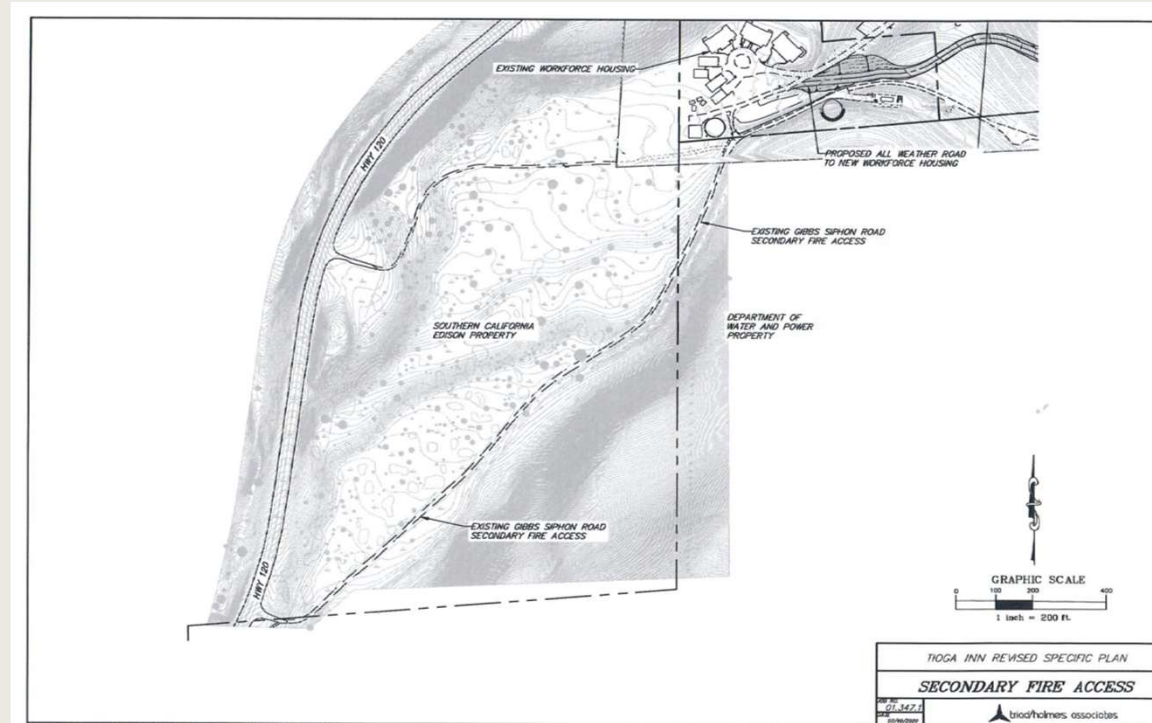
- **The Supplemental Information document addresses 7 topics, identified below and discussed on following pages:**
  - **Proposal to complete project grading during Phase 1**
  - **Evacuation Route onto State Route 120**
  - **Potential for an Evacuation Route onto US 395**
  - **Propane Tank Use and Location**
  - **Potential for a Connectivity Trail**
  - **Concerns raised by Lee Vining Fire Protection District**
  - **Affordable Housing**

# PROPOSAL TO COMPLETE GRADING DURING PHASE 1

- **Proposal to complete project grading during Phase 1 is based on 5 goals:**
  - **UTILITIES:** Install roads and subsurface utilities at once to avoid later earthwork and provide residents with access to completed infrastructure.
  - **LANDSCAPING:** Allow for construction of berms and screening landscaping at the earliest development stage to optimize time available for plant growth and resultant screening efficacy.
  - **DUST AND NOISE:** Avoid exposing residents to the dust and noise associated with multiple earthwork phases.
  - **SAFETY OF RESIDENTS:** Avoid exposing residents to the safety hazards associated with use of heavy construction equipment in close proximity to children and pets.
  - **FIRE SAFETY:** Complete construction of all Fire Safe egress improvements prior to occupancy.
- **Other considerations:**
  - **DOWNSIDES** include (a) if other phases are never built, asphalt will deteriorate more rapidly; and (b) short-term visual impacts associated with graded areas that are left fallow.
  - **OPTIONS:** Public Works notes that some work components may be reasonably phased.
  - **PHASING GUIDELINES:** If the Board wants to phase grading operations, staff recommends that the grading permit at each stage specify the minimum amount of grading and infrastructure at that stage, and be subject to Public Works Director or County Engineer approval.

# EMERGENCY ACCESS ONTO SR 120

- Base map boundaries for the southwestern-most portion of the site have been expanded to show the new Gibbs Siphon emergency evacuation route onto SR 120:



- Acquisition of the Gibbs Siphon easement has been in process since 2016. To ensure timely access, new Mitigation SFTY 5.7(e-3) is proposed:
  - **NEW MITIGATION SFTY 5.7(e-3)(Emergency Access):** *The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-ft irrevocable easement, bladed annually to maintain full easement width, to be recorded prior to issuance of building permits.*

# EMERGENCY ACCESS ONTO US 395

- The project as originally proposed meets CalFire requirements.
- With addition of the Gibbs Siphon Emergency Access road, the project exceeds CalFire Fire Safe requirements.
- As noted in FSEIR, Caltrans advised against project access onto US 395 due to complex road geometrics, and US 395 access was prohibited by Specific Plan Amendment #2.
- Board requested that staff again contact Caltrans regarding potential for US 395 emergency access; communications with Caltrans during July indicate that emergency access onto US 395 may be feasible.
- LVFPD has indicated that such access, designed for simultaneous fire ingress and residents' egress, is needed to safely serve the site.
- In the absence of a mandated fire safe standard or identified CEQA impact, the County has no nexus to require US 395 emergency access.
- LVFPD may determine that US 395 access is required to issue a will-serve letter. A new Specific Plan Implementation Measure is proposed to address this possibility:
  - *New Implementation Measure 2b(7): If an emergency access road to US 395 is required by another agency with the authority to do so, and the necessary permitting and CEQA analysis has been completed by that entity, then the Specific Plan shall allow for the road and is hereby modified 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."*

# PROPANE TANK USE AND LOCATION

- In the original plan, the 30,000-gallon propane tank was located adjacent to the proposed maintenance storage building, about 60' from the nearest residential units.
- In response to concerns raised by the Board, the propane tank has been relocated to the sub-parcel east of US 395, near the 2 existing project wells.
- Screening will be provided consistent with Specific Plan landscape standards (Specific Plan Table 4-12).
- The Specific Plan designates the new tank location as 'Open Space-Facilities,' which includes propane tank among the allowed uses.
- A separate Specific Plan amendment will be sought if commercial use of the propane tank is sought in the future.

# CONNECTIVITY TRAIL

- FSEIR concluded at-grade trail between site and Lee Vining would be infeasible due to (a) pedestrian exposure to hazards (high-speed vehicles, limited sight distances on SR 120), and (b) approvals required from agencies (Caltrans, SCE) over whom County & applicant lack control.
- Following Planning Commission meeting, Caltrans and SCE indicated they may be able to consider connectivity options and this was confirmed in a July Zoom meeting; however, neither agency can make a formal commitment without internal approvals, which may require time.
- Because trail at this time is infeasible and implementation timing is uncertain, environmental effects of the trail have not been studied in current FSEIR or included in Statements of Overriding Consideration.
- Staff recommends that Mitigation SVCS 5.8(a-4) be modified to state:
  - *MM 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 such trail would ultimately direct people to a SR 120 at-grade crossing (creating the potential for conflicts with high speed vehicles), the need for action by other parties over whom the County and the property owner lack legal control and which parties were unwilling to cooperate at the time, (e.g., SCE and Caltrans), and other reasons. Infeasible mitigation measures need not be analyzed under CEQA. 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 impact. Since the Planning Commission hearing on the project, SCE and Caltrans have stated that their agencies can consider other options for pedestrian/bicycle connectivity between the site and Lee Vining*

*Accordingly, the property owner and County shall work collaboratively with SCE, Caltrans, and the local community to pursue 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 Tioga Inn Specific Plan Amendment #3 project will be calculated by the County and contributed by the property owner, to be held in an account by Mono County, toward the development, CEQA analysis, and construction of the trail project. 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*



# LVFPD CONCERNS

Following June meeting of the Board of Supervisors, staff and project applicant participated in a LVFPD Board meeting regarding concerns as outlined in a 6 July 2020 written summary prepared by LVFPD. LVFPD Concerns and County responses are summarized below:

TOPIC	LVFPD CONCERN	COUNTY RESPONSES
<b>Connectivity between Site and Lee Vining</b>	LVFPD strongly believes that safety and connectivity improvements are needed including (a) an off-highway pedestrian & cycling trail (site to LV), (b) traffic calming at the US 395/SR 120 junction.	<b>Mono County lacks authority at this time to require or implement these measures.</b>
<b>Traffic Safety</b>	In addition to concerns re 120/395 junction, LVFPD has concerns regarding traffic safety at the Vista Point Drive project entry.	<b>Caltrans has confirmed that it is considering solutions for heavy traffic and parking at the Vista Point/SR 120 project entry and surrounding apron.</b>
<b>Financial Impacts</b>	The LVFPD budget is too limited to carry the cost of project plan review; LVFPD seeks insulation from costs of project design and compliance reviews.	<b>County will conduct plan check &amp; building inspections as part of building permit services, at no cost to LVFPD. County would not cover costs outside of permit process (such as US 395 emergency access).</b>

# LVFPD Continued

<p><b>Financial Impacts</b> (continued)</p>		<p>Regarding DIF fees, special districts are normally billed for cost of a DIF update (not including County Counsel staff time). In current project, applicant agrees to fund DIF update up front, provided amount is credited toward later DIF cost.</p>
<p><b>Fire Mitigation Fees</b></p>	<p>What would the project pay to LVFPD in Fire Mitigation Fees?</p>	<p>Based on the District's current DIF rate of \$0.50/sf and a proposed project area of ~75,000 sf, total project fees are estimated at \$37,500. Fees would be paid in 3 phases tied to project phasing.</p>
<p><b>Property Tax Revenues</b></p>	<p>What would project generate to LVFPD in annual property taxes?</p>	<p>Mono County Treasurer Frank estimates that LVFPD would receive about \$250/year (all uses).</p>
<p><b>Capacity Impacts</b></p>	<p>LVFPD would welcome an annual mitigation fee and outside assistance to help with added demands for infrastructure, training and equipment to serve a project of this complexity and magnitude.</p>	<p>The mitigation fee must be set through a DIF nexus study. It cannot be set independently at the request of the LVFPD. Project is primarily residential and thus not more complex than existing multi-family residential in Lee Vining. LVFPD concerns appear related to the approved commercial components that are not part of the project. However, the SP requirement for preparation of an evacuation plan was provided to address this larger concern. Project cannot be held responsible for existing capacity limitations.</p>

# LVFPD Continued

<p><b>Capacity Impacts</b> (continued)</p>		<p>Applicant is willing to establish formal incentives for residents to volunteer with LVFPD.</p>
<p><b>Financial Impacts</b></p>	<p>LVFPD seeks reimbursement for cost of independent consultant to analyze District needs to serve Tioga site at full build-out.</p>	<p>County cannot require applicant to cover costs related to prior project approvals. However, timely DIF update would enable District to receive updated fees for <u>all</u> unbuilt site components.</p>
<p><b>Fire Safety Access</b></p>	<p>LVFPD welcomes the SR 120 emergency access and will review final plans as soon as available.</p>	
<p><b>Added Comments in LVFPD Letter dated 29 July 2020</b></p>	<p>LVFPD requests project commitment to (a) adhere to an updated DIF structure for all construction, (b) an annual mitigation fee based on per-resident share of LVFPD tax revenues, and (c) 2-way emergency ingress/egress from site onto US 395.</p>	<p>County cannot require mitigation fees outside of the existing DIF nexus study and fee structure; the DIF study must be updated to support this type of fee. County has no nexus to require US 395 emergency access.</p>

# AFFORDABLE HOUSING

- 2017 Mono County Housing Needs Assessment estimates 50-100 rental units are needed for then-current demand, and 70 additional units for employment growth (120-170 total need).
- Previously approved project elements are part of the estimate of need; proposed project can be held responsible only for its incremental increase to existing impacts.
- State housing policy and laws, as well as the County Housing Need Assessment, focus on the need for new units in general without distinguishing between income-restricted and market-rate housing.
- Project applicant will comply fully with County's adopted Housing Mitigation Ordinance, and with affordability requirements associated with grant funding to assist in meeting project costs.
- To preserve flexibility in complying with future grant requirements, no additional deed-restricted units are proposed at the current time.

## REVIEW OF AESTHETIC IMPACTS: ALTERNATIVE #6 and ALTERNATIVE #7-HYBRID PLAN

- Analyses presented to the Board in June 2020 indicated that offsite views of Alternative 6 would be limited to the upper story of the 5 westernmost 2-story buildings, with no offsite exposure of the easternmost 1-story structures.
- Project engineers subsequently determined that the June sight-line studies were incorrectly scaled, resulting in a vertical distortion that led to the incorrect conclusions stated above.
- After the distortion was corrected, the engineers concluded that the upper 6'-8' of virtually all easternmost structures would be visible from S. Tufa and Navy Beach.
- There was no change to earlier conclusions that 1' of exposed roofline on the easternmost 1-story structures would be visible from US 395.
- The engineers noted, and it is acknowledged, that sight studies are subject to margins of error associated with the distance studied (~5 miles) and digital elevation models used to map the sight lines and visibility cones.
- This margin of error also applies to sight studies prepared for Alternative 7.

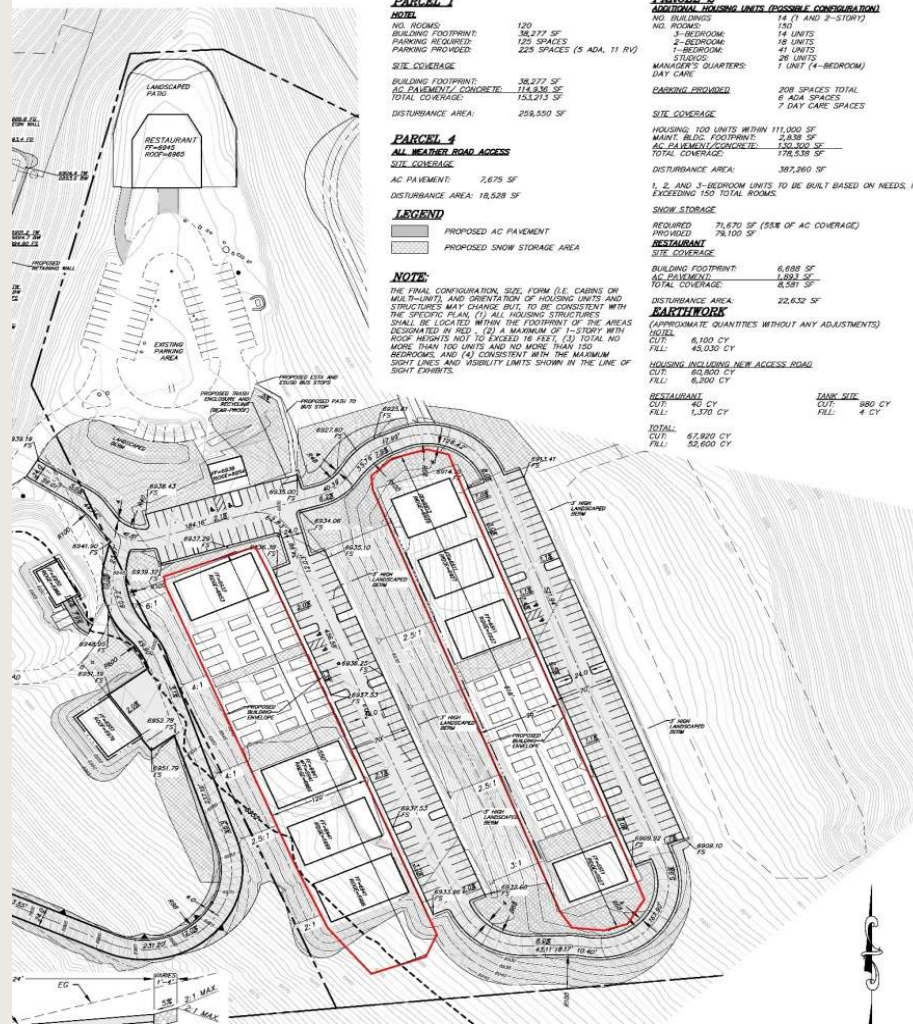
## REVIEW OF ALTERNATIVES 6 & 7 & ERRATA Con't

- The corrected conclusions regarding Alternative 6 could arguably represent a substantial increase of the project's environmental impact on aesthetics.
- However, Alternative 6 included 'generous landscaping' that was not explicitly defined. If applied as detailed for Alternative 7, the landscaping provisions mitigate increased visual impacts from the corrected analysis to less than significant levels.
- The easternmost units in both Alternatives (#6 & #7) have the same height and visibility: Landscaping screens visible portions of these 1-story structures from South Tufa and from Navy Beach.
- The screening landscaping, when combined with a 2-foot lowering of the grading line, the ~5-mile distance to viewpoints, and the requirements for dark colors and non-reflective materials, would mitigate to less-than-significant the added aesthetic impact of Alternative #6 under the corrected scenario.
- The screening landscaping (including Jeffrey pines and quaking aspen) would also screen the westernmost 2-story structures and mitigate any window glare, reducing visual impacts of these structures to less-than-significant levels.
- Accordingly, discussion in the FSEIR/DSEIR is modified to (1) incorporate a description of new Alternative #7-Hybrid Plan, (2) analyze environmental impacts of the new Alternative #7-Hybrid Plan, and (3) correct the previous visual analysis of Alternative #6.



# DESCRIPTION OF ALTERNATIVE #7-HYBRID PLAN

Alternative #7-Hybrid Plan includes a mix of multi-unit buildings and individual cabin units within the 2 designated construction footprints (red-outlined rectangles), plus one 4-bedroom Manager's Unit as shown in Exhibit 1:



## DESCRIPTION OF ALTERNATIVE #7-HYBRID PLAN, Con't

- The grading line has been lowered by 2-feet to more fully 'sink' the structures into the hillside and reduce the profile.
- Within the designated footprints the final configuration, size, form (cabin or multi-unit) and orientation of units may change.
- However, to be consistent with requirements of the Tioga Inn Specific Plan Amendment #3, all housing structures within the designated footprints must at a minimum meet 5 criteria as outlined in new Mitigation Measure AES 5.12(a,b-1) (Design Criteria):
  - **NEW MITIGATION MEASURE AES 5.12(a,b-1)(Design Criteria):** *To be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria:*
    - **LIMITS OF CONSTRUCTION:** *All Community Housing residential structures, whether multi-unit or cabin units, must be located within the footprint of the rectangles as designated in Exhibit 1.*
    - **MAXIMUM HEIGHTS:** *All Community Housing residential structures shall be of single-story construction with a maximum roof height not to exceed 16 feet.*
    - **NUMBER OF UNITS AND BEDROOMS:** *As previously stated in the project description, the Community Housing complex shall not contain more than 100 residential units, and the residential units shall not contain more than 150 bedrooms, including the Manager's Unit.*
    - **SCREENING LANDSCAPING:** *As in the Cluster Alternative and Alternative 6 (see FSEIR Topical Response 1), generous landscaping will further soften visible horizontal rooflines (similar to the hilltop residential units). Screening landscape trees within the Community Housing project shall be consistent with (a) Mitigation Measure AES 5.12(a,b-2) (Screening Tree Plan) shown in Exhibit 2, (b) the Conceptual Landscaping standards outlined in FSEIR Specific Plan Table 4-14, and (c) the Plant Palette outlined in FSEIR Specific Plan Table 4-15.*
    - **VISIBILITY OF RESIDENTIAL UNITS AND STRUCTURES:** *All structures and all units within the Community Housing complex shall be within the sight lines and visibility cones depicted in Exhibits 3 and 4, and detailed in Exhibits 5 and 6.*

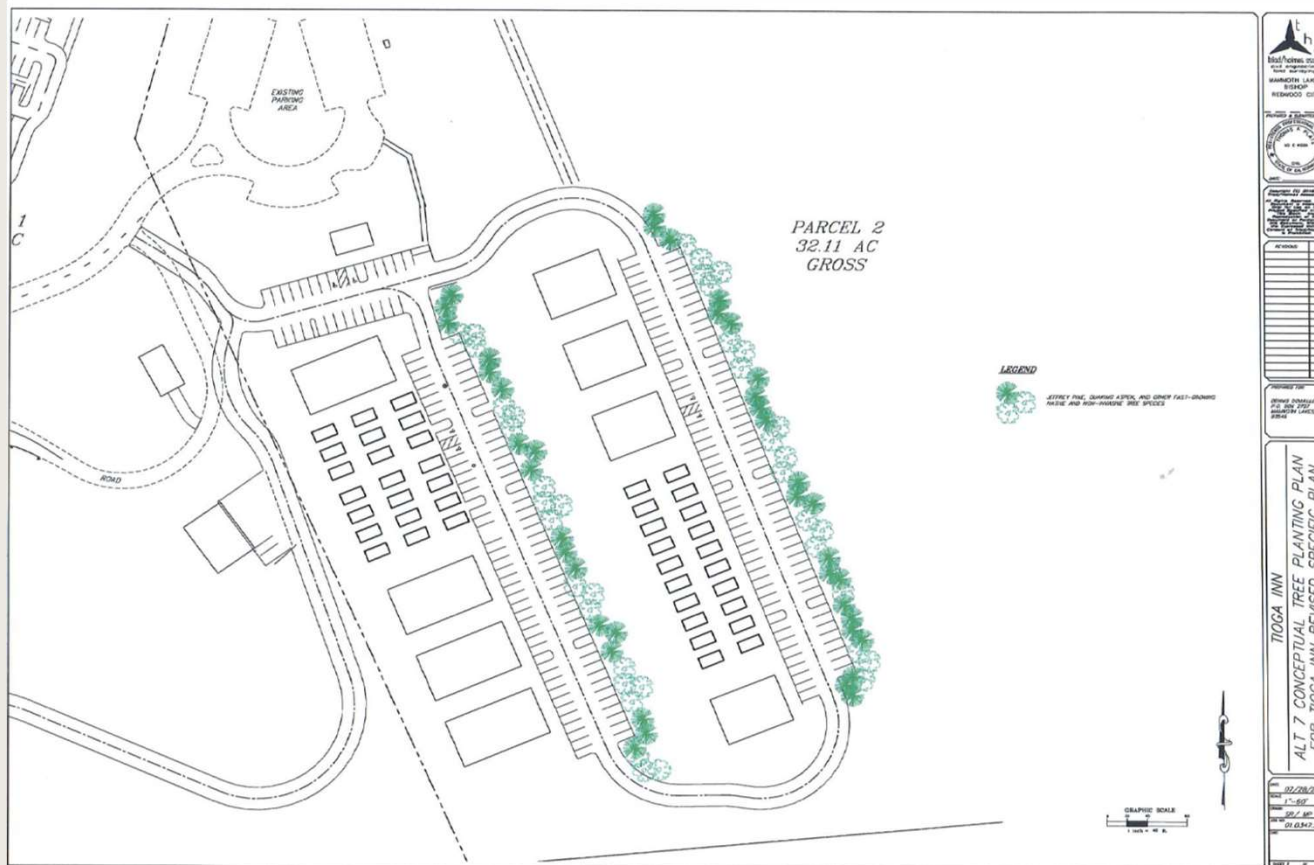


## DESCRIPTION OF ALTERNATIVE #7-HYBRID PLAN, Con't

- Because the tree landscaping plan should be developed and tailored in response to the placement, configuration and orientation of structures, the screening mitigation measure requires that the tree landscaping plan be prepared prior to planting and ground-disturbing activities, as outlined in new Mitigation Measure AES 5.12(a,b-2):
  - ***NEW MITIGATION MEASURE 5.12(a,b-2) (Screening Tree Plan):** A formal screening tree landscape plan shall be prepared by a restoration specialist approved by the County. The plan will provide specific requirements including (a) the number, size, location and timing of initial plantings of Jeffrey pine, quaking aspen, and other fast-growing native and non-invasive tree species, with consideration of the requirements for and availability of irrigation and consistent with both the Conceptual Landscaping standards outlined in Specific Plan Table 4-12, and the Plant Palette outlined in Specific Plan Table 4-13, (b) acceptable nursery or other sources for obtaining seedlings and plantings of all species to be used on the site, and (c) monitoring of tree health, screening efficacy and replacement requirements for the first 5-years of growth. The 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 "Alternative 7 Conceptual Tree Planting Plan." If monitoring after the 5<sup>th</sup> year indicates that the standard has not been met, additional plantings will be added and annual monitoring will continue every year until the screening goal has been met. The plan shall be submitted to Mono County Community Development Department for review and approval prior to planting, and within six months of ground-disturbing construction activities*

# DESCRIPTION OF ALTERNATIVE #7-HYBRID PLAN, Con't

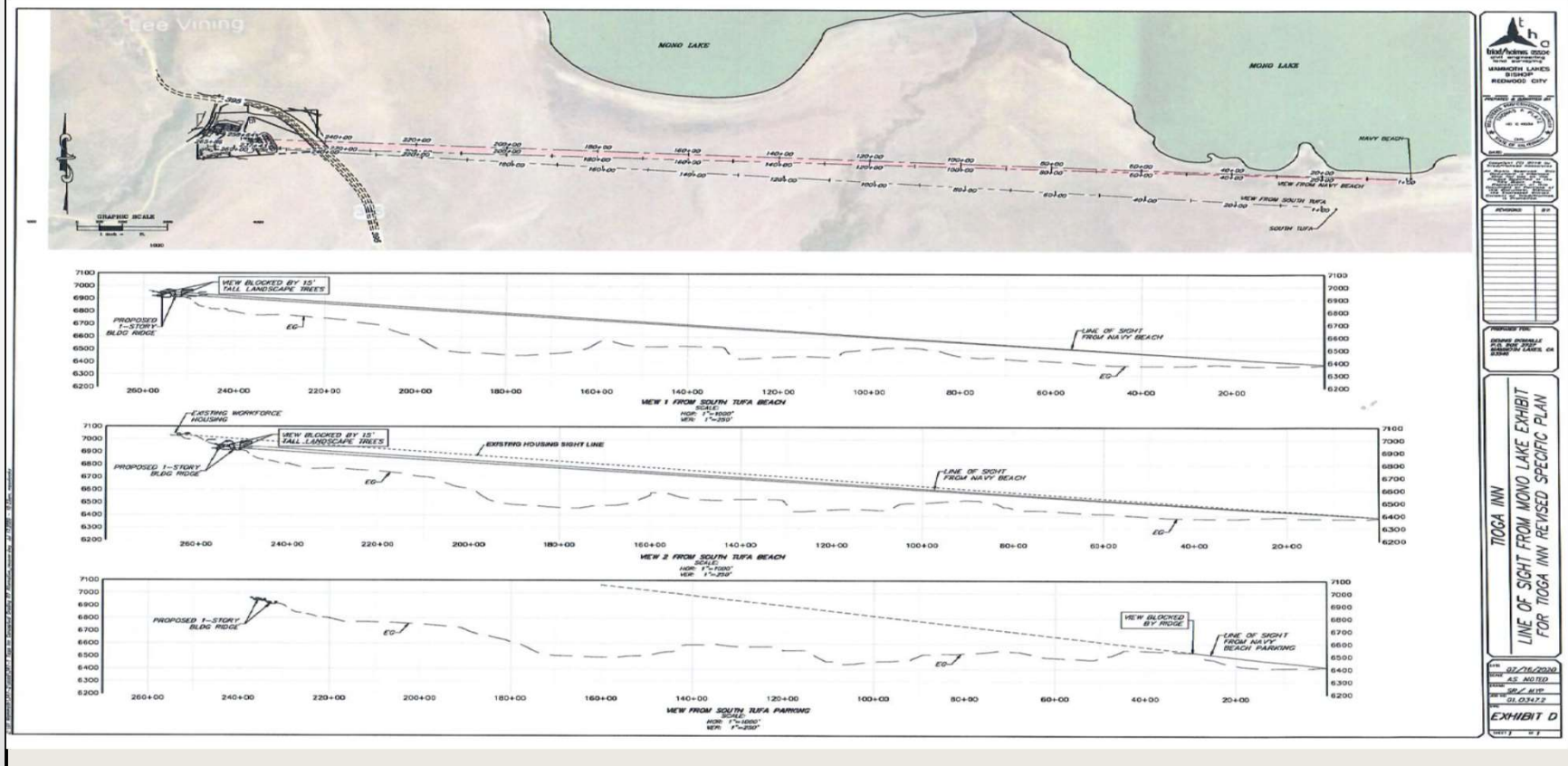
- For effectiveness and efficiency, the final determination of placement and number of trees is established through the landscape plan, to be designed based on actual ground disturbance. But the final plan shall provide at minimum the number of trees shown in the Tree Planting Plan, Exhibit 2:



- At the County's request, the landscape plan was reviewed by Bob Weiland, landscape architect. It is his professional opinion that sufficient screening of the project structures as seen from S. Tufa and Navy Beach can be provided through the mitigation measure.

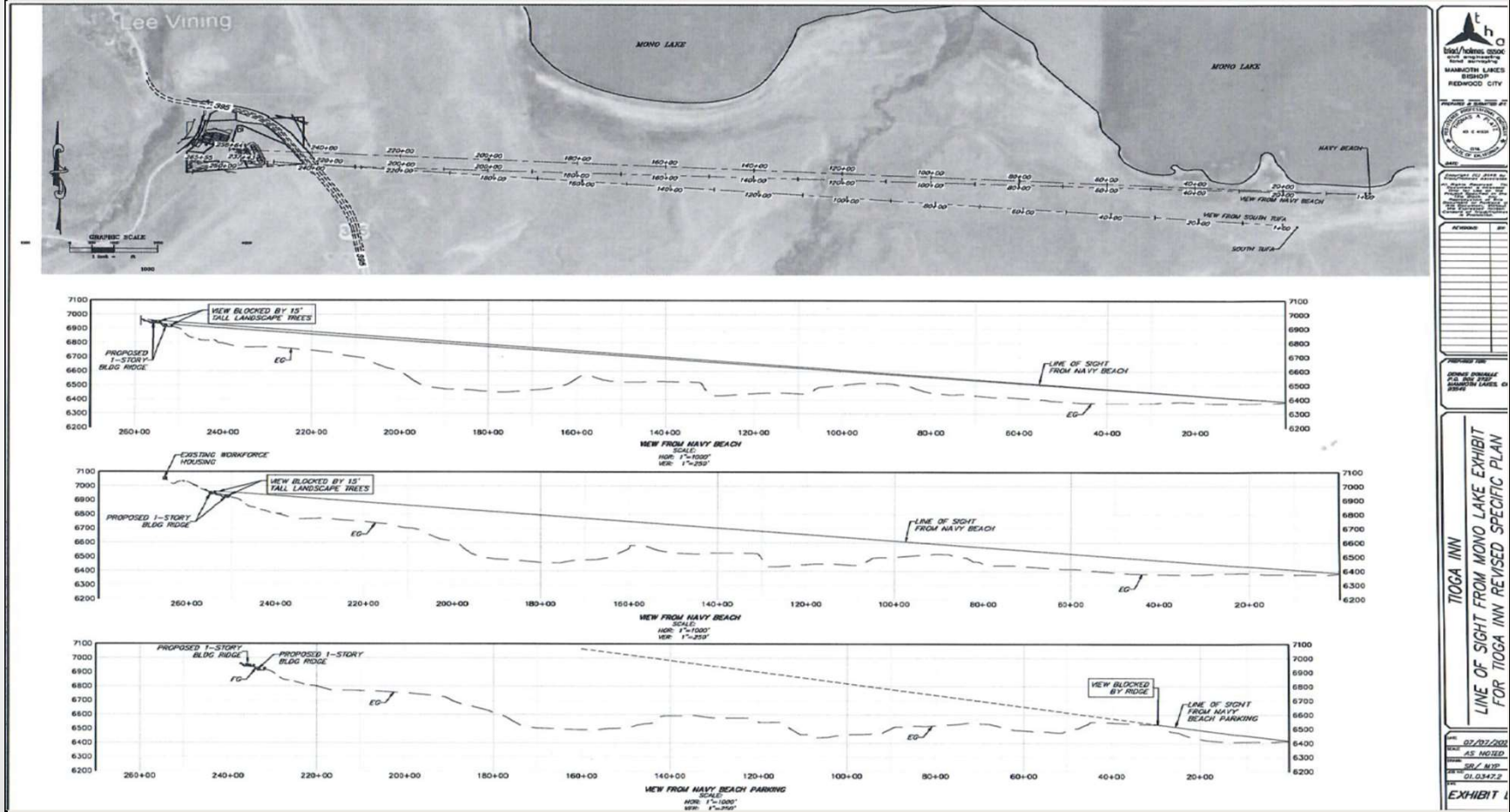
# ALTERNATIVE #7-HYBRID PLAN VISIBILITY

- Updated sight line and cone of visibility studies were prepared for Alternative #7-Hybrid Plan, including studies from S. Tufa/Navy Beach to the site, and enlarged views to show visibility details at the housing complex. Exhibit 3 below shows tree elements that would be planted to screen offsite views:



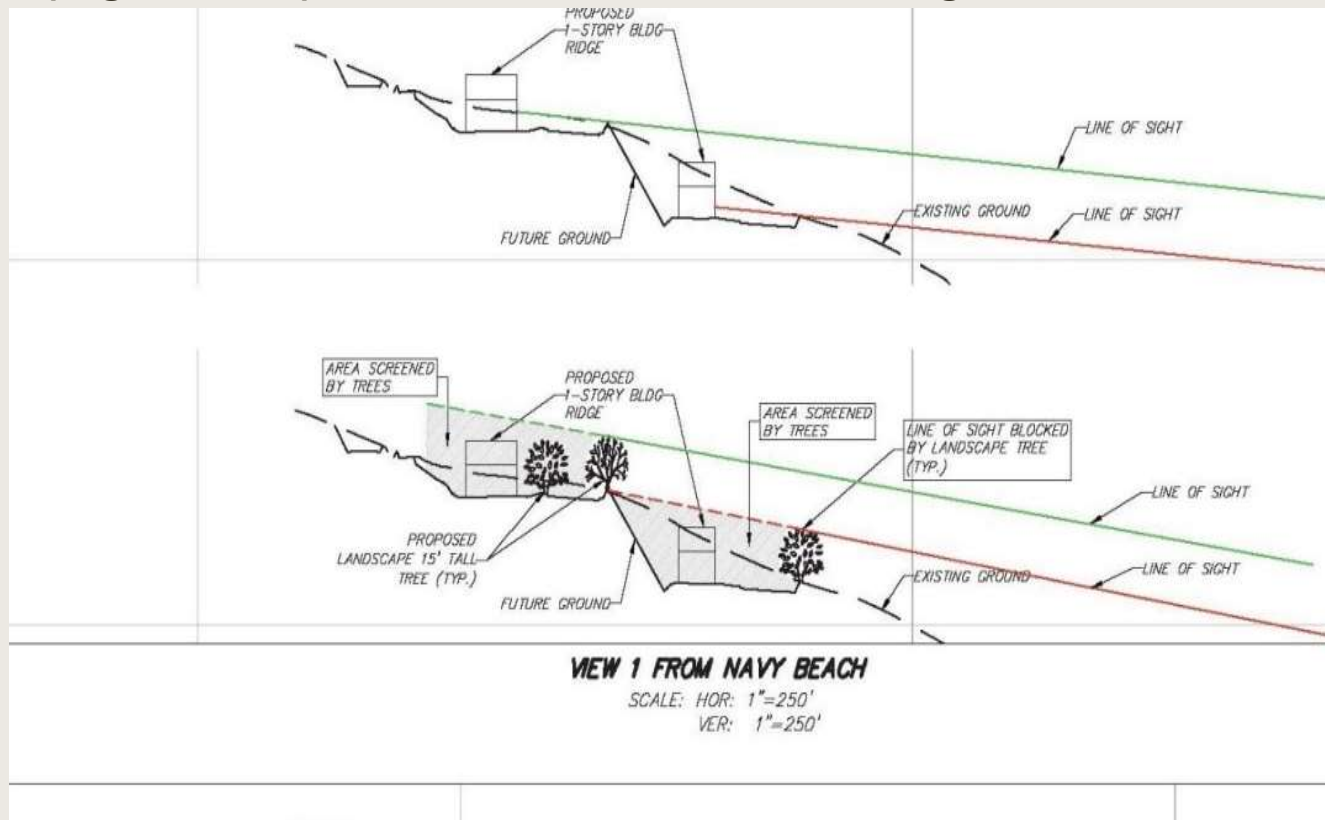
# ALTERNATIVE #7-HYBRID PLAN VISIBILITY

- The same sight-line and visibility cone analysis is provided in Exhibit 4 below, but without the screening landscaping:



# ALTERNATIVE #7-HYBRID PLAN VISIBILITY

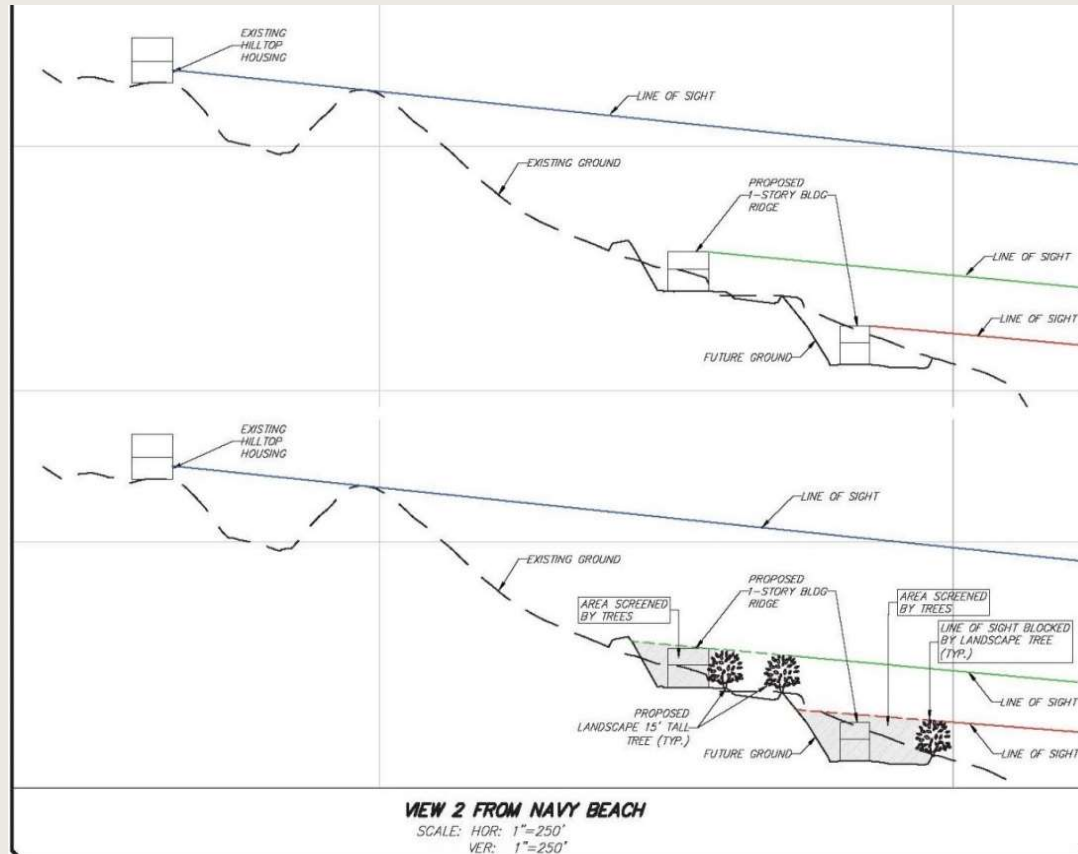
Shown on the following two slides are enlarged sight-line views that focus on the housing. Exhibit 5 below offers a detailed view of sight lines to the proposed housing units (16' max height). The upper sight-line shows visibility without landscaping, and the lower sight-line shows how landscaping would be placed to block direct views of housing structures.





# ALTERNATIVE #7-HYBRID PLAN VISIBILITY

Exhibit 5, shown below, offers detailed views of sight lines to the existing hilltop housing units (19' maximum height), as well as the proposed housing units (16' max height). Again the upper sight-line shows visibility without landscaping, and the lower sight-line shows the screening landscaping:



VIEW 2 FROM NAVY BEACH

SCALE: HOR: 1"=250'  
VER: 1"=250'

DATE:  
07/27/2020

**TIOGA INN**

LINE OF SIGHT FROM NAVY BEACH EXHIBIT



# VISIBILITY OF EXISTING HILLTOP UNITS

- The effectiveness of design and landscaping features can be shown in photos of existing development on the site, specifically the hilltop housing units, as viewed from various locations.
- Shown below are the hilltop units as photographed from the SR 120/US 395 junction. Views from this location are shaped by the height of hilltop housing (the existing units are 3' higher than the proposed units) and distance (about 1/3 mile between camera & hilltop housing).
- One hilltop unit is not screened by trees, but visibility of this exposed unit is minimized by the background ridge, green wall paint and muted-tone roof materials, and nearby trees that rise above the rooftop of the home:



## VISIBILITY OF EXISTING HILLTOP UNITS

Below is a photo of the site taken from South Tufa to simulate visibility of the hilltop units during spring (trees still bare) and with the naked eye, at a distance of about 4.7 miles. The hilltop housing is indistinguishable from the surrounding landscape due primarily to distance, and also due to the scale of the surrounding hills and mountains.





# VISIBILITY OF EXISTING HILLTOP UNITS

The photo below shows the hilltop housing from South Tufa through a powerful 400mm telephoto lens. Even with the telephoto lens, existing housing is virtually indistinguishable from the surrounding landscape due to distance, background, the color of the structures, and screening landscape elements. The proposed project landscaping will provide improved screening through thicker plantings and interspersed evergreens.



# VISIBILITY OF PROJECT & HILLTOP UNITS

The existing hilltop units (which were approved with higher roofs and fewer screening requirements than the proposed project) are also visible in the rendering prepared by MLC in November of 2019 which, as previously noted, greatly exaggerates and mischaracterizes visual impacts of the proposed project. However, visibility is again limited by backdrop, use of muted colors, landscaping, and distance, such that it is hardly identifiable.



## VISIBILITY OF ALTERNATIVE #7-HYBRID PLAN

- **SUMMARY:** The combined effects of distance, backdrop, revised 1-story design, lowered grading line and screening landscape elements are expected to substantially reduce visibility of proposed project elements from offsite locations compared to any design with 2-stories, including Alternative #6 and the Cluster design.
- **WINDOW GLARE:** The design of the Hybrid Plan is expected to eliminate views of residential windows from Navy Beach, South Tufa and US 395. Maximum exposure of all residential structures from these locations is estimated at no more than the upper 8 feet of any structure, including 6 feet of roofing and up to 2 feet of wall space directly below the eaves. If the margin of error results in offsite views of residential windows, the landscape screening would minimize the potential for glare to be reflected.

## AESTHETIC IMPACTS OF ALTERNATIVE #7-HYBRID PLAN

- Visual impacts of Alternative #7-Hybrid Plan were assessed using the Caltrans Scenic Highway Visual Impact Assessment System ('VIA').
- Results of the updated VIA (presented fully in the Errata) reflect changes associated with Alternative #7 as well as additional information gained through the public comment process.
- The updated VIA indicates that modifications associated with new Alternative #7-Hybrid Plan would reduce aesthetic impacts from the visibility of structures to less than significant levels. Impacts on light and glare would remain significant and adverse.
- The 2 primary factors underlying the determination that aesthetic impacts would be less than significant include the requirement that all structures be of single-story construction with a maximum 16' roof height, and the increased number and placement of screening trees with the specific intent to block offsite views.
- Additional factors include the lowered grading line, required use of dark colors and non-reflective materials, and distance.



## ENVIRONMENTAL IMPACTS OF ALTERNATIVE #7-HYBRID PLAN

- **Alternative #7-Hybrid Plan was briefly assessed to ascertain whether the new plan would have impacts that were not previously analyzed or would be more severe than previously analyzed.**
- **Results of the assessment indicate that Alternative #7-Hybrid Plan would not have new impacts or impacts that are more severe than analyzed for the original project proposal or Alternative #6.**

# SPECIFIC PLAN MODIFICATIONS

- **SECONDARY ACCESS:** It is proposed that the following clarification be added to the Specific Plan Open Space-Support designation to accommodate the secondary emergency access road on SR 120:
  - *"The Open Space-Support designation shall also permit maintenance of a permanent secondary emergency access road, to be located in the southwest quadrant of the Tioga site."*
- **HYDROLOGY:** A mitigation measure in the FSEIR for hydrology that is not needed to reduce impacts is more appropriate as a condition of the Specific Plan. Therefore, MM HYDRO 5.2(c-1) is proposed to be moved to the Specific Plan as Implementation Measure 2a(5), and 'airlift' is deleted from the wording for technical accuracy:
  - *Implementation measure 2a(5): The applicant shall provide Mono County Public Health Department with monthly measurements and recordings of static water levels, ~~airlift~~ 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 baseline; monitoring shall continue on at least a quarterly basis thereafter.*
- **HOUSING OCCUPANCY:** To further clarify priorities for housing occupancy, it is proposed to add a new Specific Plan Implementation Measure 1f(9):
  - *Implementation measure 1f(9): Employees shall have first priority for housing, and rental practices shall comply with the California Fair Employment and Housing Act (FEHA) and 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.*
- **SHUTTLE SERVICE FLEXIBILITY.** In response to the Board request for added flexibility in the Shuttle Service, to account for reduced ridership if a connectivity trail is established, the wording of MM SVCS 5.8(a-2) is proposed to be modified:
  - *MODIFIED MITIGATION SVCS 5.8(a-2): A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase I units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin operations each year no later than July 4, and end operations each year no sooner than Labor Day. The shuttle service will be free of charge and available for use by hotel guests, 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-2), then shuttle operation frequency and duration may be reduced based on ridership demand. subject to approval by the Community Development Director."*

## MITIGATIONS PRESENTED AT JUNE BOARD MEETING

Also before the Board today are 4 mitigation measures that were presented at the Board meeting on June 29-30. The 4 measures are briefly summarized below:

- **AMENDED MITIGATION BIO 5.3(a-6) (Signage):** Stating that “Do Not Feed the Wildlife” signage shall be posted at specified locations throughout the housing complex and larger Tioga Specific Plan site.
- **AMENDED MITIGATION BIO 5.3(a-4) (Badger and Fox Survey):** Requiring that pre-disturbance surveys be provided for both denning badger and denning fox, with expanded buffer zones (500’ v 100’), reporting of survey results to CDFW and County within 24-hours of completion, and suspension of construction if a fox den is found.
- **AMENDED MITIGATION AES 5.12(c) (Outdoor Lighting Plan):** with additional details regarding the wavelength, lumens, number and hours of lighting allowed in parking areas, roads and pedestrian walkways.
- **AMENDED MITIGATION POP 5.6(a-1) (Phasing Plan)** to include the childcare facility and allow all infrastructure construction in Phase 1, and to specify that Phase 2 can commence when the County signs of on the hotel core and shell inspection and Phase I building permits have been issued, and to specify that Phase 3 construction can commence when Phase 2 building permits have been issued.

The full text of all the above amended mitigations is provided on page 2 of the current Staff Report.

# ADDITIONAL CONSIDERATIONS-

## Roundabout at SR 120/US 395 Junction

- Community Development Director Wendy Sugimura contacted Caltrans District 9 Director Ryan Dermody on July 8 and 10, 2020, to discuss the potential for an emergency route from the project site onto US 395.
- During that communication, Director Sugimura indicated a continuing high level of interest in the potential for Caltrans construction of a roundabout at the junction of SR 120/US 395.
- Director Dermody reiterated Caltrans' earlier statements, as presented in the FSEIR, including:
  - (a) Caltrans does not agree with the FSEIR/DSEIR significance determination regarding traffic conditions at the SR 120/US 395 intersection based on their agency standards and therefore
  - (b) a roundabout at the intersection is unfunded, and not reasonably foreseeable at this time, and
  - (c) the Tioga traffic studies would not likely increase the statewide priority of the SR 120/US 395 roundabout project enough for it to be competitive for funding.



# ADDITIONAL CONSIDERATIONS-

## Protections for Stockpiled Soils

- Protections for stockpiled soils include (a) requirements of Tioga Inn Specific Plan Policy 3a (measures to minimize site disturbance), (b) Specific Plan Table 4-11 (measures for revegetation of all project areas that are temporarily disturbed during earthwork), and (c) Mono County requirements at the grading permit stage.
- In accordance with adopted standards, all project grading would be subject to requirements of Mono County Code §13.08 (Land Clearing, Earthwork, and Drainage Facilities) and the Mono County Best Management Practices Manual.
- The BMP Manual was adopted to more fully implement the Erosion & Sediment Control Ordinance (Land Development Code Ch. 19) and thereby protect and improve water and air quality and eliminate hazards. The County has determined that the BMPs are effective at mitigating these potentially adverse effects.
- The BMPs address a wide range of issues including winterization of fill materials, dust controls, and proper use of mulching, hydromulching, plastic netting and erosion control blankets to stabilize and protect exposed soils.

# ADDITIONAL CONSIDERATIONS-Hydrology

- New correspondence received on 29 June 2020 raised questions concerning potential impacts of project water demands on the Mono Groundwater Basin.
- In response, the project Hydrologist provided a written response noting that the southerly project well (Well #1) was completed in 1984 to a depth of 600.' During a pump test in 1992 the well pumped at a rate of 400 gpm. Results of the 1992 pump test indicate that Well #1 has adequate capacity to serve water needs of the proposed project and the cumulative project under foreseeable maximum day demands without noticeable impact to the flow of Lee Vining Creek.
- Northerly Well #2 was completed in late 2017 to a depth of 610.' Although no formal pump test has been performed on Well #2, it currently pumps at 126 gpm; drawdown after 5 hours of pumping was 60.' Pumping and drawdown rates indicate Well #2 also has adequate capacity to meet project & cumulative water demands.
- Based on test data from the Winston well (~400' from LV Creek), there is no potential for water use from Well #1 to impact Lee Vining Creek. Lee Vining Creek is armored as it flows across the fan to Mono Lake.
- The pump test recommended in the comment letter was performed by SGSI on Well #1 in 2017, to address the very issues raised in the comment letter. Results of the pump test formed the basis for the FSEIR conclusion of 'no impact.'
- The above information, drawn from analyses and conclusions presented in the environmental record, is corroborated by a 2006 report prepared for Mono County by Team Engineering. That study shows that the Tioga Inn well is not in the Lee Vining Creek watershed, or any of the Lee Vining Creek sub-watersheds. The study also shows that the Tioga well is in the same watershed, but not the same aquifer, as the Andrews well. Additional information concerning the Andrews well is provided in FSEIR Topical Response #11, Water Quality and Water Supply.

## ADDITIONAL CONSIDERATIONS- New Comment Letter from Shute Mihaly Weinberger (SMW)

**CONNECTIVITY TRAIL:** SMW states that mitigations may not be deferred and must be adopted simultaneously with project approval. Deferral constitutes piecemealing. Further, the County does have authority to require the trail as a condition of approval.

**RESPONSE:** Given no project exists to which the project can contribute, a new project is infeasible due to lack of approvals and site control, and the adverse impacts are an existing condition and therefore cannot be attributed entirely, nor resolved entirely by, this project. Because mitigations are subject to proportionality standards, the conclusion is that no mitigation measure needs to be provided at all. The proposed measure is a good faith effort to ensure continued development and progress toward finding a solution. However, if deferred mitigation exposure is a concern, the measure can be deleted in its entirety. Neither the retention nor the deletion of MM SVCS 5.8(a-4) would constitute piecemealing, since the connectivity trail is not a reasonably foreseeable project component.

**PROPANE TANK:** SMW states that relocation of the propane tank to the parcel east of US 395, as well as future use of the tank for commercial purposes, must be evaluated as part of the current environmental assessment.

**RESPONSE:** Relocation of the propane tank to the parcel east of US 395 is consistent with uses allowed on that parcel under the existing approved Specific Plan and EIR. Commercial uses of the propane tank have been eliminated and the applicant has subsequently stated that he does not intend to pursue this use. Therefore, it is not a reasonably foreseeable use.

**SECONDARY EMERGENCY ROUTE ONTO US 395:** SMW states the staff report indicates that a secondary egress route onto US 395 is likely necessary for LVFPD to serve the project, but improperly defers analysis of the impacts of such a route.

**RESPONSE:** SMW mischaracterizes the staff report, which in fact states the County has no nexus to require this secondary emergency route, but that the LVFPD could require it under their own authority and issuance of a will serve letter. The proposed Specific Plan condition is, again, a good faith effort to allow for the emergency road should the LVFPD require it. Without the condition, the road would not be permissible under the Specific Plan.

**SHUTTLE SERVICE:** SMW states that the proposed amendment to MM SVCS 5.8(a-2), which would allow shuttle operation frequency to be reduced if a connectivity trail is constructed and ridership declines, would weaken provisions for public safety.

**RESPONSE:** The proposed amendment to MM SVCS 5.8(a-2) is a direct response to a request made by the Board of Supervisors. Further, the amendment would take effect only if warranted by specified mitigating factors including availability of a connectivity trail and a decline in shuttle ridership.

## ADDITIONAL CONSIDERATIONS-

### Letter from Shute Mihaly Weinberger, Con't

**REVEGETATION: SMW states that construction of all infrastructure during Phase 1 would result in significant earthmoving and soil disturbance for which performance standards are not identified in the County requirements.**

**RESPONSE:** Multiple mitigation requirements and adopted County standards have been identified in the environmental record to ensure that project earthwork does not adversely impact project visibility, water quality, or soil management. These include (a) Mono County Section 13.08 requirements governing land clearing, earthwork and drainage facilities, (b) Mono County BMP practices, the selection of which would be part of the grading permit process, (c) MM BIO 5.3(a-1) with detailed requirements for returning all areas temporarily disturbed to a condition of predominantly native vegetation with specific provisions for success criteria including a return to at least 50% of pre-project native vegetation cover within 5 years, and (d) MM BIO 5.3(a-6) with detailed requirements for topsoil health, screening, use of bitterbrush as a dominant plant material, specific seed mix for use near roads, weed controls, and monitoring for a period of 5 years with a requirement for supplemental remediation if success criteria have not been met.

**MISSING COMMENT LETTER CONCERNING GROUNDWATER: SMW states that the comment letter raising concerns about potential impacts on groundwater was not attached to the materials provided in the Board packet.**

**RESPONSE:** The comment letter, sent by Susan Burak, was included as part of the record of information, and has now been posted to the Board of Supervisors' meeting page.

**RECIRCULATION: SMW states that the new Alternative 7-Hybrid Plan represents a significant change in the project, necessitating that the EIR be revised and recirculated**

**RESPONSE:** Changes made to the project since the April Planning Commission meeting have been good faith efforts to more fully respond to requests made in comment letters that were received after close of the public review period. In every case, the changes have focused on further reducing project impacts, within the body of information that has been assessed in the environmental record for this project. None of the project alternatives considered during this time would have potential to result in impacts that have not been previously examined, or impacts more severe than previously examined, or provided feasible alternatives or mitigation measures that were rejected by the project proponent, or caused the DSEIR to be so fundamentally inadequate and conclusory in nature that meaningful public review and comment were precluded. Therefore recirculation is not required.

**IMPACTS OUTWEIGH BENEFITS: SMW states that community impacts outweigh the project benefits.**

**RESPONSE:** The decision as to whether project benefits outweigh project impacts will be made by the Board of Supervisors in consideration of the full record of environmental information provided for the Tioga Inn Specific Plan Amendment #3 Community Housing Project.

# COMMENTS AND QUESTIONS

- This concludes the summary of information developed since the June 29-30 Board of Supervisors meeting.
- As has been true through every stage of the CEQA process, public input has played a central role in the information and recommendations presented for Board consideration.
- Public outreach during July 2020 included 1 meeting with the LVFPD Board, and 2 meetings with the Mono Lake Committee
- Comments and questions are welcomed.