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***SUBSEQUENT ENVIRONMENTAL  
IMPACT REPORT AND SPECIFIC PLAN  
FOR THE TIOGA COMMUNITY HOUSING PROJECT***  
*(Formerly the "Tioga Workforce Housing Project")*

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**FINAL SUBSEQUENT EIR**  
**SCH #199012113**

**Prepared for:**



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# TIOGA COMMUNITY HOUSING FINAL SUBSEQUENT EIR



## SECTION 1

# CONTENTS OF THE FINAL SUBSEQUENT EIR

### 1.1 CONTENTS OF THE FINAL SUBSEQUENT EIR

This Final Subsequent EIR (FSEIR) comprises eight sections as outlined in Table 1-1.

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## 1.2 ADMINISTRATIVE RECORD CONTENTS

In keeping with §15132 of the California Environmental Quality Act (CEQA) *Guidelines*, the administrative record of the Final Subsequent Environmental Impact Report (FSEIR) for the proposed Tioga Community Housing Project consists of the following elements:

- The amended Draft Subsequent EIR (DSEIR), provided separately
- Copies and/or summaries of comments and recommendations received on the DSEIR
- A list of persons, organizations, and public agencies commenting on the DSEIR
- Lead Agency responses to significant environmental points raised in the review and consultation process
- Other information added by the Lead Agency

### **1.3 COMMENT LETTERS, APPROACH TO RESPONSES, FSEIR FORMAT**

CEQA Guidelines §15088 sets forth the requirements for evaluation of and response to comments on a draft EIR:

- "(a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.*
- (b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.*
- (c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.*
- (d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:*
- (1) Revise the text in the body of the EIR, or*
  - (2) Include marginal notes showing that the information is revised in the response to comments."*

As discussed more thoroughly in FSEIR §3.0, a total of 904 comment letters were received over the course of the DSEIR public review period. A significant majority of these comment letters (697 letters) utilized a 'generated format' that was provided by the Mono Lake Committee. The remaining 207 letters were sent by agencies, organizations and citizens who provided individual comments tailored to the project proposal. Many of these individual letters identify specific issues for review and consideration, and many express personal views and concerns for consideration by the Board of Supervisors, and/or request that the Board of Supervisors act to deny or approve the project. Formal responses were prepared to address 19 of the individual comment letters that raised technical or documentary questions, identified regulatory and permitting requirements, and/or made specific and detailed recommendations regarding the project and proposed alternatives.

Complete copies of all comment letters are provided in the FSEIR appendices. FSEIR Appendix A provides copies of the 207 individual letters (including the 19 letters for which formal responses have been prepared). FSEIR Appendix B provides copies of the 697 comment letters that utilized the 'generated format.' Tables 3-2 and 3-3 list all comment letters; commenters in each table are presented in alphabetical order.

### **1.4 Organization of FSEIR Comments and Responses**

The responses to comments have been organized in keeping with the comments received. FSEIR §5.0 provides topical responses to address key issues raised in the comment letters (including the individual and the generated letters). FSEIR §6.0 provides specific responses to issues identified in 19 comment letters with substantive questions that provided a basis for most of the Topical Responses; in these instances the reader is referred to the appropriate topical response where applicable, and tailored responses are provided to the remaining issues raised.

CEQA Guidelines §15088(d) states that the response to comments can take the form of a DSEIR revision, or may be provided as a separate section in the FSEIR, but that the DSEIR text should be revised wherever important changes are made. The text of the Draft Specific Plan Amendment#3 has been updated to incorporate changes made through the response to comments (see FSEIR §7). It is anticipated that the comprehensive DSEIR text updates will be completed shortly before the Board of Supervisors holds its hearing(s) on the FSEIR. In this Final SEIR text, the DSEIR and Specific Plan text revisions are described in the topical responses and in the individual responses, and summarized in TABLE 2-1.

## 1.5 CONDITIONS CALLING FOR DSEIR RECIRCULATION PRIOR TO CERTIFICATION

CEQA Guidelines §15088.5 outlines the conditions that would require a Lead Agency to recirculate an EIR:

### **15088.5. RECIRCULATION OF AN EIR PRIOR TO CERTIFICATION**

*(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:*

*(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*

*(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*

*(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.*

*(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)*

*(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.*

*(c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.*

*(d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.*

*(e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.*

This FSEIR incorporates many changes in the project proposal that are in direct response to comment letters on the DSEIR. The changes are summarized in FSEIR §2, and discussed in the formal Topical Responses (FSEIR §4) and in the responses to specific comments (FSEIR §5), and in the text of the updated Specific Plan Amendment #3 (FSEIR §7). Most of the project changes are intended to minimize the potentially significant impacts that were identified in the DSEIR, and/or in response to agency and public input concerning project design and implementation.

None of the project changes made in this FSEIR would result in or cause a new significant impact that was not addressed in the DSEIR or a substantial increase in the severity of an environmental impact that was not addressed in the DSEIR. None of the project changes would constitute or result in the rejection of a feasible alternative that would have potential to lessen environmental effects. Finally, none of the comment letters present substantive evidence that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review & comment were precluded. Based on the above considerations, the Draft Subsequent EIR has not been recirculated. The reader is referred to Topical Response #13 (EIR Scope of Analysis) for additional discussion of CEQA requirements pertaining to the Community Housing project.

## TIOGA COMMUNITY HOUSING FINAL SUBSEQUENT EIR



## SECTION 2

# SUBSTANTIVE PROJECT CHANGES IN RESPONSE TO DSEIR COMMENTS

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### 2.1 CHANGES MADE IN RESPONSE TO COMMENTS ON THE DSEIR

In response to comments on the DSEIR, changes have been incorporated into the project and project mitigation measures. Key changes are listed below, and the text of the Draft SEIR has been modified to incorporate all changes.

TABLE 2-1. Summary of Project Modifications		
TOPIC/ISSUE	SUMMARY OF PROJECT MODIFICATIONS AND CLARIFICATIONS	WHERE ISSUE IS DISCUSSED
<b>PROJECT TITLE</b>	The proposed project title has been changed from Tioga Workforce Housing to Tioga Community Housing. The change responds to comments in a number of the comment letters, and also acknowledges that project rents will be set to meet requirements of the Mono County Housing Mitigation Ordinance, but will not be set to meet state definitions of affordability.	Table 3-2 & Appendix A, individual comments on project title Table 3-3 & Appendix B, generated comments on project title
<b>NEW PREFERRED ALTERNATIVE 6</b>	A new Alternative 6 has been developed to lessen the project impacts on aesthetic values. Alternative 6 is now identified as the Preferred Project Alternative (replacing the project design shown in the DSEIR Concept Site Plan).	TOPICAL RESPONSE #1 (Aesthetics) TOPICAL RESPONSE #3 (Alternatives)
<b>AESTHETICS &amp; PROJECT DESIGN</b>	Topical Response #1 provides detailed information and illustrations for Alternative 6, which is now identified as the preferred project alternative. The modified design elements include additional grading to lower the base elevation (and thus the roof elevation) of the housing units, a reduction in the number of housing structures and a changed orientation and layout of the structures, redesign of the lower and more prominent 2-story structures to be 1-story structures, reduction in the overall housing footprint, articulation of native landscaping elements that will be used to provide rapid growth and optimal screening, and other elements.	TOPICAL RESPONSE #1 (Aesthetics) Letter #1, Comment 1 Letter #2, Comment 10 Letter #3, Comments 10-12 Letter #6, Comment 2 Letter #10, Comment 4b Letter #12, Comments I.A.1-I.A.8, I.D.4.d, I.D.4.e, I.D.4.h, II.A-II.D Letter #15, Comment II.B.1 Letter #16, Comments 16, 17 Table 3-2 & Appendix A, individual comments on aesthetics Table 3-3 & Appendix B, generated comments on aesthetics
<b>LIGHT &amp; GLARE</b>	Elements of the Scenic Combining District Regulations that will be applied to the project are detailed, in addition to mandatory requirements to preserve dark skies and minimize light pollution.	TOPICAL RESPONSE #2 (Light & Glare) Letter #1, Comment 1 Letter #6, Comment 4 Letter #10, Comment 3d Letter #12, Comment I.A.5, I.A.6, I.D.4.g, II.A-II.D Letter #15, Comment I.B.1 Letter #16, Comment 18



		Table 3-2 & Appendix A, individual comments on light & glare Table 3-3 & Appendix B, generated comments on light & glare
<b>ALTERNATIVES</b>	This FSEIR incorporates a Concept Site Plan and additional analysis for the Cluster Alternative.	TOPICAL RESPONSE #3 (Alternatives) Letter #6, Comment 5 Letter #10, Comment 5 Letter #12, Comment II.A-II.D Letter #15, II.C Table 3-2 & Appendix A, individual comments on alternatives Table 3-3 & Appendix B, generated comments on alternatives
<b>DEER PASSAGE-WAY</b>	This FSEIR concludes that construction of a deer passageway in the project vicinity is infeasible, and deletes the goal to seek grant funding for this purpose. Direct impacts to deer remain less than significant, and cumulative impacts to deer remain significant and unavoidable.	TOPICAL RESPONSE #5 (Deer) Letter #1, Comment 2 Letter #3, Comment 5 Letter #12, Comment I.C.1, I.C.5, Table 3-2 & Appendix A, individual comments on deer Table 3-3 & Appendix B, generated comments on deer
<b>SECONDARY EMERGENCY ACCESS, FIRE SERVICE, FIRE RISK</b>	Topical Response #6 of this FSEIR describes a new plan to incorporate a secondary emergency access along the SCE easement, as well as (1) a new mitigation measure requiring that an encroachment permit be obtained from Caltrans if the secondary access gate is located inside Caltrans' right-of-way (see "New Mitigations-Secondary Access" below). DSEIR mitigation measure SFTY 5.7(d) (Evacuation Plan) has been incorporated into the Specific Plan, and deleted from the Mitigation Monitoring and Reporting Program (see "Deleted Mitigation Measures-Evacuation Plan" below).	TOPICAL RESPONSE #6 (Secondary Access, Fire Safety) Letter #2, Comment 3 Letter #3, Comment 14 Letter #8, Comments 2-5 Letter #10, Comments 3a and 3g Letter #11, Comment 1 Letter #15, Comment II.B.2 Letter #16, Comment 15 Letter #18, Comment 1 Table 3-2 & Appendix A, individual comments on secondary access Table 3-3 & Appendix B, generated comments on secondary access
<b>PROJECT PHASING</b>	The project proposal now incorporates a Phasing Plan with 3 stages of housing construction.	TOPICAL RESPONSE #7 (Phasing) TOPICAL RESPONSE #14 (Community Character) Letter #4, Comment 1, 5 Letter #8, Comment 2 Letter #10, Comments 1, 2, 3c, 5, 7 Letter #12, Comments 1.D.7, II.C, II.C.3 Letter #15, Comment II.A Letter #16, Comment 3 Table 3-2 & Appendix A, individual comments on phasing Table 3-3 & Appendix B, generated comments on phasing
		TOPICAL RESPONSE #8 (Housing) Letter #10, Comment 6

<b>HOUSING NEED, OCCUPANCY, OBJECTIVES</b>	This FSEIR provides additional information regarding the objective to provide housing for onsite workers, the timing of hotel and restaurant construction, eligibility criteria and priorities for occupancy of the Community Housing units, and intent to comply with applicable housing laws.	Letter #13, Comment 4 Letter #15, Comment II.A, II.B.6 Letter #16, Comment 2 Table 3-2 & Appendix A, individual comments on housing, occupancy Table 3-3 & Appendix B, generated comments on housing, occupancy
<b>HOUSING MITIGATION ORDINANCE (HMO)</b>	The project will comply with requirements of the newly adopted Housing Mitigation Ordinance.	TOPICAL RESPONSE #8 (Housing) Letter #10, Comment 1 Letter #14, Comment 3 Letter #15, Comment II.A Letter #16, Comments 2, 3 Table 3-2 & Appendix A, individual comments on HMO Table 3-3 & Appendix B, generated comments on HMO
<b>TRAFFIC IMPACTS AT SR 120/US 395 JUNCTION</b>	The Traffic Impact Analysis has been updated to incorporate new traffic counts and additional information concerning Caltrans plans for US 395 in the project region. The updated analysis retains the DSEIR conclusion that impacts would be significant and unavoidable.	TOPICAL RESPONSE #9 (SR 120/US 395) TOPICAL RESPONSE #4 (Connectivity) TOPICAL RESPONSE #12 (Significant Impacts) TOPICAL RESPONSE #13 (EIR Scope) Letter #1, Comment 1 Letter #3, Comment 3, 7, 8, 9 Table 3-2 & Appendix A, individual comments on SR 120/US 395 Table 3-3 & Appendix B, generated comments on SR 120/US 395 Appendix D, Updated Traffic Impact Analysis
<b>ESTA/ESUSD &amp; YARTS BUS STOPS</b>	The Concept Site Plan has been modified to incorporate a bus stop for ESTA in the vicinity of the hotel access road, and a separate bus stop for ESUSD buses in the full-service restaurant parking area with a path connecting to the Day Care Center. The YARTS bus stop will remain at the present location in the Caltrans Right-of-Way. Please see NEW Mitigation 5.5(b-2).	TOPICAL RESPONSE #10 (Buses) Letter #3, Comments 6, 8 Letter #5, Comment 1 Table 3-2 & Appendix A, individual comments on bus services Table 3-3 & Appendix B, generated comments on bus services
<b>SURFACE AND GROUND- WATER SUPPLY AND QUALITY; SANITATION</b>	A new measure is added to address future increases in groundwater salinity, BMPs are now provided for stormwater management and for spills & leaks, and details are provided regarding water quality monitoring wells to be installed up- and downgradient of the wastewater treatment plant. Additional discussion is also provided regarding the conclusion that project water use would not impact neighboring wells or waterbodies.	TOPICAL RESPONSE #11 (Water) Letter #7, Comments 2-8 Letter #12, Comment I.B.1-I.B.3 Letter #13, Comment 2 Letter #16, Comments 11-14 Letter #7, Comments 2-8 Letter #12, Comment I.B.1-I.B.3 Letter #13, Comment 2 Letter #16, Comments 11-14 Table 3-2 & Appendix A, individual comments on water & sanitation Table 3-3 & Appendix B, generated comments on water & sanitation

<b>GRANT FUNDING AND MITIGATION</b>	<p>The intent to seek grant funding is no longer cited in connection with mitigation of the potentially significant project impacts on the SR 120/US 395 Intersection, deer migration, or pedestrian and cycling connectivity between the project site and Lee Vining. Additionally, the status of these three impacts has changed as a result of FSEIR comments and responses (please see the discussion provided in Topical Response #12).</p> <p>The applicant still intends to seek grant funding, if the project is approved, to offset infrastructure improvement costs.</p>	<p>TOPICAL RESPONSE #4 (Connectivity)</p> <p>TOPICAL RESPONSE #5 (Deer)</p> <p>TOPICAL RESPONSE #9 (SR 120/US 395)</p> <p>TOPICAL RESPONSE #12 (Significant Impacts)</p> <p>Letter #1, Comments 2, 3</p> <p>Letter #3, Comment 7</p> <p>Letter #4, Comment 2</p> <p>Letter #9, Comment 2</p> <p>Letter #10, Comments 1, 3b, 4a</p> <p>Letter #12, Comments 1.C, I.C.5, I.C.6, I.D.5, I.D.7, II.D.9</p> <p>Letter #14, Comment 4</p> <p>Letter #15, Comment II.B.3</p> <p>Table 3-2 &amp; Appendix A, individual comments on grants &amp; mitigation</p> <p>Table 3-3 &amp; Appendix B, generated comments on grants and mitigation</p>
<b>DAY CARE FACILITIES</b>	<p>This FSEIR clarifies that the Community Housing daycare facility will be staffed, available for use by residents and Lee Vining community members, and equipped with an onsite defibrillator. Additionally, the Concept Site Plan has been a modified to incorporate a bus stop and turnaround area for ESUSD buses in the full-service restaurant parking area, with a path connecting to the Day Care Center (see NEW Mitigation Measure 5.5(b-2)).</p>	<p>TOPICAL RESPONSE #1 (Aesthetics)</p> <p>Topical Response #10</p> <p>Letter #8, Comment 6</p> <p>Letter #16, Comment 17</p> <p>Table 3-2 &amp; Appendix A, individual comments on day care</p> <p>Table 3-3 &amp; Appendix B, generated comments on day care</p>
<b>EV CHARGING FACILITIES</b>	<p>Additional information is provided regarding the location and design of EV charging facilities.</p>	<p>TOPICAL RESPONSE #3 (Alternatives)</p> <p>Letter 6, Comment 5</p> <p>Letter 16, Comments 5, 6</p> <p>Table 3-2 &amp; Appendix A, individual comments on EV Facilities</p> <p>Table 3-3 &amp; Appendix B, generated comments on EV Facilities</p>
<b>CAUSES FOR EVICTION</b>	<p>Valid causes for eviction of project residents are clarified to include including:</p> <ul style="list-style-type: none"> <li>(a) short-term subletting of units (first offense),</li> <li>(b) unleashed/unfenced pets (more than 2 offenses),</li> <li>(c) disposing of trash outside of, or failing to properly close the lid of, bear-resistant receptacles (more than 2 offenses).</li> </ul> <p>All eviction provisions will be subject to state law, and will be revised if required for compliance purposes.</p>	<p>Letter 6, Comment 7</p> <p>Letter 12, Comment I.C.2, I.C.4</p> <p>Letter 16, Comment 15</p> <p>Table 3-2 &amp; Appendix A, individual comments on causes for eviction</p> <p>Table 3-3 &amp; Appendix B, generated comments on causes for eviction</p>
<b>COLORS &amp; MATERIALS (Specific Plan Amendment Item)</b>	<p>Specific Plan Amendment #3 will include a stipulation that all east-facing walls shall be painted in 'Shaker Gray' and all roofs will be constructed of materials with a dull finish and dark, muted colors.</p>	<p>TOPICAL RESPONSE #1 (Aesthetics)</p> <p>Letter #12, Comment I.D.4.h</p>
<b>SOLAR PANELS</b>	<p>This FSEIR clarifies that solar panels will be placed only on Community Housing roofs with a south-southwest-southeasterly exposure.</p>	<p>TOPICAL RESPONSE #1 (Aesthetics)</p> <p>TOPICAL RESPONSE #3 (Alternatives)</p> <p>Letter 4, Comment 5</p> <p>Letter 6, Comment 5</p>

		Letter 12, Comments I.A.4, I.D.4.h, I.D.9, II.D.7 Letter 16, Comment 7, 10 Table 3-2 & Appendix A, individual comments on solar panels Table 3-3 & Appendix B, generated comments on solar panels																																																		
<b>LANDSCAPING (Specific Plan Amendment Item)</b>	Details concerning the landscape plan have been further clarified, with a new mitigation measure to optimize plant growth and control noxious weeds. Additionally, DSEIR Table 4.11 (as well as the Tioga Specific Plan Amendment #3 Plant Palette) is hereby amended to incorporate <i>purshia tridentata</i> , as shown below.	TOPICAL RESPONSE #1 (Aesthetics) TOPICAL RESPONSE #2 (Light & Glare) TOPICAL RESPONSE #3 (Alternatives) TOPICAL RESPONSE 5 (Deer) TOPICAL RESPONSE 7 (Phasing) Letter 1, Comments 1, 2, 3 Letter 4, Comment 2 Letter 6, Comment 5 Letter 7, Comments 3, 8 Letter 10, Comments 3d, 5 Letter 12, Comments I.A.4, I.A.5, I.A.6, I.C.1, I.D.1, I.D.4.a, I.D.4.h, II.D.4 Letter 13, Comments 7, 16 Letter 17 Table 3-2 & Appendix A, individual comments on landscaping Table 3-3 & Appendix B, generated comments on landscaping																																																		
	<p><b>AMENDED DSEIR TABLE 4.11 (Specific Plan Table 8-13). Tioga Specific Plan Amendment #3 Plant Palette</b></p> <table> <tr> <th>Landscape Stratum</th><th>Species – Common Name</th><th>Species – Scientific Name</th></tr> <tr> <td>tree</td><td>Jeffrey Pine</td><td><i>Pinus jeffreyi</i></td></tr> <tr> <td>tree</td><td>Single-leaf Pinyon</td><td><i>Pinus monophylla</i></td></tr> <tr> <td>tree (irrigated during summer)</td><td>Quaking Aspen</td><td><i>Populus tremuloides</i></td></tr> <tr> <td>shrub</td><td>Mountain Mahogany</td><td><i>Cercocarpus ledifolius</i></td></tr> <tr> <td>shrub</td><td>Desert Peach</td><td><i>Prunus andersonii</i></td></tr> <tr> <td>shrub</td><td>Yellow Rabbitbrush</td><td><i>Chrysothamnus viscidiflorus</i></td></tr> <tr> <td>Shrub</td><td>Bitterbrush</td><td><i>Purshia tridentata</i></td></tr> <tr> <td>shrub</td><td>Wild Buckwheat</td><td><i>Eriogonum fasciculatum, and/or E. umbellatum, E. microthecum</i></td></tr> <tr> <td>shrub (irrigated during summer)</td><td>Willow</td><td><i>Salix exigua</i></td></tr> <tr> <td>shrub (irrigated during summer)</td><td>Wild Rose</td><td><i>Rosa woodsii</i></td></tr> <tr> <td>herb</td><td>Silvery Lupine</td><td><i>Lupinus argenteus</i></td></tr> <tr> <td>herb</td><td>Chicalote</td><td><i>Argemone munita</i></td></tr> <tr> <td>herb</td><td>Douglas' sedge</td><td><i>Carex douglasii</i></td></tr> <tr> <td>herb</td><td>Basin Wildrye</td><td><i>Elymus cinereus</i></td></tr> <tr> <td>herb</td><td>Needlegrass</td><td><i>Stipa hymenoides and/or S. comata, S. occidentalis</i></td></tr> <tr> <td>herb (irrigated during summer)</td><td>Needlegrass</td><td><i>Stipa occidentalis</i></td></tr> </table>	Landscape Stratum	Species – Common Name	Species – Scientific Name	tree	Jeffrey Pine	<i>Pinus jeffreyi</i>	tree	Single-leaf Pinyon	<i>Pinus monophylla</i>	tree (irrigated during summer)	Quaking Aspen	<i>Populus tremuloides</i>	shrub	Mountain Mahogany	<i>Cercocarpus ledifolius</i>	shrub	Desert Peach	<i>Prunus andersonii</i>	shrub	Yellow Rabbitbrush	<i>Chrysothamnus viscidiflorus</i>	Shrub	Bitterbrush	<i>Purshia tridentata</i>	shrub	Wild Buckwheat	<i>Eriogonum fasciculatum, and/or E. umbellatum, E. microthecum</i>	shrub (irrigated during summer)	Willow	<i>Salix exigua</i>	shrub (irrigated during summer)	Wild Rose	<i>Rosa woodsii</i>	herb	Silvery Lupine	<i>Lupinus argenteus</i>	herb	Chicalote	<i>Argemone munita</i>	herb	Douglas' sedge	<i>Carex douglasii</i>	herb	Basin Wildrye	<i>Elymus cinereus</i>	herb	Needlegrass	<i>Stipa hymenoides and/or S. comata, S. occidentalis</i>	herb (irrigated during summer)	Needlegrass	<i>Stipa occidentalis</i>
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<b>YARTS BUS STOP RELOCATION</b>	YARTS STOP RELOCATION. In comments on the DSEIR, Caltrans requested that the EIR clarify the onsite YARTS stop, noting that Caltrans would support relocating the YARTS stop onto the Tioga property in order to eliminate awkward bus maneuvers on SR 120 and thereby benefit traveler safety (see Letter #3, Comment 1). In a subsequent communication, YARTS staff <sup>1</sup> indicated a firm preference for the bus stop to remain inside the Caltrans Right-of-Way in the future, because YARTS' insurance costs are lower for bus stops inside public rights of way compared to bus stops on private property. In response to YARTS' input concerning the bus stop location, YARTS/Caltrans Mitigation TFFC 5.9(a-4)	TOPICAL RESPONSE #8 (Housing) TOPICAL RESPONSE #9 (SR 120/US 395 Junction) TOPICAL RESPONSE #10 (ESTA/ESUSD/YARTS stops) Letter 3, Comments 1,3, 7, 13 Letter 4, Comment 7 Letter 9, Comment 1 Letter 16, Comment 5																																																		

<sup>1</sup> Telephone communication with Cindy Kelly and Christine Chavez, YARTS staff, 17 January 2020.

	Relocation of YARTS Stop: Recommendation TFFC 5.9(a-4) is hereby <b>DELETED</b> from the DSEIR text including (a) Table 2-1, page 2-6, (b) DSEIR §5.9 (Traffic and Circulation) Summary of Project Impacts on page 5.9-1, (b) DSEIR §5.9-6 page 5.9-9, and (d) DSEIR Table 10-3, page 10-12. The deleted mitigation measure is provided below:  <b>DELETED</b>	Table 3-2 & Appendix A, individual comments on YARTS Table 3-3 & Appendix B, generated comments on YARTS
<b>EVACUATION PLAN</b>	This FSEIR incorporates DSEIR Mitigation Measure SFTY 5.7(d) (Emergency Evacuation) into the Specific Plan, with added requirements, and deletes the measure from the MMRP. Deleted Mitigation SFTY 5.7(d) and new Specific Plan Implementation Measure 2b(5) are shown below, with revisions to the language previously used in DSEIR Mitigation SFTY 5.7(d).  <b>DELETED</b> <b>NEW SPECIFIC PLAN IMPLEMENTATION MEASURE 2b(5):</b> A public safety evacuation plan shall be prepared for use by onsite residents and businesses in the event of a natural disaster. The plan must be approved by LVFPD through the standard 'will serve' letter required by the County, prior to the issuance of a building permit. The plan shall be prepared in collaboration with and approved by Mono County EMS and the Mono County Sheriff.	TOPICAL RESPONSE #6 (Secondary Access, Fire Safety) Letter 3, Comment 14 Letter 8, Comments 3, 4 Letter 15, Comment II.B.2 Table 3-2 & Appendix A, individual comments on fire safety Table 3-3 & Appendix B, generated comments on fire safety
<b>AMENDED MEASURES</b>		
<b>LOW IMPACT DEVELOPMENT</b>	The stormwater management Low Impact Development (LID) BMP Program presented in DSEIR Mitigation Measure GEO 5.1(b), is hereby amended, with changes as shown below:  <b>AMENDED</b> MITIGATION GEO 5.1(b) (Low Impact Development): The Low Impact Development Best Management Practices Program (LID BMPP) outlined in HYDRO 5.2(a-6) shall be implemented through the life of the Tioga Specific Plan.	Letter #7, Comment 3
<b>LEACHFIELD PERCOLATION STANDARDS</b>	This FSEIR amends 'MITIGATION HYDRO 5.2(b-2)(Leachfield Percolation Standards)' as shown below:  <b>AMENDED</b> MITIGATION 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 feet of the anticipated disposal location. (Note that the criteria for achieving a minimum 40' distance to groundwater with percolation rates faster than 5 MP 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 the LRWQCB permitting process.)	Letter #7, Comment 6
<b>CULTURAL RESOURCES</b>	This FSEIR amends MITIGATION CULT 5.4(a) (Discovery of Archaeological Resources) to provide new provisions regarding potential for discovery of archaeological resources on the project site as shown below:  MITIGATION 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	Letter #6, Comments 8, 9, 10 Letter #13, Comment 1

	<p>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 compensation<sup>2</sup> for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.</p>	
<b>PEDESTRIAN CONNECTIVITY</b>	<p>This FSEIR amends 'MITIGATION SVCS 5.8(a) (Pedestrian Safety)' as described above under 'Pedestrian Linkage and Safety' as shown below:</p> <p><b>AMENDED HUD MITIGATION SVCS 5.8(a) (Pedestrian Safety):</b> A meandering pathway, between Vista Point Drive and the site of the proposed Wastewater Treatment Plant (just northeast of the hotel site), shall be incorporated into the Tioga Concept Plan (including the original plan and Alternative 6). The pathway shall be ADA compliant and designed for safe use by pedestrians, bicycles and by project utility carts serving the WWTP. Additionally, right-of-way (R/W) shall be reserved on the Concept Plan to extend between the path terminus at the WWTP and the northwestern-most property boundary. The R/W shall incorporate sufficient width to accommodate a future ADA-compliant pedestrian/ cycling pathway. Construction of a pedestrian/cycling path within the reserved R/W shall be triggered if and when Caltrans approves plans to implement a non-motorized connectivity project between Lee Vining and the SR120/US 395 intersection.</p>	<p>TOPICAL RESPONSE #4 (Connectivity)</p> <p>TOPICAL RESPONSE #12 (Significant Impacts)</p> <p>Letter #1, Comment 3 Letter #3, Comment 9 Letter #4, Comment 3 Letter #5, Comment 3 Letter #10, Comment 3b, 4a Letter #12, Comment I.C.5, I.D.9, II.D Letter #16, Comment 20 Table 3-2 &amp; Appendix A, individual comments on connectivity Table 3-3 &amp; Appendix B, generated comments on connectivity</p>
<b>NEW MEASURES</b>		
<b>STORMWATER BMPs</b>	<p>The stormwater management Low Impact Development (LID) BMPs listed in DSEIR Mitigation Measure GEO 5.1(b) Table 5.2-4 are incorporated into a formal new Mitigation Measure HYDRO 5.2(a-6), with changes as shown below:</p>	<p>Letter #7, Comment 3</p>

<sup>2</sup> 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.



	<p><b>NEW MITIGATION HYDRO 5.2(a-6) (Stormwater BMPs):</b> In compliance with Mono County General Plan Appendix §25.010, the LID 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.'</p> <table><tr><th colspan="2">Low Impact Development Features of the Project</th></tr><tr><td>NATURAL DRAINAGE CONTROLS</td><td>Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.</td></tr><tr><td>RUNOFF COLLECTION AND TREATMENT</td><td>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.</td></tr><tr><td>ONSITE FLOW RETENTION</td><td>Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.</td></tr><tr><td>INFILTRATION</td><td>Use of rock swales &amp; collection features to enhance filtration of pollutants.</td></tr><tr><td>ROAD/PATH RUN-OFF SEPARATION</td><td>Channels and/or swales will be used to create a separate between roads and pedestrian paths.</td></tr><tr><td>ROAD DESIGN</td><td>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,</td></tr><tr><td>CLUSTER DESIGN</td><td>Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.</td></tr><tr><td>VEGETATION RETENTION</td><td>Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.</td></tr><tr><td>SCREENING</td><td>The layout of proposed uses and design of grading contours will minimize offsite visibility of constructed elements.</td></tr><tr><td>WATER USE FOR LANDSCAPING</td><td>The project will comply with provisions of the Dept. of Water Resources Model Water Efficient Landscape Ordinance.</td></tr></table> <p>Note that the BMP shown in DSIER Mitigation for pervious materials has been deleted due to its ineffectiveness on frozen ground and loss of permeability as sediments deposit over time. Stormwater runoff will be collected into the new stormwater retention system.</p>	Low Impact Development Features of the Project		NATURAL DRAINAGE CONTROLS	Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.	RUNOFF COLLECTION AND TREATMENT	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.	ONSITE FLOW RETENTION	Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.	INFILTRATION	Use of rock swales & collection features to enhance filtration of pollutants.	ROAD/PATH RUN-OFF SEPARATION	Channels and/or swales will be used to create a separate between roads and pedestrian paths.	ROAD DESIGN	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,	CLUSTER DESIGN	Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.	VEGETATION RETENTION	Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.	SCREENING	The layout of proposed uses and design of grading contours will minimize offsite visibility of constructed elements.	WATER USE FOR LANDSCAPING	The project will comply with provisions of the Dept. of Water Resources Model Water Efficient Landscape Ordinance.	
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SPILL AND LEAK BMPs	<p>A new Mitigation Measure HYDRO 5.2(a-7) has been added to specify BMPs for spills and leaks:</p> <p><b>NEW MITIGATION HYDRO 5.2(a-7) (BMPs for Spills and Leaks):</b> 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</p>	Letter #7, Comment 4																						

	reaching navigable waters and adjoining shorelines, and to contain and treat oil discharges onsite should a spill occur.		
	<b>Spill and Leak Best Management Practices Plan for the Tioga Community Housing Project</b>		
SPILLS	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.		
	Drip pans & funnels shall at all times be readily available to gas station customers & staff for use when draining or pouring fluids.		
	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		
	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.		
LEAK CONTROLS	Drip pans & funnels shall at all times be accessible and readily available for use with stored vehicles.		
	Drip pans shall be placed under the spouts of liquid storage containers.		
TRAINING	All gas station employees, as well as the housing manager, shall be trained on spill & leak prevention practices annually.		
	Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.		
FUELING	Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.		
	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.		
	Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.		
	Rags and absorbents shall at all times be readily available for use by gas station staff & customers in case of leaks and spills.		
	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.		
WASTE TREATMENT PLANT	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 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.		
WASHING	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.		
	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)		



	<p>shall be trained in use and maintenance of the designated wash area. Washwaters shall be contained, cleaned and recycled.</p> <p>Detergents sold &amp; used at the gas station shall be biodegradable and free of phosphates.</p>	
<b>WASTEWATER TREATMENT PLANT MONITORING</b>	<p>A new Mitigation Measure HYDRO 5.2(b-5) has been added requiring installation of wells to monitor wastewater treatment plant discharges:</p> <p><b>NEW MITIGATION HYDRO 5.2(b-5) (Groundwater Quality Monitoring):</b> 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.</p>	Letter #7, Comment 5
<b>NITROGEN REMOVAL</b>	<p>As noted above, a new mitigation measure has been added to require that groundwater monitoring wells be installed upgradient and downgradient of the wastewater discharge points. If monitoring data indicate that groundwater salinity levels are increasing, nitrogen removal systems will be added to the package treatment plant as shown in new Mitigation Measure HYDRO 5.2(b-6):</p> <p><b>NEW MITIGATION HYDRO 5.2(b-6) (Nitrogen Removal).</b> 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.</p>	Letter #7, Comments #5, 7
<b>REVEGETATION OF TEMPORARILY DISTURBED AREAS (Mitigation Measure and Specific Plan revision)</b>	<p>A new mitigation measure has been developed to specify procedures for revegetation of temporarily disturbed areas on the project site:</p> <p><b>NEW MITIGATION BIO 5.3(a-6)(Revegetation of Temporarily Disturbed Areas):</b> The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:</p> <p><b>(a) TOPSOILS:</b> 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.</p> <p><b>(b) SCREENING:</b> 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.</p> <p><b>(c) BITTERBRUSH:</b> Bitterbrush will be a chief component of the planting palette (see shrubs listed on the amended Plant Palette, Specific Plan Table 8-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover to allow drivers greater visibility of approaching deer. Within 250' of these roads, curl-leaf rabbitbrush &amp; desert peach will be the only shrubs included in revegetation efforts.</p> <p><b>(d) SEED MIX ADJACENT TO ROADS:</b> The seed mix to be used adjacent to roads (including the protected corridor along US 395, see Specific Plan Exhibit 8-2) shall consist of 1) curl-leaf rabbitbrush (<i>Chrysothamnus viscidiflorus</i>, 1-2 ft</p>	<p>TOPICAL RESPONSE #1 (Aesthetics)</p> <p>TOPICAL RESPONSE #2 (Light &amp; Glare)</p> <p>TOPICAL RESPONSE #3 (Alternatives)</p> <p>TOPICAL RESPONSE #5 (Deer)</p> <p>TOPICAL RESPONSE #7 (Phasing)</p> <p>Letter #1, Comments 1, 2, 3</p> <p>Letter #4, Comment 2</p> <p>Letter #6, Comment 5</p> <p>Letter #7, Comments 3, 8</p> <p>Letter #10, Comments 3d, 5</p> <p>Letter #12, Comments I.A.4, I.A.5, I.A.6, I.C.1, I.D.1, I.D.4.a, I.D.4.h, II.D.4</p> <p>Letter #13, Comments 7, 16</p> <p>Letter #17</p> <p>Table 3-2 &amp; Appendix A, individual comments on landscaping</p> <p>Table 3-3 &amp; Appendix B, generated comments on landscaping</p>

	<p>maximum ht) and 2) desert peach (<i>Prunus andersonii</i>, 2 ft), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.</p> <p><b>(e) WEED CONTROL:</b> Weed control will be practiced in all temporarily disturbed habitats. Soil stockpiles will be included in weed controls. As the most invasive weeds in the project area are annual species, annual control scheduling will include at least one application prior to flowering and seed production. Weed control efficacy will be evaluated for the first five years following the completion of construction-related disturbance, during annual monitoring in fall.</p> <p><b>(f) MONITORING:</b> 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.</p>	
<b>ESTA AND ESUSD BUS STOPS</b>	<p>A new mitigation measure has been incorporated to specify the location and maintenance of ESTA and ESUSD bus access and bus stops on the Tioga property, as shown below:</p> <p><b>NEW MITIGATION LU 5.5(b-2) (ESTA/ESUSD Bus Stops):</b> The 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. The 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.</p>	<p>TOPICAL RESPONSE #1 (Buses)</p> <p>Letter #3, Comments 6, 8</p> <p>Letter #5, Comment 1</p> <p>Table 3-2 &amp; Appendix A, individual comments on bus services</p> <p>Table 3-3 &amp; Appendix B, generated comments on bus services</p>
<b>SECONDARY ACCESS, FIRE SERVICE, FIRE RISK</b>	<p>Topical Response #6 of this FSEIR describes a new plan to incorporate a secondary emergency access along the SCE easement. as well as a new mitigation measure requiring that an encroachment permit be obtained from Caltrans if the secondary access gate is located inside Caltrans' right-of-way, as shown below:</p> <p><b>NEW MITIGATION SFTY 5.7(d-2) (Encroachment Permit):</b> An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.</p>	<p>TOPICAL RESPONSE #6 (Secondary Access, Fire Safety)</p> <p>Letter #2, Comment 3</p> <p>Letter #3, Comment 14</p> <p>Letter #8, Comments 2-5</p> <p>Letter #10, Comments 3a and 3g</p> <p>Letter #11, Comment 1</p> <p>Letter #15, Comment II.B.2</p> <p>Letter #16, Comment 15</p> <p>Letter #18, Comment 1</p> <p>Table 3-2 &amp; Appendix A, individual comments on secondary access</p> <p>Table 3-3 &amp; Appendix B, generated comments on secondary access</p>
<b>AUTOMATED DEFIBRILLATOR</b>	<p>A new Mitigation Measure SVCS 5.8(a-2) has been added as shown below:</p> <p><b>NEW MITIGATION SVCS 5.8(a-2) (Defibrillators):</b> At least two 'Automated External Defibrillator' units (also known as portable defibrillators) shall be maintained in good working condition at the housing area. At a minimum, one Automated External Defibrillator unit shall be provided at the day care center (at the north end of the housing complex), and a second unit at the southeastern-most housing structure. The onsite Community Housing Manager shall receive training in use of the portable device. The onsite housing</p>	<p>Letter #8, Comment 6</p>

	manager shall also be trained in emergency shutdown, and take responsibility for scheduling an annual walk-through.	
<b>SR 120 RIGHT-OF-WAY CLARIFICATION</b>	<p>The segment of SR 120 adjacent to the project site is an access-controlled highway, and will remain an access-controlled highway following redesignation of SR 120 as a conventional highway. Access rights were purchased by Caltrans with access openings (location/width) specifically defined; the project's defined driveway width is 30-feet. The project proposes to continue using the existing SR 120 driveway, but the paved driveway exceeds the defined width by about 6-ft. The YARTS walkway, which is about 6-ft, also contributes to the width, making the current access opening width about 42-ft. NEW Mitigation Measure 5.9(a-5), below, will resolve the access-rights conflict.</p> <p><b>"NEW MITIGATION 5.9(a-5) (Access Rights):</b> The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process."</p>	Letter #3, Comments 4, 14, 15
<b>YARTS ACCESS</b>	<p>A new mitigation measure has been added requiring safe interior routes to access the YARTS bus stop.</p> <p><b>NEW MITIGATION TFFC 5.9(a-7) (YARTS access).</b> 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.</p>	<p>TOPICAL RESPONSE #10 (Buses)</p> <p>Letter 3, Comments 6, 8</p> <p>Letter 5, Comment 1</p> <p>Table 3-2 &amp; Appendix A, individual comments on YARTS</p> <p>Table 3-3 &amp; Appendix B, generated comments on YARTS</p>
<b>OUTDOOR LIGHTING PLAN</b>	<p>A new mitigation measure has been added to address the significant concerns pertaining to project lighting.</p> <p><b>NEW MITIGATION AES 5.12(c-2) (Outdoor Lighting Plan):</b> 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; (b) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and (c) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture. Chapter 23 gives CDD discretion to require additional information following Plan review including but not limited to: (a) a written narrative of demonstrate lighting objectives, (b) photometric data, (c) a Color-Rendering Index (CRI) of all lamps and other information about the proposed lighting fixtures, (d) a computer-generated photometric grid showing footcandle readings every 10' within the property and 10' beyond the property lines, and/or landscaping information to describe potential screening. In addition to the above, the project shall include landscaping to shield offsite views of lighting and shall be prohibited from allowing seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.</p>	<p>TOPICAL RESPONSE #2 (Light &amp; Glare)</p> <p>Letter 1, Comment 1</p> <p>Letter 6, Comment 4</p> <p>Letter 10, Comment 3d</p> <p>Letter 12, Comment 1.A.5, 1.A.6, 1.D.4.g, 11.A-11.D</p> <p>Letter 15, Comment 1.B.1</p> <p>Letter 16, Comment 18</p> <p>Table 3-2 &amp; Appendix A, individual comments on light/glare</p> <p>Table 3-3 &amp; Appendix B, generated comments on light/glare</p>

<b>BEAR- RESISTANT RECEPTACLES (Specific Plan Amendment Item)</b>	<p>A new provision has been added to Specific Plan Implementation measure 1f(7) that will allow eviction of residents who fail to use the onsite bear-resistant trash receptacles, as shown below:</p> <p><b>NEW</b> Specific Plan Implementation Measure 1f(7): "Residents shall be required to use the bear-resistant receptacles and dumpsters that will be provided onsite for trash disposal; enforcement of this regulation shall include eviction following 2 advisory noncompliance notices by the housing manager."</p>	<p>Letter 12, Comment I.C.4 Letter 16, Comment 15 Table 3-2 &amp; Appendix A, individual comments on waste receptacles Table 3-3 &amp; Appendix B, generated comments on waste receptacles</p>
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## TIOGA COMMUNITY HOUSING FINAL SUBSEQUENT EIR



### SECTION 3 SUMMARY OF COMMENTS RECEIVED

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#### 3.1 OVERVIEW OF COMMENTS RECEIVED

Nine hundred four (904) comment letters were received over the course of the DSEIR public review period, as discussed in FSEIR §1.3. A significant majority of these comment letters (697 letters) utilized a 'generated format' that was provided by the Mono Lake Committee. The remaining 207 letters were sent by agencies, organizations and citizens who provided individual comment letters. Many of these individual letters identify specific issues for review and consideration, and many express personal views and concerns for consideration by the Board of Supervisors, and/or request that the Board of Supervisors act to deny or approve the project. Formal responses were prepared to address the 19 comment letters that raised technical or documentary questions, identified regulatory and permitting requirements, represented issues raised in other generated and individual comment letters, and/or made specific recommendations regarding the project and proposed alternatives.

Table 3-1 (on the following page) lists the 19 individual letters for which formal responses have been prepared, including the author of the comments, a summary of comments and issues raised in each letter, a cross-references to Topical Responses that discuss the issues raised and to other comment letters that address the issues of concern. The formal comments and responses for these 19 letters are presented in FSEIR §5.0. Table 5-1 in FSEIR §5 provides a detailed list of issues raised in each of the nineteen comment letters.

Table 3-2 lists the 188 additional individual comment letters. As with the 19 letters in Table 3-1, the questions and concerns raised in these individual letters shaped the focus and content of the Topical Responses. Table 3-2 provides a cross reference to the Topical Responses and other comment letters that addressed the issues of concern.

Table 3-3 lists the 697 generated comment letters. Topical Responses #1 and #2 (in particular) were shaped around the issues raised in these generated comment letters, and Table 3-3 provides a cross reference to the Topical Responses and other comment letters that addressed the issues of concern. Several of the generated comment letters included individualized comments; these are marked in Table 3-3 with asterisks (\*\*) in the final column, and the individual comments (many of which also followed a 'generated' format) are presented at the end of the table.

Copies of all comment letters are provided in the FSEIR appendices. FSEIR Appendix A provides copies of the 207 individual letters (including the 19 letters for which formal responses have been prepared). FSEIR Appendix B provides copies of the 697 comment letters that utilized the 'generated format'. Comments in each table and appendix are presented in alphabetical order based on the commenter's last name, and all comment letters will be considered by the Board of Supervisors.

The format of the Generated Letters included 7 standardized comments, plus opportunity for additional comments if desired. A complete list of the Generated Letters is provided in Table 4-2. The 7 standardized comments are listed below along with the number of commenters who checked each of the listed items:

- *The project's visual impacts are significant, and the proponent has not considered sufficient mitigation to screen the Tioga Inn Community Housing Village* (approximately 522 commenters checked this item).
- *The Final SEIR needs to include project alternatives that reduce the visual and aesthetic impacts to a less than significant level* (approximately 476 commenters checked this item).

- *This project should not be visible from South Tufts or Hwy 395 south of the Tioga Pass junction* (approximately 483 commenters checked this item).
- *I urge Mono County to make additional efforts to balance the needs of the project with the unique, wild, and beautiful nature of this special place. The current draft project does not include alternatives that mitigate the identified impacts so that a good project can go forward* (approximately 556 commenters checked this item).
- *Mono Lake, the Gateway of Yosemite National Park, the community of Lee Vining, and scenic Mono County deserve a better project design than the one currently proposed* (approximately 475 commenters checked this item).
- *The previously approved hotel and restaurant already received special Mono County approval to create permanent adverse visual impacts. Now the proponent seeks to expand the project and create significant new visual impacts that will affect highway travelers and Mono Lake visitors every day. All visual impacts should be evaluated, and mitigated, at once-not in pieces* (approximately 496 commenters checked this item).
- *There are cumulative adverse impacts to migrating deer with this project, and there is no planned immediate, enforceable mitigation that will reduce additional vehicle impacts with deer and other wildlife* (approximately 486 commenters checked this item).

Many of the generated format letters included individual comments. Below is a summary of the number of individual comments for the topics raised:

- Aesthetics: approximately 85 people made additional comments about aesthetics.
- Conservation: approximately 50 people added comments about ecosystem or wildlife conservation.
- Glare: approximately 50 people added comments about light pollution.
- Traffic: approximately 20 people added comments about traffic or parking.
- Water scarcity: approximately 15 people added comments about water scarcity, supply or disposal.
- Services: approximately 15 people made additional comments about the strain on public services.
- Atmosphere/serenity/community feel: approximately 15 people added comments about preserving the atmosphere, the serenity, the local character or small town feel of the Lee Vining area.
- Impact to Lee Vining economy: approximately 10 people expressed concerns about project impacts on the Lee Vining economy.

Additional issues that came up in more than one of the generated letters include:

- Demographic shifts
- Overdevelopment
- Crowding
- Noise,
- Winter viability
- Verification that uses will be as stated
- Changes that may result if/when development is sold
- Lack of affordable housing

Note that some of the added comments provided with the 'generated' letters were also based on 'generated' additional concerns, and some of the generated letters did not check any of the standard comments or provide added comments, but did submit the generated form with their names. All of the generated comment letters are included.

**TABLE 3-1. Tioga Community Housing Comment Letters  
addressed in FSEIR Section 5 (Responses to Comments)**

LETTER #	LETTER SOURCE	SUMMARY OF COMMENTS AND ISSUES RAISED	ALSO SEE: <sup>3</sup>
<b>1</b>	<b>Californians for Western Wilderness (CalUWild)</b>	1. Aesthetics Light and Glare	TR #1
		2. Wildlife	TR#5
		3. DSEIR Adequacy	TR #13
<b>2</b>	<b>California Dept. of Forestry &amp; Fire Protection (CalFire)</b>	1. Road Access and Turning Radius	TR #6
		2. Road Distances and Lane Widths	TR #6
		3. Secondary Access	TR #6
<b>3</b>	<b>California Dept. of Transportation (CalTrans)</b>	1 Mitigation Measures and Recommendations	TRs #4, #5, #9
		2 Site Context Map	Exhibit 4-1
		3 Roads, Circulation and Access	TRs #4, #6, #9
		4 Mapped Right-of-Way Line	EXHIBIT 4-1
		5 Deer Passage Mitigation	TR #5
		6 ESTA Short-Range Transit Plan	TR #10
		7 YARTS	TR #10
		8 SR120/US395 Traffic Impact Mitigation	TR #9
		9 Significance after Mitigation	TR #12
		10 Aesthetics, Light & Glare, Scenic Resources	TRs #1, #2
		11 Caltrans' Scenic Highway Program	TR #1
		12 Visual Impact System Analysis	TR #1
		13 SR 120 Access Controls	TR #6
		14 Secondary Access	TR #6
		15 Access Control Fence	TR #6
		16 Update to Project Conditions	-
<b>4</b>	<b>Cutting, Lisa</b>	1 Mono Basin Community Plan, Goal 1, Objective A	TR #14
		2 Mono Basin Community Plan, Goal 1, Objective C	TR #14
		3 Mono Basin Community Plan, Goal 1, Objective D	TR #14
		4 Mono Basin Community Plan, Goal 1, Objective E	TR #14
		5 Mono Basin Community Plan, Goal 1, Objective F	TR #14
		6 Mono Basin Community Plan, Goal 2, Objective A	TR #14
		7 Mono Basin Community Plan, Goal 2, Objective B	TR #14
		8 Mono Basin Community Plan, Goal 2, Objective C	TR #14
		9 Mono Basin Community Plan, Goal 3, Objective A	TR #14
		10 Mono Basin Community Plan, Goal 3, Objective B	TR #14
		11 Mono Basin Community Plan, Goal 3, Objective C	TR #14
		12 DSEIR Public Review Process	TR #13
		13 Specific Plans	-
		14 Gateway Community	TRs #1, #3
		15 Conclusion	-

<sup>3</sup> 'TR' is an abbreviation for 'Topical Response.' A dash ('-') indicates that the issues raised, and responses thereto, are particular to and discussed in the cited comment and response, but not addressed in a Topical Response or in other comment letters.

<b>5</b>	<b>Eastern Sierra Transit Authority</b>	1 ESTA bus stop requirements	TR #10
<b>6</b>	<b>Houseworth, Alice</b>	1 Notice of EIR Preparation	-
		2 Visual Impact Assessment	-
		3 Project Location	TR #4
		4 Dark Sky Regulations	TR #2
		5 Alternatives	TR #3
		6 Significant Unavoidable Impacts	TR #12
		7 Domestic Pets	-
		8 Archaeological and Tribal Discoveries	-
		9 Tribal Consultation	-
		10 Tribal Agreement	-
		11 Tribal Cultural Resource Impacts	-
<b>7</b>	<b>Lahontan Regional Water Quality Control Board</b>	1 Permits	-
		2 Impacts to Waters of California & the United States	-
		3 Low Impact Development Strategies for Stormwater	-
		4 Avoidance and Impact Analysis	-
		5 Water Quality & Wastewater Reuse or Disposal	-
		6 Effluent Discharge	-
		7 Monitoring Wells	-
		8 Recycled Water Policy Compliance	-
<b>8</b>	<b>Lee Vining Fire Protection District</b>	1 Introduction and Consultation	-
		2 Fire Infrastructure Review, Permitting, Phasing	-
		3 Emergency Plan	TR #6
		4 Secondary Access	TR #6
		5 Emergency Medical Services	-
		6 Onsite Equipment and Personnel	-
<b>9</b>	<b>McFarland, Paul</b>	1 Project Objectives	TRs #8, #13
		2 Mitigations	TR #12
		3 Off-Road Vehicles	-
<b>10</b>	<b>Miller, Sally</b>	1 DSEIR Inconsistencies and Inaccuracies	TR #8
		2 Specific Plan is Outdated	TRs #6, #7, #13
		3a Community Concerns/Mitigations - Fire Safety	TR #6
		3b Community Concerns/Mitigations - Pedestrian Safety	TR #4
		3c Community Concerns/Mitigations-Parking, Congestion	TR #10
		3d Night Skies and Visual Impacts	TR #2
		3e Physically Divide the Community	TR #14
		3f Population Growth	TR #8
		3g Fire Risk	TR #6
		4a Mitigation is Inadequate	TRs #4, #5, #8, #12
		4b Aesthetic Mitigation	TR #1
		5 Alternatives	TR #3
		6 Housing Need	TR #8
		7 Conclusions	TR Nos. 3, 4, 6, 7, 12, 13
<b>11</b>	<b>Mono City FPD.</b>	1 Secondary Emergency Access	TR #6
<b>12</b>	<b>Mono Lake Committee</b>	I Introduction	-
		I.A.1 Visual, Aesthetic and Scenic Impacts	TR #1
		I.A.2 Scenic Resources and Analysis	TR #1



		I.A.3 Visual Simulations	TR #1
		I.A.4 Extent of Impact on South Tufa	TR #1
		I.A.5 Extent of Impact on Dark Skies	TR #2
		I.A.6 Scenic Combining District Conflict	TR #2
		I.A.7 Scenic Highway Visual Impact Scoring	-
		I.A.8 Mitigation of Aesthetic/Visual Impacts	TRs #1, #3
		I.B.1 Project Water Demands	TR #11
		I.B.2 Groundwater Impacts on Lee Vining Creek, Springs	TR #11
		I.B.3 Groundwater Impacts on Neighboring Properties	TR #11
		I.B.4 Drainage and Erosion	-
		I.C Biological Resources	TR #5
		I.C.1 Extent of Impacts on Mule Deer	TR #5
		I.C.2 Pet Enclosures, Leashing, Causes for Eviction	-
		I.C.3 Protected Corridor along US 395	TR #5
		I.C.4 Waste Receptacles	-
		I.C.5 Deer Passage, Cumulative Impact Mitigation	TR #5
		I.C.6 Significance after Mitigation (deer passage)	TRs #5, #6
		I.D.1 Land Use Planning, Mono Basin National Forest Scenic Area	TR #1
		I.D.2 Physically Divide a Community	TR #14
		I.D.3 Community Plan: Maintain Natural Values	TR #14
		I.D.4.a Community Plan Obj. 10C: Design Compatibility; Edges, Open Space	TR #14
		I.D.4.b Community Plan: Conditions for High Intensity Uses	TR #14
		I.D.4.c Community Plan: Design for High Intensity Uses	TR #14
		I.D.4.d Community Plan: Siting/Design to Preserve Scenic Vistas	TR #14
		I.D.4.e Community Plan: Views to link Community/ Environment	TR #14
		I.D.4.f Support Recycling	-
		I.D.4.g Retrofit Lights per Dark Sky Regulations	TR #2
		I.D.4.h Design for visual compatibility with Lee Vining	TR #1
		I.D.5 Maintain natural, historical recreational attributes	TR #4
		I.D.6 Project lacks convenient connection to Lee Vining	TR #4
		I.D.7 Uses that retain Small-Town Character	TRs #8, #14
		I.D.8 Infrastructure & Services to Support Development/ Safety	TRs #6, #8, #14
		I.D.9 Diversified, Sustainable Local Economy	TR #8
		I.D.10 Enhance and Support Tourism	-
		I.D.11 Diverse Economic Base, Employment Opportunity	TR #14
		I.D.12 Build Healthy Social Connections and Interactions	TR #14
		I.D.13 Encourage Volunteerism	-
		II. Mitigations and Alternatives	TR #1
		II.A Principles for Visual and Scenic Impacts	TR #1
		II.B Project Placement	TR #1
		II.C Alternatives: Design, Location, Uses	TRs #3, #6
		II.D Mitigations: Grading, Berms, Setbacks/ Heights, Unit Number & Separation, LEED, Parking, Connectivity,	TRs #1, #3
		III. Reference Projects	-
		IV Conclusion	-
		1 Tribal Monitors	-
		2 Project impact on Groundwater	TR #11

<b>13</b>	<b>Mono Lake Kutzadika'a Tribe</b>	3	Loss of Habitat	-
		4	Failure to Provide Affordable Housing	TR #8
		5	Paleontological Resources	-
		6	Special Status Species	-
		7	Noxious Weeds	-
		8	Increased Population	TR #8
<b>14</b>	<b>Rivasplata, Antero &amp; Melinda</b>	1	Introduction, DSEIR Clarity and Relevance	-
		2	Traffic and Circulation	-
		3	Air Quality and Greenhouse Gases	-
		4	Mitigation Measures	TRs #4, #5, #9, #12
<b>15</b>	<b>Shute Mihaly Weinberger, LLP</b>	I.1	1993 Entitlements	TR #13
		II.A	Project Description is Incomplete	TRs #7, #8
		II.B.1	Significant Effects: Visual & Aesthetic Impacts	TRs #1, #2
		II.B.2	Significant Effects: Wildfire, Fire Protection	TR #6
		II.B.3	Significant Effects: Biological Resources	TR #5
		II.B.4	Significant Effects: Traffic and VMT	TR #9
		II.B.5	Significant Effects: Greenhouse Gases	-
		II.B.6	Significant Effects: Population and Housing	TRs #8, #10
		II.B.7	Significant Effects: Land Use	TRs #1, #8, #14
<b>16</b>	<b>Sierra Club- Toiyabe Chapter</b>	II.C	Alternatives	TRs #1, #3
		1	Likelihood of Hotel Construction	-
		2	Housing as a Regional Issue	TR #8
		3	Phasing of hotel and housing construction	TRs #7, #8
		4	1993 Entitlements	TR #1, #8, #13
		5	Fossil Fuel Concerns #1	-
		6	Fossil Fuel Concerns #2	-
		7	Fossil Fuel Concerns #3	-
		8	Fossil Fuel Concerns #4	-
		9	Fossil Fuel Concerns #5	-
		10	Fossil Fuel Concerns #6	TR #1
		11	Groundwater Pumping Concerns #1	TR #11
		12	Groundwater Pumping Concerns #2	TR #11
		13	Groundwater Pumping Concerns #3	TR #11
		14	Groundwater Pumping Concerns #4	-
		15	Wildlife Movements	TR #5
		16	Visual Concerns #1-Simulations	TR #1
		17	Visual Concerns #2-Day Care	TR #1
		18	Visual Concerns #3-Night Sky	TR #2
		19	Number of Units	TR #7
		20	Connectivity to Lee Vining	TR #4
<b>17</b>	<b>Strauss, Emilie</b>	1	Natural Communities on the Site	-
<b>18</b>	<b>Strelneck, David</b>	1	Emergency Management Systems	-
		2	Schools	-
<b>19</b>	<b>Uptegrove, Jane PE</b>	1	Seismic Risk	-
		2	Unstable Soils	-

**TABLE 3-2. Tioga Community Housing DSEIR Individual Comment Letters Submitted for Consideration  
by Planning Commission and Board of Supervisors when Making Project Decisions**

SOURCE	ISSUES RAISED									
	ALTS, CEQA, SCOPE, PHASING, MITIGATIONS	WATER QUALITY & SUPPLY, SANITATION	TRAFFIC AND CIRCULATION, MULTIMODAL	CLIMATE, GHG, AIR QUALITY, NOISE	BIOLOGICAL, ECOLOGICAL GEOLOGICAL VALUES	AESTHETICS, GLARE, VIEWS, SIGNS, NIGHT SKIES	PUBLIC SERVICES, SAFETY, FACILITIES	ARCHAEO, PALEO, CULTURAL, HISTORICAL	LAND USE, COMMUNITY CHARACTER, RECREATION	POPULATION, HOUSING/ HOUSING NEED, EMPLOYMENT
TOPICAL RESPONSES & COMMENTS THAT DISCUSS THE ISSUES RAISED	TR#3, #7, #13; Letters #1, #3, #4, #6, #7, #8, #10, #12, #13, #14, #15, #16	TR #11; Letters #7, #12, #13, #16	TR #5, #9, #10; Letters #2, #3, #4, #10, #11, #12, #16	Letters #12, #14, #15	TR #1, #2, #3, #5, #11; Letters #1, #4, #6, #7, #10, #12, #13, #16, #17, #19	TR #1, #3; Letters #1, #3, #4, #6, #10, #12, #15, #16	TR #6; Letters #2, #3, #5, #7, #8, #9, #11	Letters #6, #12, #13	TR #8, #13; Letters #4, #6, #9, #10, #12, #13, #15, #16	TR #8; Letters #10, #12, #13, #15, #16, #18
ABBOTT, Alice			✓			✓			✓	
ABBOTT, Randy	✓									
ANDERSON, Grace	✓					✓				
ANDREWS, Jerry		✓ <sup>4</sup>						✓		
ASHBY, Paul		✓		✓	✓	✓				✓
AUDENREID, Cara, Cicely, Joey			✓			✓	✓		✓	
BADE, Alan & Wendy Gollop	✓				✓	✓				
BADE, Eleanor	✓									
BAGGS, Lloyd	✓					✓				
BAKEWELL, Robert						✓			✓	
BARBER, Jessica	✓		✓		✓	✓	✓		✓	✓
BARNGROVE, Sally						✓			✓	
BARRY, Matthew					✓	✓			✓	✓
BASSLER, Gloria					✓	✓			✓	
BECK, Fred										✓
BOIES, Sharon		✓			✓	✓	✓		✓	✓

<sup>4</sup> In response to concerns raised by Mr. Andrews regarding his onsite well, please see Letter 13 Comment 2.

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Tioga Community Housing FSEIR

BOWMAN, Sandra & Nicholas Parish	✓					✓				
BOYERS, Laurel			✓			✓			✓	
BRACKSIEK, George						✓				✓
BROTHERS, Virginia						✓				
BROWN, Kevin	✓					✓	✓		✓	✓
BUELL, Katy		✓	✓			✓				✓
BUELOW, Chad						✓				
BUNCE, Dick & Deane	✓					✓				
CAMARA, Tom			✓		✓	✓				
CARLE, Ryan	✓				✓	✓	✓			✓
CARLE, David	✓	✓	✓			✓	✓	✓	✓	✓
CHRISTENSEN, Anna					✓	✓	✓		✓	
COLWELL, Alison	✓		✓			✓			✓	✓
CORNELL, Craig						✓	✓	✓	✓	✓
DEROSE, Margie										✓
DESBAILLETS, Susan	✓		✓			✓	✓		✓	✓
DEWITT, Karen					✓	✓				
DIETRICK, Jan & Ron Whitehurst		✓		✓	✓	✓	✓			
DILEANIS, Peter	✓	✓	✓			✓	✓	✓	✓	
DIPAULO, Robbie					✓	✓				✓
EGRIE, Joan						✓				
EISSLER, Margaret	✓		✓	✓	✓	✓	✓		✓	✓
ENNS, Carol				✓						
ERICKSON, Terry	✓					✓				✓
ESCALLIER, Nancy			✓			✓				
EVEN DEN, Jeanne						✓				
FANUCCHI, Krista	✓				✓	✓				✓
FERRELL-INGRAM, Karen	✓	✓	✓		✓	✓	✓			✓
FIDDLER, Claude			✓	✓	✓	✓	✓			
FINNEY, Steven	✓					✓			✓	
FOGG, Jora		✓			✓	✓	✓		✓	
FRIAR, Linda									✓	✓

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Tioga Community Housing FSEIR

FUECHSEL, Celeste					✓	✓			✓	
GARBERSON, Jeff & Carol		✓			✓	✓	✓		✓	
GALT, Forrest						✓				
GARFIELD, Betsy									✓	
GARLAND, Ruth & Glenn						✓				
GARMIZE, Steve						✓			✓	
GENETTE, John & Andrea	✓				✓	✓				
GRAS, Reinhold & Chris Barnett									✓	
GREEN, Deborah	✓				✓	✓				✓
GREGG, Bob	✓					✓				
HANEY, Harmony					✓	✓			✓	
HANSEN, Jeff										✓
HANSEN, Kathleen						✓				✓
HARP, Arya	✓									
HARRIMAN, Barbara		✓				✓	✓			
HARRIMAN, Jenny		✓			✓	✓	✓			
HARTER, Donn						✓				
HASKINS, Patricia					✓	✓			✓	
HAYDORN, Rachel					✓	✓			✓	
HAYNES, Catherine					✓	✓				
HENDERSON, Connie	✓		✓		✓		✓		✓	✓
HILL, Leonard	✓					✓				
HILL, Robert					✓	✓		✓		
HOPKINS, Heidi			✓			✓			✓	✓
HORN, Bruce	✓					✓				
HOWARD, Skip & Evelyn			✓			✓				✓
HUCKABAY, Mary Ann					✓	✓			✓	
HUNTER, Ron	✓		✓		✓	✓	✓		✓	
INGRAM, Stephen	✓			✓	✓	✓				

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Tioga Community Housing FSEIR

IVERSON, Frances & Jon	✓					✓				
JOHNCK, Gabrielle		✓	✓	✓		✓	✓			✓
JOHNSON, Ralph & Marcia		✓							✓	
JORGENSEN, Venita	✓		✓						✓	
JORGENSON, Sue					✓	✓			✓	
KAMALSKI, Nancy	✓				✓	✓				
KAPLAN, Alison	✓					✓				✓
KEITELMAN, Mary		✓	✓	✓	✓	✓	✓		✓	✓
KEMPER, Lewis			✓		✓	✓				
KING, Ellen	✓					✓			✓	✓
KING, Duncan						✓			✓	✓
KINGMA, Kevin			✓		✓	✓				
KIRSCHNER, Yoel	✓		✓		✓	✓				✓
LACKO, Sue									✓	
LAWRENCE, Laurie		✓				✓			✓	✓
LEONARD, Marisa	✓	✓	✓	✓			✓			✓
LIDICKER, Naomi	✓	✓			✓	✓				
LINDSAY, Phil	✓									✓
LIVINGSTON, Nora	✓		✓			✓	✓		✓	✓
LJUNG, Elin	✓				✓	✓	✓		✓	✓
LJUNG, John	✓									
LJUNG, Mary	✓					✓				✓
LLAMAS, Edgar	✓						✓		✓	✓
LUCAS, Fred						✓				
LUX, Karolina					✓	✓			✓	
MADAPPA, Arianna					✓	✓			✓	
MANDELBAUM, Ilene	✓		✓	✓		✓	✓		✓	✓
MARCIS, Matthew						✓	✓			✓
MARQUART, David						✓	✓		✓	✓
MATOFF, David	✓				✓	✓			✓	✓
MAXWELL, Viki	✓		✓		✓	✓				
McGLINCHY, Maureen	✓		✓			✓	✓			✓
McPHERSON, Barry	✓		✓	✓	✓	✓	✓		✓	

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Tioga Community Housing FSEIR

McQUILKIN, Caelen			✓			✓	✓			✓
McQUILKIN, Ellery	✓		✓			✓	✓			
MEADE, Anthony					✓	✓			✓	
MEEKS, Alayne	✓					✓			✓	
MERILEES, Craig	✓					✓				
MERRITT, Karen						✓				
MILLAR, Constance		✓	✓			✓	✓	✓	✓	✓
MIYAKO, Sharyn	✓									
MOON, Gary	✓					✓				
MORGAN, Tom	✓					✓			✓	
MORRISON, Paul	✓					✓				✓
MORTA, Dan						✓	✓		✓	
MOSHER, Malcolm & Ellen	✓		✓		✓	✓	✓		✓	✓
MUDSKIPPER, Lucas									✓	
NANSEL, Leah					✓	✓			✓	✓
NEIFELD, Ellen						✓			✓	
NELSON, Gary	✓				✓	✓	✓		✓	✓
NELSON, Mark	✓		✓		✓	✓				
NELSON, Rose	✓		✓	✓	✓	✓	✓	✓	✓	✓
NIBLETT, Carrie	✓									✓
O'HEARN, Karyn K.	✓				✓	✓				
ORCHOLSKI, Gerald					✓	✓	✓			
PARSONS, Nancy			✓			✓				
PERLOFF, Erika			✓		✓		✓		✓	
POOLE, Julie					✓				✓	
REIFSNIDER, Elizabeth	✓		✓		✓	✓				
REIS, Greg		✓	✓		✓	✓	✓		✓	✓
ROBERTS, Brooke										✓
ROBINSON, Chris & Tina						✓				
ROBINSON, Mary Ann					✓	✓			✓	
ROGERS, Joslyn	✓		✓		✓	✓	✓		✓	✓
ROKEACH, Michael	✓					✓			✓	

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Tioga Community Housing FSEIR

ROMANSKY, Ron										
ROSEN, James Ph.D.					✓	✓			✓	
ROWE, Will			✓		✓	✓				✓
RUNYUN, William	✓								✓	
SANDERS, Ann						✓				
SCHEMBS, Karen						✓				
SCHNEIDER, Jessica						✓			✓	
SCHWAB, Jenell						✓				
SCOTT, Wendy	✓		✓		✓	✓				
SHIPLEY, John						✓			✓	
SIMS, Dwight	✓				✓	✓			✓	
SMITH, Betty	✓					✓				
SMITH, Douglas	✓					✓				
SMITH, Nancy	✓					✓				✓
STAVROS, Ava	✓		✓	✓	✓	✓	✓	✓	✓	✓
STAVROS, Nick			✓			✓			✓	✓
STEINMAN, Sandy			✓		✓	✓				
STEMPER, Simone					✓	✓			✓	
STONE, Ross										✓
SUNDELL, K.			✓	✓		✓				
TAYLOR, Nathan	✓				✓	✓	✓			✓
TAYLOR, Norman	✓		✓			✓	✓		✓	✓
TAYLOR, Sarah	✓		✓				✓		✓	✓
TAYLOR, Sherryl						✓			✓	
TAYLOR, Tess	✓		✓		✓	✓	✓			
TELLIARD, William										✓
THACKER, Sandy						✓				
TYSON, Bob	✓					✓				
VERBA, Margy	✓			✓		✓				
VIRGIN, Mike										✓
VIRTUE, Doug & Kathy Day	✓					✓				
VORSTER, Peter	✓	✓	✓			✓	✓		✓	✓
WARD, George						✓				
WHEELER, Wilma					✓	✓	✓		✓	✓



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Tioga Community Housing FSEIR

MASON-WHITE, Judy	✓					✓				
WHITE, Lane	✓					✓				
WHITE, Shelley		✓	✓						✓	✓
WILDER, Mary Jane	✓								✓	
WILKINS, David & Arya						✓				
WILSON, Erin						✓				
WING, Gordon						✓				
WUNDERLICK, Lynn					✓	✓				
WYNEKEN, Jeffrey		✓	✓				✓		✓	✓
YATES, William	✓					✓			✓	✓
ZILA, Cory										✓
ZIM, Irwin M.D.						✓				

**TABLE 3-3. Tioga Community Housing DSEIR "Generated" Comment Letters Submitted for Consideration by Planning Commission and Board of Supervisors when Making Project Decisions**

	1 <i>The project's visual impacts are significant, and the proponent has not considered sufficient mitigation to screen the Tioga Inn Community Housing Village.</i>	2 <i>The Final SEIR needs to include project alternatives that reduce the visual and aesthetic impacts to a less than significant level.</i>	3 <i>This project should not be visible from South Tufa or Hwy 395 south of the Tioga Pass junction.</i>	4 <i>I urge Mono County to make additional efforts to balance the needs of the project with the unique, wild, and beautiful nature of this special place. The current draft project does not include alternatives that mitigate the identified impacts so that a good project can go forward.</i>	5 <i>Mono Lake, the Gateway of Yosemite National Park, the community of Lee Vining, and scenic Mono County deserve a better project design than the one currently proposed.</i>	6 <i>The previously approved hotel and restaurant already received special Mono County approval to create permanent adverse visual impacts. Now the proponent seeks to expand the project and create significant new visual impacts that will affect highway travelers and Mono Lake visitors every day. All visual impacts should be evaluated, and mitigated, at once-not in pieces.</i>	7 <i>There are cumulative adverse impacts to migrating deer with this project, and there is no planned immediate, enforceable mitigation that will reduce additional vehicle impacts with deer and other wildlife.</i>	8 <b>Other Topics Raised in the Generated Comment Letters</b>  (**=see comments at the end of Table 4-2; MLC = Mono Lake Committee)
<b>TOPICAL RESPONSES THAT DISCUSS THE ISSUES RAISED (also see Table 3-1 for a list of comment letters that discuss the issues raised):</b>	TRs #1,#2, #3, #12; Letters #1, #3, #4, #6, #10, #12, #15, #16; Letters #1, #3, #4, #6, #10, #12, #15, #16	TRs #1, #2, #3, #12; Letters #1, #3, #4, #5, #6, #7, #8, #10, #12, #13, #14, #15, #16;	TRs #1, #2, TR #3, #12; Letters #1, #3, #4, #6, #9, #10, #11, #12, #13, #14, #15, #16; Letters #1, #3, #4, #6, #10, #12, #15, #16	TRs #1, #2, #3, #12; Letters #1, #3, #4, #6, #9, #10, #11, #12, #13, #14, #15, #16; Letters #1, #3, #4, #6, #10, #12, #15, #16	TRs #1, #2, #3, #10, #12; Letters #3, #4, #5, #6, #8, #9, #10, #11, #12, #13, #15, #16; Letters #1, #3, #4, #6, #10, #12, #15, #16	TRs #1, #2, #3, #12, #13, #14; Letters #4, #9, #11, #12, #15, #16; Letters #1, #3, #4, #6, #10, #12, #15, #16	TRs #5, #12; Letters #1, #3, #4, #6, #10, #12, #13, #14, #15, #16; Letters #1, #3, #4, #6, #10, #12, #15, #16	
ABBOTT, Mary	✓	✓	✓	✓	✓	✓	✓	
ABRAMS, Alex	✓	✓	✓	✓	✓	✓	✓	Housing Impacts
ADAMS, Kellee	✓	✓	✓	✓	✓	✓	✓	
ADAMS, Ramey D	✓	✓	✓	✓	✓	✓	✓	aesthetics
AGUILAR, Karin							✓	
AIDE, Holly				✓	✓	✓	✓	
AIDE, Raina	✓	✓	✓	✓	✓	✓	✓	
ALBRIGHT, Laurie								Aesthetics, Traffic
ALDRICH, Andrew	✓		✓			✓	✓	Aesthetics, Conservation
ALLEN, Cristala	✓	✓	✓	✓	✓	✓	✓	

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Tioga Community Housing FSEIR

ALVARADO, Al	✓	✓	✓	✓	✓		✓	
AMACHER, Dane	✓	✓	✓	✓	✓	✓	✓	
ANAWALT, Thomas	✓	✓	✓	✓	✓	✓	✓	
ANDERSON, Cheryl					✓	✓		✓**
ANDERSON, Karen	✓	✓	✓	✓		✓		
ANDERSON, Kathleen					✓			
ANDERSON, Sharon	✓	✓	✓	✓	✓	✓	✓	
ANDERSON, Stephanie	✓	✓	✓	✓	✓	✓	✓	No visitors in winter
ANDERSON, Steve	✓		✓	✓		✓	✓	
ANDRES, Lloyd		✓	✓	✓	✓		✓	
ANONYMOUS	✓	✓		✓	✓	✓	✓	Water, power, services, aesthetics, wildlife
ASHBY, Judith	✓		✓	✓	✓	✓	✓	
ASHFORD, Dick	✓				✓	✓		
ATHERTON, Dale	✓	✓	✓	✓	✓	✓	✓	
AUERBACH, Isabel	✓	✓	✓	✓	✓	✓	✓	
AUERBACH, Vickie	✓			✓	✓	✓		
AUZINS, Liga	✓	✓	✓	✓	✓	✓	✓	
AXELROD, Gene	✓	✓	✓	✓		✓		
BACHNER, Ken	✓	✓		✓		✓		
BACKLUND, Kaitlin								No comment aesthetics
BAER, Rich	✓			✓		✓		
BAIZE, Derek	✓	✓	✓	✓	✓	✓	✓	
BAKER Meredith	✓	✓	✓	✓	✓	✓	✓	
BALLINGER, Ken	✓	✓	✓	✓	✓	✓	✓	
BALLOT, Nancy	✓	✓	✓	✓	✓	✓	✓	
BANET, Benjamin	✓	✓	✓	✓	✓	✓	✓	
BARKER, Jane	✓	✓	✓	✓	✓	✓	✓	
BARNETT, David	✓	✓	✓	✓	✓	✓	✓	
BARR, Cassie	✓	✓	✓	✓	✓	✓	✓	
BARRETT, Edgar								
BARTLETT, Stephanie	✓	✓	✓	✓	✓		✓	
BAUGHMAN, Joseph	✓	✓	✓	✓	✓	✓	✓	
BECK, Ed	✓	✓		✓	✓	✓	✓	
BECKER, Adam	✓	✓	✓	✓	✓	✓	✓	
BELLAMACINA, Cornelia			✓	✓	✓		✓	
BENICHOU, Francoise	✓	✓	✓	✓	✓	✓	✓	

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Tioga Community Housing FSEIR

BENKA, Francoise Lynn								✓**
BENNETT, Melanie	✓	✓	✓	✓	✓	✓	✓	
BERLACHER, George L	✓	✓		✓	✓	✓	✓	
BERNSTEIN, Robert	✓	✓	✓	✓	✓	✓	✓	
BERRY, Patrice	✓	✓	✓	✓	✓	✓	✓	
BERTON, Virginia							✓	
BERYT, Marta	✓	✓		✓	✓		✓	
BEYER, Jack	✓		✓		✓	✓	✓	
BIEGA, Brian	✓	✓	✓	✓	✓	✓	✓	
BITTNER, Kristi	✓			✓	✓	✓	✓	
BLOCK-LEVOR, Paula	✓	✓		✓		✓	✓	
BLUCHER, William	✓	✓	✓	✓	✓	✓	✓	
BOCK, Marsha				✓	✓	✓	✓	Overcrowding, Services, Serenity
BOFFEY, Peter		✓	✓	✓				
BOHR, Ariel			✓	✓			✓	Aesthetics, Conservation
BOONE, Michael & Lisa Lilley								Aesthetics, Community
BORGER, Mary	✓	✓	✓	✓	✓	✓	✓	
BOSSIER, Bryan	✓	✓	✓	✓	✓	✓	✓	Aesthetics
BOSSONE, Lynn	✓	✓		✓		✓	✓	
BOYER, Carol								
BOYER, David	✓	✓	✓	✓	✓	✓	✓	
BRADLEY, Peg	✓		✓	✓		✓		Light pollution
BRANCHFLOWER, Yvonne		✓		✓				Traffic, noise, water, sanitation, aesthetics
BREE, Erika	✓	✓		✓	✓	✓	✓	
BREED, Martha								Light pollution, wildlife
BREISCH, Susan	✓	✓	✓	✓		✓	✓	
BRENT, Bill		✓	✓	✓			✓	
BRIDGES, Carl	✓	✓	✓	✓	✓	✓	✓	
BROSAMLE, Katharine	✓	✓	✓	✓	✓	✓	✓	
BROSAMLE, John	✓		✓			✓	✓	aesthetics
BROSK, Emily	✓		✓	✓	✓		✓	
BROWN, Eva	✓	✓	✓	✓	✓	✓	✓	Services, Traffic
BROWN, Martha	✓	✓	✓	✓	✓	✓	✓	
BRUNO, Matthew	✓	✓	✓	✓	✓	✓	✓	Aesthetics

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Tioga Community Housing FSEIR

BRYANT, Gary	✓	✓	✓	✓	✓	✓	✓	
BUCKNER, Geoff	✓	✓	✓	✓	✓	✓	✓	Aesthetics
BURKE, Annie	✓	✓	✓	✓	✓	✓		
BURNETT, Wayne	✓	✓	✓	✓	✓	✓	✓	
BURNS, Elizabeth	✓	✓	✓	✓	✓	✓	✓	
BUTTS, Judith	✓	✓	✓	✓		✓		
BUXBAUM, Nicolas	✓	✓	✓	✓	✓	✓	✓	
C S	✓	✓	✓	✓				
CABUNOC, Kathryn	✓	✓	✓	✓	✓	✓	✓	
CALDWELL, Catharina	✓	✓	✓	✓	✓	✓	✓	
CAMPBELL, Jack				✓				
CARLSON, Barbara	✓	✓	✓	✓	✓	✓	✓	
CARLTON, Barbara								Aesthetics, Sustainability
CARTON, David	✓	✓	✓	✓	✓	✓	✓	
CASE, Karen A	✓		✓	✓	✓		✓	
CATE, Rick	✓	✓	✓	✓	✓	✓	✓	
CAVALLARO, Helen T	✓	✓	✓	✓	✓	✓	✓	
CHADWICK, Jef	✓	✓	✓	✓	✓	✓	✓	
CHAN, Alice	✓	✓	✓	✓		✓	✓	
CHIAPELLA, Lynn								Aesthetics, Services, Demographics
CLARK, Lucy				✓				Aesthetics
CLOUGH, Rebecca	✓	✓	✓	✓		✓	✓	
CLUTE-REINIG Nick	✓	✓	✓	✓	✓	✓	✓	
COHEE, Michael	✓		✓					
COHEN, Michael	✓	✓	✓	✓	✓		✓	
COHN, Ron	✓	✓	✓	✓	✓	✓	✓	Services
COKAS, Jim	✓	✓	✓	✓		✓		
COLE, Dr. Jennifer								Aesthetics, Wildlife
COLE, Taggart	✓				✓	✓		
CONNOLLY, Ryan	✓	✓	✓	✓	✓	✓	✓	
CONNOR, John								No comment
COOPER, Victor G	✓	✓	✓	✓	✓	✓		
CORIELL, Rita	✓	✓	✓	✓	✓	✓	✓	
CORY, Karen	✓		✓				✓	Demographics, aesthetics
COSENTINO, Donna				✓				

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Tioga Community Housing FSEIR

COSTELLO, Joy	✓	✓	✓	✓	✓	✓	✓	
COUDURIER, Janet								
COURSE, Meredith	✓	✓		✓	✓		✓	
COWLES, Maria	✓	✓	✓	✓	✓	✓	✓	
COYLE, Shawn								Change, Development
CRAGIN, Leslie	✓		✓	✓		✓	✓	
CRAIG, Rose	✓	✓	✓	✓	✓	✓	✓	
CROSLAND, Richard								Aesthetics
CUFF, Kermit	✓					✓	✓	
CURRAN, Judd		✓	✓	✓		✓	✓	
CUTSHALL, Glen	✓	✓	✓	✓	✓	✓	✓	
DALE, Mara	✓			✓	✓		✓	Yosemite Visitation
DAY, Caroline	✓	✓	✓	✓	✓	✓	✓	
DEAN, Ronald					✓			
DEAUVILLE, Lori	✓	✓	✓	✓	✓	✓	✓	
DEAUVILLE, Paul M	✓	✓	✓	✓	✓	✓	✓	
DECKER, Joe								✓**
DEETZ, Thomas MD	✓	✓	✓	✓	✓	✓	✓	
DEJARNATT, Elizabeth	✓	✓	✓	✓	✓	✓	✓	
DE LEON, Haryn	✓	✓	✓	✓			✓	
DELGADILLO, Alisa	✓	✓	✓	✓	✓	✓	✓	
DEMARTINI, Al	✓	✓	✓	✓	✓	✓	✓	Aesthetics
DE MOOR, Lynn	✓	✓	✓	✓	✓	✓		Aesthetics
DENAPOLI, Jo	✓	✓	✓	✓	✓	✓	✓	
DEREVAN, Rick	✓	✓	✓				✓	
DICOSTANZO, Barbara	✓	✓	✓	✓		✓	✓	
DICUS, Liana	✓	✓	✓	✓	✓	✓	✓	Infrastructure, Services
DIETZ, Linda	✓	✓	✓	✓	✓	✓	✓	
DILLON, Rob								Aesthetics
DIXON, Dylan	✓	✓	✓	✓	✓	✓	✓	
DOCKER, Penny	✓	✓	✓	✓	✓	✓	✓	Aesthetics, Birds
DONLOU, Tim	✓	✓	✓	✓	✓	✓	✓	
DONNOE, Michael				✓		✓	✓	
DOTY, Rachael				✓			✓	
DREWER, Frank			✓	✓		✓		
DURNA, Brent	✓	✓	✓	✓	✓		✓	
DUVALL, Kathy		✓				✓		

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Tioga Community Housing FSEIR

EARNSHAW Sam								Aesthetics
EISENPRESS, Aron	✓	✓		✓			✓	Aesthetics
ELWIN, Darlene	✓			✓		✓		
ENGLISH, Kristin	✓	✓	✓	✓	✓	✓	✓	
ERICKSON, Marjorie	✓	✓	✓	✓	✓	✓	✓	
ERNSTER, Nathan	✓	✓	✓	✓	✓	✓	✓	Aesthetics, Wildlife
ESTRADA, Leslie	✓	✓	✓		✓	✓	✓	
ESTRADA, Sandy	✓	✓	✓	✓		✓	✓	
EVARTS, Sally	✓	✓	✓	✓	✓	✓	✓	
FEILEN, Henry	✓		✓			✓		
FIALA, Ronald	✓	✓	✓	✓		✓	✓	Local commerce
FISHER, Gary B	✓	✓	✓	✓	✓	✓	✓	
FLEETWOOD, Hannah	✓	✓	✓	✓	✓	✓	✓	
FLETCHER, Clyde								Aesthetics, Conservation
FLORES, Clarisa	✓	✓	✓	✓	✓	✓	✓	
FONG, Catherine	✓			✓	✓	✓		
FORD, Conny								Conservation
FORRESTER, Cheri	✓		✓		✓	✓		
FOSS, Sandy	✓	✓	✓	✓	✓	✓	✓	Traffic, Noise, Wastes, Parking, Wildlife, Water
FRANSEN, Amy	✓	✓	✓	✓			✓	
FREEMAN, Kyri								✓**
FRISBEE, Christine	✓	✓	✓	✓	✓	✓	✓	Economy, Tourism, Overdevelopment
FOURNIER, Michael	✓	✓	✓	✓	✓	✓	✓	
FRAMSTED, Marcia A	✓	✓	✓	✓	✓	✓	✓	Public services
FRANCAVIGLIA, Maria	✓	✓	✓	✓	✓	✓	✓	
FRANCHI, Leo				✓	✓	✓	✓	
FRASER, Anne	✓	✓	✓	✓				
FURUICHI, Darryl								
GAILLARD, Anne	✓	✓	✓	✓	✓	✓	✓	
GAINES, Dylan		✓	✓	✓	✓	✓	✓	
GALLEGOS, Lourdes	✓	✓	✓	✓	✓	✓	✓	
GALLICE, Christina					✓		✓	Traffic, Wastes, Services
GAMMAN, John	✓	✓		✓		✓		Traffic, air pollution, water scarcity
GANGE, Nichole				✓	✓		✓	

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Tioga Community Housing FSEIR

GARCIA, Bernadette			✓	✓		✓	✓	
GAUDE, Rob	✓	✓	✓	✓	✓		✓	
GEBERDING, David	✓			✓	✓			Aesthetics
GEHRMAN, Laura	✓	✓	✓	✓	✓	✓	✓	
GERMAN, Steven								
GERN, Hannah	✓			✓	✓	✓	✓	
GETTS, Don	✓	✓	✓	✓	✓	✓	✓	
GETTS, John	✓	✓	✓	✓	✓			
GETTS, Katherine	✓	✓	✓	✓	✓	✓	✓	
GETTS, Madeline	✓	✓	✓	✓	✓	✓	✓	Winter access, aesthetics, ecosystem
GILMORE, Lisa								Ecosystem
GLASS, Linda	✓	✓	✓	✓	✓	✓	✓	
GLASS, Peter	✓	✓	✓	✓	✓	✓	✓	
GOFF, Kaleb	✓	✓	✓	✓	✓	✓	✓	
GOLDIN, Christine	✓	✓	✓	✓	✓	✓	✓	
GOLDMAN, April	✓	✓	✓	✓	✓	✓	✓	
GOLDMAN, Victor								
GOLIGHTLY, Roy								Fire Risk
GOMES, Melissa	✓	✓	✓	✓	✓	✓	✓	
GORHAM, Jon & Ros	✓	✓	✓	✓	✓	✓	✓	
GORWIN, Peter	✓	✓	✓	✓	✓	✓	✓	
GRAEF, Julie	✓	✓	✓	✓	✓	✓	✓	
GRAGG Joseph	✓	✓	✓	✓	✓	✓	✓	
GRAHAM, Ann	✓	✓	✓	✓		✓		
GRANDY Jeff								Aesthetics
GRAY, Gary								Development, Wilderness
GREENBERG, Corinne	✓	✓	✓	✓	✓	✓	✓	
GREENMAN, Jessea	✓	✓	✓	✓	✓	✓		
GUINN, Suzanne					✓	✓	✓	
GUPTA, Anya	✓	✓	✓	✓	✓	✓	✓	
HAHN, Joy	✓	✓	✓	✓	✓	✓	✓	
HALSTED, Lynn	✓	✓	✓	✓	✓	✓	✓	
HAMSTRA, Rich	✓	✓	✓	✓	✓	✓	✓	
HANCOCK, Seth	✓		✓	✓	✓	✓	✓	
HANEY, Harmony								Local economy



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Tioga Community Housing FSEIR

HANEY, Julie	✓	✓	✓	✓	✓	✓	✓	
HANNA, Virginia	✓	✓	✓	✓	✓	✓	✓	
HANNAY, Kathryn								
HANSON, Cynthia				✓		✓	✓	
HANSON, Kathy	✓	✓		✓	✓			
HARDEMAN, Ann	✓	✓	✓	✓	✓	✓	✓	
HARRAR, Paul	✓	✓		✓	✓	✓	✓	
HART, DeAnne & Rich				✓				
HARTE, Mary	✓	✓		✓		✓	✓	
HARVEY, Kurt	✓	✓		✓	✓	✓	✓	Aesthetics
HAVRILO, William	✓		✓			✓	✓	
HAYAMAZU, Christine	✓	✓	✓	✓	✓	✓	✓	
HAYES, Kama	✓	✓	✓	✓	✓	✓	✓	
HAYNES, Cheryl	✓	✓		✓	✓	✓		
HAYNES, Robert	✓	✓	✓	✓	✓	✓	✓	
HAYS, Cody	✓	✓	✓	✓	✓	✓	✓	
HAZELLEAF, Tom								Aesthetics
HECOCKS, Sarah	✓	✓	✓	✓	✓	✓	✓	
HEINZ, Carol	✓	✓	✓	✓	✓	✓	✓	
HELLERUD, Jennifer	✓	✓	✓	✓	✓	✓	✓	Aesthetics, Conservation, Water
HENDERSON, Michael	✓	✓	✓	✓	✓	✓	✓	
HENNESSY, Jasmine	✓	✓	✓	✓	✓	✓	✓	
HERSHEY, Davis	✓	✓		✓		✓		
HEYDORN, Rachel								Aesthetics, wildlife, Local economy
HIBBARD, Charles	✓	✓	✓	✓	✓	✓	✓	
HIBBETT, Lori	✓	✓	✓	✓	✓	✓	✓	✓**
HIGGINS, Joy	✓	✓	✓	✓	✓	✓	✓	
HILKER, Joanne	✓	✓		✓	✓	✓	✓	
HILKER, Virginia				✓		✓	✓	
HILL, Heather								Environment, wildlife, water scarcity
HILLS, Debra	✓	✓	✓	✓	✓	✓	✓	
HIRSHFIELD, Jane	✓	✓	✓	✓	✓	✓	✓	
HIRTH, Carol								Impacts in general
HOLBERT, Patricia	✓			✓	✓	✓	✓	Community, tourism, wildlife

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Tioga Community Housing FSEIR

HOLDER, Joseph				✓	✓	✓	✓	
HOLLAND, Em								Supports MLC & new housing if done right
HOLLIBAUGH, James	✓		✓					Aesthetics & Views
HOLMQUIST, Kirsten		✓		✓	✓	✓	✓	
HOWARD, Evelyn	✓	✓	✓	✓	✓	✓	✓	Views from key locations
HOWARD, Lawrence R	✓	✓	✓	✓	✓	✓	✓	
HOWELL, Heidi	✓	✓	✓	✓	✓	✓	✓	
HOWELL, Paul	✓	✓	✓	✓	✓	✓	✓	Water scarcity
HUANG, Dr. Forest	✓	✓	✓	✓		✓	✓	
HUBBLE, Karen								Traffic, congestion, environment, birds
HUCKABAY, Mary Ann	✓	✓	✓	✓	✓	✓	✓	
HUGHES, Brent	✓			✓	✓		✓	
HUGHES, David	✓			✓	✓		✓	tourism
HUNRICHS, Paul	✓	✓	✓	✓	✓	✓	✓	
HUTCHINGS, Thomas	✓		✓				✓	
HUTCHISON, Heather	✓		✓	✓	✓	✓	✓	
ISAACS, Chloe	✓	✓	✓	✓	✓	✓	✓	Community, Services Aesthetics, Traffic
ITUARTE, Daniel	✓	✓	✓	✓	✓	✓	✓	Wildlife and water
JACKSON, Don	✓	✓	✓	✓	✓	✓	✓	Aesthetics
JACKSON, Elaine & Phred	✓	✓	✓	✓	✓	✓	✓	
JACKSON, Kate	✓	✓		✓	✓	✓	✓	Aesthetics, Fire, Water
JACKSON, Louise	✓	✓	✓	✓	✓	✓	✓	Sprawl
JAMES, Oliver	✓	✓	✓	✓	✓	✓	✓	
JAMES, Ruth	✓	✓	✓	✓	✓	✓	✓	
JENKINS D Leigh								Ecosystem, Demographics
JENSEN, Jan	✓			✓		✓	✓	
JEWELL, Adam	✓	✓	✓		✓			Aesthetics
JOHNSON, Bryan	✓	✓	✓	✓	✓	✓	✓	
JOHNSON, Laurelle	✓	✓	✓	✓	✓	✓	✓	
JOHNSON, Leanne	✓			✓			✓	Light & Glare
JONES, Deborah	✓	✓	✓	✓		✓		
JONES, Elizabeth	✓		✓		✓	✓	✓	
JONES, Renee	✓	✓	✓	✓	✓	✓	✓	
JORDAN, Linda	✓	✓	✓	✓	✓	✓	✓	

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Tioga Community Housing FSEIR

JOSHI-BARR, Shivanjali	✓	✓	✓	✓	✓	✓	✓	Aesthetics
JOYE, Lindsay	✓	✓	✓	✓	✓	✓	✓	
KAHN, Kathleen	✓	✓	✓	✓	✓	✓	✓	
KAILAWA, Carlotta	✓	✓	✓		✓	✓	✓	Traffic, habitat
KALVELAGE, Diane	✓	✓	✓	✓	✓	✓	✓	
KAMIENIECKI, Lisa	✓	✓	✓	✓	✓	✓	✓	
KANE, Sarah	✓				✓	✓	✓	
KASABIAN, Jennifer	✓		✓	✓	✓	✓	✓	Wildlife, Aesthetics,
KASSOTAKIS, John								Aesthetics, Overnights
KAUFFMAN, Neil	✓	✓	✓	✓	✓	✓	✓	
KAUPPINEN, Dean								Aesthetics, conservation
KELLY, Jennifer								Aesthetics, Overdevelopment
KEMPER, Lauri	✓	✓	✓	✓	✓	✓	✓	✓**
KENT, Anthony	✓	✓	✓	✓		✓		
KENT, Bob	✓	✓	✓				✓	
KERSHAW, Cheryl	✓	✓	✓	✓	✓	✓	✓	
KIENITZ, Mallory	✓	✓	✓	✓	✓	✓	✓	Morale, Community Scale
KIKUCHI, Junie	✓	✓		✓	✓	✓	✓	
KILCREASE, Jaimi	✓	✓	✓	✓	✓	✓	✓	
KILGER, Brad	✓	✓		✓	✓	✓	✓	
KINZIE, Kathie	✓	✓	✓	✓	✓	✓	✓	
KINZLER, Tyler	✓	✓	✓	✓	✓	✓	✓	
KIRK, Trisha	✓	✓	✓	✓				
KITSON, Sally	✓	✓		✓				
KJONAAS, Patti								Conservation, Serenity, Economy
KLASSEN, Patricia								No comment
KLEIN, Kimberly				✓	✓	✓		
KLEINMAN, Susan	✓	✓				✓		
KLINE, Samantha	✓			✓	✓	✓	✓	
KLINE, William	✓		✓	✓		✓		
KLOSTERMAN, Lorrie								Aesthetics
KNEFF, Dennis	✓	✓	✓	✓	✓	✓	✓	Small town feel
KODY, Kori	✓	✓	✓	✓	✓	✓	✓	
KOJM, Sheila	✓		✓	✓		✓	✓	
KONDO, Judith	✓			✓		✓		

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Tioga Community Housing FSEIR

KORSON, Steven								"Do the right thing"
KOTALIK, Caron	✓	✓	✓	✓	✓	✓		
KOUBEK, Paul	✓	✓	✓	✓	✓	✓	✓	
KRAUSE, Genevieve								Aesthetics, Economy
KROSS, Jeff	✓	✓	✓	✓	✓	✓	✓	
KUPERSMITH, John	✓	✓	✓	✓				Views from key points
LAHERTY, Ellen and Patrick	✓	✓	✓	✓	✓	✓	✓	
LAMMERS, Charles	✓	✓	✓	✓	✓	✓	✓	
LANEY, Lindsay	✓		✓	✓			✓	
LANNER, Christine	✓	✓	✓	✓	✓	✓	✓	Aesthetics
LANTZ, Emma	✓		✓	✓	✓		✓	
LARIMORE, Ogilvie	✓	✓	✓	✓	✓	✓	✓	
LARSEN, Whitney	✓				✓	✓		
LATKER, Craig								Aesthetics
LAWRENCE Quentin	✓	✓	✓	✓	✓	✓	✓	Views, Outreach, Traffic, Economics
LAXSON, Glenn								
LEA, Vanessa	✓	✓	✓	✓	✓	✓	✓	
LEE, Laura								Traffic
LEFEBVRE, Guy	✓	✓	✓	✓	✓	✓	✓	
LEONG, Robin	✓	✓	✓	✓	✓	✓	✓	
LE POUVOIR, Jan				✓		✓		
LE POUVOIR, John	✓	✓	✓	✓	✓	✓	✓	
LEVINE, Natalie	✓	✓	✓	✓	✓			
LEWIS, Amy	✓	✓	✓	✓	✓	✓	✓	Police Services
LEWIS, Glen	✓	✓	✓	✓	✓	✓	✓	
LEWIS, Mark		✓		✓		✓		
LIM, Jonathan	✓	✓	✓	✓	✓	✓	✓	
LINDER, Patty				✓	✓	✓	✓	
LINK, John			✓	✓		✓		
LISKOVEC, Jim								
LISS, Tonia	✓	✓	✓	✓	✓	✓	✓	Water, Air pollution, Aesthetics
LITTLEJOHN, Jacquie								No comment
LIVINGSTON, John	✓	✓	✓	✓	✓	✓	✓	

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LOMBARD, Ruth & Trymon Hunter	✓	✓	✓	✓	✓	✓	✓	
LONDON, Martin	✓	✓	✓	✓	✓	✓	✓	Aesthetics
LOOFBOURROW, Gail	✓	✓	✓	✓	✓	✓	✓	
LORO, Tony	✓	✓	✓	✓	✓	✓	✓	
LOUIE, Denise				✓	✓		✓	
LOWY, Jay	✓	✓	✓	✓	✓	✓	✓	
LUBOFF, David	✓	✓	✓	✓	✓	✓	✓	Aesthetics
LUCIN, Cathy	✓	✓	✓	✓	✓	✓	✓	
LUFT, Sue	✓	✓	✓	✓	✓	✓	✓	
LUNDQUIST, Bruce	✓	✓	✓	✓	✓	✓	✓	
LUX, Yvonne	✓	✓	✓	✓	✓			
LYON, Bret	✓	✓	✓	✓	✓	✓	✓	
LYON, Jane	✓	✓	✓	✓	✓	✓	✓	
M, Sarah								Light pollution
MAAVARA, Taylor				✓			✓	
MACDERMOTT, Gordy	✓	✓	✓	✓	✓	✓	✓	
MACINTOSH, Chris								Aesthetics, Wildlife, Services
MACOVSKY, Louis	✓	✓	✓	✓	✓	✓	✓	
MAGIT, Joan								Development
MANUGIAN, Suzanne			✓	✓	✓		✓	
MARTIN, Martha			✓	✓	✓			
MARTIN, Michael	✓	✓	✓		✓	✓		
MASON, Denise	✓	✓	✓	✓	✓	✓	✓	
MASON-WHITE, Evan	✓		✓		✓	✓	✓	Aesthetics
MATTERSON, Betty	✓	✓	✓	✓	✓	✓	✓	
MAYER, AnnaLisa	✓	✓	✓	✓	✓	✓	✓	Aesthetics, Traffic, Character, Occupancy
MAYER, Sarah	✓	✓	✓	✓	✓	✓	✓	
MAZER, Elaine	✓	✓	✓	✓	✓		✓	
MCAFEE, Cheyenne	✓	✓	✓	✓	✓	✓		
MCCARTHY, Susan	✓	✓	✓	✓	✓	✓	✓	Aesthetics
MCCLASKEY, Mike	✓	✓	✓	✓	✓	✓		
MCCONNELL, Cindy	✓	✓	✓	✓	✓	✓	✓	
MCCOY, Ricky	✓	✓	✓	✓	✓	✓	✓	
MCGOVERN, Ferris	✓	✓	✓	✓	✓	✓	✓	

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Tioga Community Housing FSEIR

MCNAMARA, Bekah				✓				
MCNUTT, Bob								Aesthetics
MCPHERSON, Barry								✓**
MEANS, Susan	✓	✓	✓	✓	✓		✓	
MEESTER, Tyler	✓	✓	✓	✓	✓	✓	✓	
MEGDAL, Barry	✓		✓	✓	✓	✓	✓	Light pollution
MELATIS, Thomas	✓	✓	✓	✓	✓	✓	✓	
MENDELSON, Minna								Aesthetics, Sustainability
MENDERSHAUSEN, Ralph and Ann								Mono Lake, Birds, Aesthetics
MEYER, Enid	✓	✓	✓		✓	✓		
MEYER, Evi	✓		✓	✓				
MEYERS, Jeanne	✓		✓	✓				
MEYERS, Steven	✓	✓	✓	✓	✓		✓	
MEYERSON, Howard	✓		✓	✓				
MICK, Richard		✓		✓				
MIDAS, Gayle	✓	✓	✓	✓	✓	✓	✓	
MIGLIORE, Joseph	✓	✓	✓	✓	✓	✓	✓	
MILEY, William	✓	✓		✓				Aesthetics, Watershed
MILLER, Carrie	✓	✓	✓	✓	✓	✓		
MILLER, Catherine	✓	✓	✓	✓	✓	✓	✓	
MILLER, Craig	✓	✓	✓	✓	✓	✓	✓	
MILLER, John	✓	✓	✓	✓	✓	✓	✓	
MILLER, Kendrick	✓	✓	✓	✓	✓	✓		
MILLER, Marji		✓	✓	✓	✓	✓	✓	
MILLS, James Frederick				✓				
MINER, Rain				✓		✓	✓	
MINOR, Patricia	✓		✓	✓	✓	✓	✓	
M L	✓	✓	✓	✓	✓	✓	✓	
MOORE, Martha, PhD	✓						✓	Traffic, ecosystem
MORGAN, Michael	✓	✓	✓	✓	✓	✓	✓	
MORRIS, Vonya								Water scarcity
MOSER, Thomas		✓	✓	✓				
MOSHER, Karlina	✓		✓	✓	✓			Dislikes change
MOSS, Paul	✓	✓	✓	✓	✓		✓	
MOSS, Susan	✓	✓	✓	✓	✓	✓	✓	

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Tioga Community Housing FSEIR

MOULTON, Barbara				✓	✓	✓	✓	
MURAMOTO, Jo Ann	✓	✓	✓	✓	✓	✓	✓	✓**
MUSS, Jeffre	✓		✓	✓	✓		✓	
NACOUZI, Stephanie	✓	✓	✓	✓	✓	✓	✓	
NASH, Ruth & Steve				✓	✓	✓		
NEUFELD, Cindy	✓	✓	✓	✓	✓	✓	✓	Aesthetics
NICKLIN, Alexandra	✓	✓	✓	✓		✓	✓	Godmother Grace would disapprove
NIRO Matt				✓	✓	✓		Economic impacts
NORTON, Marc								"listen to the MLC"
NUNEZ, Charlie	✓	✓	✓	✓	✓	✓	✓	
NUTTALL, Stu					✓	✓	✓	Glare
OAKES, Corky	✓	✓	✓	✓	✓	✓	✓	
OBEDZINSKI, Jack				✓	✓	✓	✓	
OBEDZINSKI, Mariska	✓	✓	✓	✓	✓	✓	✓	Aesthetics
O'CALLAGHAN, Sean	✓	✓	✓	✓	✓	✓	✓	Light pollution
OCONNELL, John	✓	✓		✓		✓		
OKADA, Nancy	✓	✓	✓	✓	✓	✓	✓	
OKUMURA, Janiss	✓	✓	✓	✓	✓	✓	✓	
ORCHOLSKI, Gerald				✓	✓		✓	
ORCUTT, Deborah	✓	✓	✓	✓	✓	✓	✓	aesthetics
OSCHRIN, Emma								Aesthetics, Tranquility, Ecological value
OVERHOLTZ, Nancy								Alternative Design
OZUNA, Phoebe	✓	✓	✓	✓	✓	✓	✓	
PACE, Aaron	✓	✓	✓	✓	✓			
PACE, Steven	✓	✓	✓	✓	✓	✓	✓	
PAINTER, Michael J								✓**
PAJONK, Frank	✓	✓	✓	✓	✓	✓	✓	
PANN, Robert	✓	✓	✓	✓	✓	✓	✓	
PARK, Noel								Aesthetics, Views, Traffic, Wildlife
PARKHURST, Joyce	✓	✓	✓	✓	✓	✓	✓	
PASHBY, Paula	✓	✓	✓	✓		✓	✓	Water Supply/Quality
PASTEL, Lily B	✓	✓	✓	✓	✓	✓	✓	Aesthetics, Affordability, Services; Traffic; Wildlife
PEACH, Jenn	✓		✓	✓				
PENFIELD, Ralph	✓	✓	✓			✓	✓	

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PESCOSOLIDO, Cristin	✓	✓	✓	✓		✓		
PETERSON, Jennifer								Aesthetics
PETLISKI, Greg	✓		✓	✓				Alternative Locations
PETRILLA, Linda		✓	✓			✓	✓	
PFAFF Stephanie	✓	✓	✓	✓	✓	✓	✓	
PHELPS, Julie								Commercialization
PHILLIPS, Jeremy	✓	✓	✓	✓	✓	✓	✓	Aesthetics, Wildlife
PHYLE, Abraham	✓	✓	✓	✓	✓	✓	✓	
PIERSON, Linnea				✓		✓	✓	
PLEHN, James	✓	✓	✓	✓		✓		Aesthetics, Economy
POLICK, Melissa						✓	✓	
POTTER, Spencer	✓	✓	✓	✓	✓	✓	✓	✓**
POUCHER, Roy	✓	✓	✓	✓	✓	✓	✓	
POWELL, Martha	✓	✓	✓	✓	✓	✓	✓	
POWELL, Ronald	✓	✓	✓	✓	✓		✓	Aesthetics, Character
PUSEY, Rachel				✓		✓	✓	
PYLE, Brett								Aesthetics, overdevelopment
PYLE, Scott	✓	✓	✓	✓		✓		
QUENNEVILLE, Donald	✓	✓	✓	✓	✓	✓	✓	
QUINN, Morgan								Jobs, Aesthetics, Conservation
RACHLIN, Marjorie	✓	✓	✓	✓	✓	✓	✓	
RADIEVE Gina	✓	✓	✓	✓	✓	✓	✓	
RAISTRICK, Darien	✓	✓	✓	✓	✓	✓	✓	
RATTENNE, Kirk	✓	✓	✓	✓	✓	✓	✓	✓**
RAY, Daniel	✓	✓	✓	✓	✓	✓	✓	✓**
RAY, Linda	✓	✓	✓	✓	✓			
REEPMAKER, Lisa	✓		✓	✓				
REES, Christopher								No comments
RENZ, Jennifer		✓		✓	✓	✓		Traffic, Noise, Aesthetics, Wildlife
RETTIG, Susan	✓	✓	✓	✓	✓	✓	✓	
REYES, Esmeralda	✓	✓	✓	✓	✓	✓	✓	
REYNOLDS, Carrie	✓	✓	✓	✓	✓	✓	✓	
REYNOLDS, Marc								No comments
REYNOLDS, Nancy L								No comments



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RHUDY, Lisa	✓	✓	✓	✓	✓	✓	✓	
RILEY, Pauline	✓	✓	✓	✓	✓	✓	✓	
RINALDI, Chris & Lori	✓	✓	✓	✓	✓	✓	✓	
RINDLAUB, Katherine	✓	✓	✓	✓	✓	✓	✓	
RINKER, Jordan	✓	✓				✓		
RIVERA, Renee	✓	✓	✓		✓	✓		
RIZZO, Dana	✓	✓	✓	✓	✓	✓	✓	
ROBERTS, Jessica		✓		✓				
ROBERTSHAW, John	✓	✓		✓	✓	✓		Bird migration
ROCHE, Colleen								Economy, Ecology
RODDEN, Beth	✓			✓	✓		✓	
RODNEY, Ray Rodney	✓	✓	✓	✓	✓	✓	✓	
ROEHM, John	✓	✓	✓	✓	✓			
RONIS, Celia								Aesthetics, Conservation
ROSE Donna	✓			✓	✓		✓	
ROSENBAUM, Karen	✓	✓	✓	✓	✓	✓	✓	
ROSS, Michael	✓	✓	✓		✓	✓		Special status species
ROSS-RHUDY, Nicholas	✓	✓	✓	✓	✓	✓	✓	
ROTHMAN, Phyllis	✓	✓	✓				✓	
ROTTNER, Frances	✓	✓	✓	✓	✓	✓	✓	
ROUDA, Ronald		✓	✓	✓				Glare, Overdevelopment
ROYCE, Lynn	✓	✓	✓	✓	✓	✓	✓	
RUBENS, Elizabeth						✓		
RUBLE, Anna								Economy, Wildlife, Ecology
RUIZ, Tony	✓	✓	✓	✓	✓	✓	✓	
RUTZEN, Diane	✓	✓	✓	✓	✓	✓	✓	
RYAN, Susan				✓		✓	✓	
SANBORN, Sherborn	✓	✓	✓	✓		✓		
SALAZAR, Ginny	✓	✓	✓	✓		✓		Aesthetics
SALEWSKI, Diane	✓	✓	✓	✓	✓	✓	✓	Aesthetics
SALMON, Mariani			✓		✓			Economic Concerns
SAMPSON, David & Annie	✓	✓	✓	✓	✓	✓	✓	Rural character
SAMPSON, Michael	✓	✓	✓	✓	✓	✓		
SANDBERG, Marcia								Aesthetics
SANDSTROM, Jennifer				✓	✓			
SANDSTROM, Ronald	✓		✓	✓	✓	✓	✓	

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SARGEANT, Heather	✓	✓	✓	✓	✓	✓	✓	Aesthetics
SAVAGE, James				✓		✓	✓	Deer, Birds, Aesthetics
SCALF, Russell								Foot/Vehicle Traffic
SCALZI, Nola	✓							
SCHLAUPITZ, Audra	✓			✓	✓		✓	
SCHLICHTING, Robert		✓	✓	✓	✓	✓		Scale of Development
SCHLICK, Cindy	✓	✓	✓	✓	✓	✓	✓	
SCHNALL Savannah	✓	✓	✓	✓	✓	✓	✓	
SCHNEIDER, Jeanette	✓	✓	✓	✓	✓	✓	✓	
SCHOENE, William	✓	✓	✓	✓	✓	✓	✓	Development Sprawl
SCHOENENBERGER, Rebecca			✓		✓	✓	✓	Small town feel
SCHROEDER, Dr. Tim	✓	✓	✓	✓	✓	✓	✓	
SCHUMACHER, Dale & Vicki	✓		✓	✓		✓	✓	
SCHWARZ, Christian		✓	✓	✓	✓			✓**
SCHWENDENER, Henry	✓	✓	✓		✓	✓		
SCOTT, NAN								No comment
SCOTT, Nancy			✓	✓	✓	✓	✓	
SCRIBNER, Victoria	✓	✓	✓	✓	✓	✓	✓	
SEBASTIAN, Lisa	✓			✓			✓	
SESLOWE, Sharon	✓	✓	✓	✓	✓	✓	✓	
SHAFNACKER, Philip	✓	✓	✓			✓		
SHANAFIELD Margaret	✓	✓		✓		✓		Light pollution
SHAO, Suzie	✓	✓	✓	✓	✓	✓	✓	
SHENK, Kevin	✓	✓	✓	✓	✓	✓	✓	Aesthetics
SHENK, Marla	✓	✓	✓	✓	✓	✓	✓	
SHEPHERD, Diana	✓	✓	✓	✓	✓	✓	✓	
SHERMAN, Edward	✓	✓	✓	✓				Traffic
SHOEMAKER, William	✓	✓	✓	✓	✓	✓	✓	
SHOOK, Mary C	✓	✓	✓	✓	✓	✓	✓	
SKAREDOFF, Igor								Aesthetics
SLOANE, Harold	✓	✓	✓	✓	✓	✓	✓	
SLOANE, Lisa	✓	✓	✓	✓		✓	✓	
SMITH, Carol		✓		✓			✓	
SMITH, Derek	✓	✓	✓	✓	✓	✓	✓	
SMITH, Ellen	✓	✓	✓	✓	✓	✓	✓	

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SMITH, Eric								Aesthetics
SMITH, Shelly		✓		✓		✓	✓	Development Limits
SMITH, Sherry	✓	✓	✓	✓	✓	✓	✓	Aesthetics
SOLTER, Patricia	✓	✓	✓	✓	✓	✓		Aesthetics
SPALSBURY, Jeff	✓	✓	✓			✓		
SPRESSER, Michelle	✓			✓	✓			
STANGER, Roberta	✓	✓	✓	✓	✓	✓	✓	
STANSBERRY, Steven		✓		✓	✓	✓	✓	✓**
STANSFIELD, Lesley	✓	✓	✓	✓	✓	✓	✓	Traffic, Ecology
STARR, Rhonda			✓	✓	✓	✓		Seasonal use
STARR, Sheryl	✓	✓	✓	✓	✓	✓	✓	
STEELE, Jenifer		✓		✓			✓	
STEELSMITH, Diane	✓	✓	✓	✓	✓	✓	✓	
STINE, Anne	✓	✓	✓	✓	✓	✓	✓	Conservation
STINNETT, Benjamin	✓	✓	✓	✓	✓	✓	✓	Aesthetics, habitat
STOCK, Greg	✓	✓	✓	✓	✓	✓		
STOCK, Sarah	✓	✓	✓	✓	✓	✓	✓	
STOCK, Wendy	✓	✓	✓	✓	✓	✓	✓	
STONEROCK, Lorraine	✓	✓	✓	✓	✓	✓	✓	
STONG, Michel	✓	✓	✓	✓	✓	✓	✓	
STRAITS, Bruce		✓	✓	✓				
STRANGFELD, Roxanne	✓				✓	✓	✓	Water scarcity
STROHL, Richard	✓	✓	✓	✓	✓	✓	✓	
STRONG, Steven	✓	✓	✓	✓	✓			
SUBIA, Holly	✓	✓	✓	✓	✓	✓	✓	Light pollution
SULLIVAN, Jeff	✓	✓	✓	✓	✓	✓	✓	✓**
SUTTER, Gavin	✓	✓	✓	✓	✓	✓	✓	
SWEEL, Greg	✓	✓	✓	✓	✓	✓	✓	
SWIGGUM, George	✓	✓	✓	✓	✓	✓	✓	
SYMES, Deborah	✓	✓	✓	✓	✓	✓	✓	Aesthetics
SZEMENYEI, Barbara & Steve								
TAIT, Adam	✓		✓	✓	✓	✓	✓	
T C	✓	✓	✓	✓	✓	✓	✓	
T Dt	✓	✓	✓	✓	✓	✓	✓	
TAKARO, Mark	✓	✓		✓	✓	✓		
TAYLOR, Dave	✓	✓	✓	✓	✓	✓	✓	

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TAYLOR, Greg	✓		✓	✓		✓	
TAYLOR, Jennifer	✓	✓	✓	✓	✓	✓	
TAYLOR, Tess	✓			✓		✓	
TEHERO, Lawrence	✓	✓	✓	✓	✓	✓	
TENNEY, Jennifer	✓	✓	✓	✓	✓	✓	
THOMPSON, Ronald							Water, Sewage, Traffic
TIFFANY, Linda							Preserve wilderness
TOLTOWICZ, Robert	✓		✓	✓	✓	✓	
TONER, Sheila	✓	✓	✓	✓	✓	✓	
TRAUGHBER, Mallory			✓	✓			
TRAYNOR, Andy	✓		✓		✓		Aesthetics; Employment; Services
TREANOR, Brian		✓		✓		✓	Too large
TRIMARCHI, Dylan	✓	✓	✓	✓	✓	✓	Parking
TUF, Paul	✓	✓	✓	✓	✓	✓	Boycott
TUMBUSCH, Mary	✓	✓	✓	✓	✓	✓	Groundwater, Density
TURNER, Jonathon		✓		✓	✓	✓	
TURNER, Neal	✓	✓	✓	✓	✓	✓	
TUSONI, Larry	✓	✓	✓	✓	✓	✓	
ULVANG, Renna	✓	✓	✓	✓	✓	✓	
UNDERHILL, Carol	✓	✓	✓	✓		✓	Wildlife, Aesthetics
UNGER, Michelle	✓	✓	✓	✓	✓	✓	Climate, Extinction
VALENTINE, Karen	✓	✓	✓	✓	✓	✓	
VAN METER, Victoria	✓	✓	✓	✓	✓	✓	
VANSICKLE, Sherrill	✓	✓	✓	✓	✓	✓	
VAN SOELEN, Philip	✓	✓	✓	✓	✓	✓	
VENN Gael	✓	✓	✓	✓	✓	✓	
VENUGOPAL, Merryn	✓	✓		✓	✓	✓	Local character, Traffic
VERSTRAETE, Frank	✓	✓	✓	✓	✓	✓	
VOLKSEN, Russell	✓	✓	✓	✓	✓	✓	
WAGER, Joan	✓	✓	✓	✓	✓	✓	
WAHL, Christian	✓	✓	✓	✓		✓	
WALBRIDGE, Charles							
WALKER, Martha	✓	✓	✓	✓	✓	✓	
WALSH, Steve	✓	✓		✓	✓	✓	
WALSH, Steve Dr.	✓	✓	✓	✓	✓	✓	
WALSH, Tracey				✓			

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WALTERS, Marlene	✓	✓		✓			✓	
WARD, Patrick	✓	✓	✓					Aesthetics
WARNER, Katy	✓	✓	✓	✓	✓	✓	✓	
WATERS, Rebecca	✓	✓	✓	✓	✓	✓	✓	
WEAVER, Joan	✓					✓	✓	
WEBER, Caprice			✓	✓	✓		✓	
WEBER, Michael	✓			✓		✓	✓	
WEEDMAN, Katherine			✓	✓	✓	✓	✓	
WEIKEL, Wendy								Light pollution
WEINSTEIN, Carol		✓		✓		✓	✓	
WELLER, Suzanne	✓	✓	✓	✓	✓	✓		
WEREMIUK, Sharon	✓	✓	✓	✓	✓	✓	✓	
WESOLOWSKI, Tyler	✓			✓	✓	✓	✓	
WESTFALL, Robert	✓	✓	✓	✓		✓	✓	
WESTHEIMER, Cody	✓	✓	✓	✓	✓	✓	✓	
WESTMORELAND, Henry								Aesthetics
WHEAT, Susan	✓	✓	✓	✓	✓	✓	✓	
WHEELER, Bryce	✓	✓	✓	✓		✓	✓	Public Services
WHITAKER, Howard	✓	✓	✓	✓	✓	✓		
WHITE, Stacey	✓	✓	✓		✓		✓	
WHITE, Steven	✓	✓	✓	✓	✓	✓	✓	
WHITTIER, Warren L.	✓		✓	✓	✓			Aesthetics
WHITTLESEY, Emily								
WIENS, Paula				✓	✓		✓	
WILDER, Jenny	✓	✓	✓	✓	✓	✓	✓	Aesthetics
WILEY, Robert		✓		✓	✓		✓	
WILLIMANN, Rosemarie								Aesthetics, Conservation
WILLSON, Clyde	✓	✓	✓	✓	✓	✓	✓	
WILSON, Joel	✓	✓	✓	✓	✓	✓	✓	
WILSON, Ken	✓	✓	✓	✓	✓	✓	✓	
WILSON, Michelle	✓	✓	✓	✓	✓	✓	✓	
WILSON, Rhonda	✓		✓		✓	✓	✓	
WOLF, Bernard	✓	✓	✓	✓	✓	✓	✓	
WOLTMAN, Tony	✓	✓	✓	✓		✓	✓	Bird species
WONG, Darrell	✓	✓	✓	✓	✓	✓	✓	Housing for Locals
WONG, Sam	✓	✓		✓	✓	✓	✓	
WOODARD, Joanne	✓	✓	✓	✓	✓	✓	✓	

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WOODRUFF, Danah	✓	✓	✓	✓	✓	✓	✓	
WOODS, Roseanna	✓	✓	✓	✓	✓	✓	✓	
WOODWORTH, Patrick	✓	✓	✓	✓	✓	✓	✓	
WRIGHT, Andrew	✓	✓	✓	✓		✓		Too large
WRIGHT, Mike	✓	✓	✓	✓	✓	✓		
WRIGHT, Nancy								No comments
YAMANAKA, Janet	✓	✓	✓	✓	✓	✓	✓	Birds, ecosystem
YATES, Byron	✓	✓	✓	✓	✓	✓	✓	
YATES, Larissa	✓			✓	✓	✓	✓	
YOUNG, Benny	✓		✓	✓	✓		✓	
YOUNG, Victoria	✓	✓	✓	✓	✓	✓	✓	Aesthetics, Wildlife, Traffic, Privacy
YOVOVICH, Veronica								✓**
YUEN, Lois	✓	✓	✓	✓	✓	✓	✓	
ZACKS, Cindy		✓	✓	✓	✓		✓	
ZAROW, Terri		✓		✓			✓	Aesthetics, Deer
ZELLER Rudy	✓			✓				
ZERNEKE, Jeanette		✓	✓	✓	✓		✓	
ZIEGLER, Ann	✓	✓		✓		✓	✓	
ZUCKERMAN, Elizabeth								Aesthetics, Ecosystem
ZUKOSKI, Katie								
ZUPAN, Karen								No comments
ZUREK, Steff	✓	✓	✓	✓	✓	✓	✓	Aesthetics, Serenity

### Additional Comments and Concerns Expressed in the Generated Comments

**ANDERSON, Cheryl:** "In addition to the concerns listed below, I'm especially worried about the impact on dark skies. People can draw the shades, but bats, ospreys, migratory birds, and other non-human animals cannot as readily adapt to a messed-up diurnal/nocturnal schedule."

**DECKER, Joe:** It is particularly essential that the project not be visible from 395, nor from 120 east of 395 to the high point between Panum Crater and the Mono-Inyo Craters, nor particularly from the primary scenic locations around the lake, including South Tufa. This does not seem impossible to me in broad terms, but ... the Draft doesn't... address these needs.

**FREEMAN, Kyri:** As much as I, with so many others, appreciate the great food at the Mobil Station, the size and location of the proposed new development worry me. That intersection (395/120) is busy already. In particular, it's gotten hard to pull off 120 and make the left turn to head down 395 into town. With more traffic at the intersection, either there's going to need to be a traffic light installed, or I think there are going to be delays and even accidents, between vehicles and also between vehicles and deer. Then, there's the issue that this is a big, bulky complex that really doesn't fit the overall look of the town and creates a significant visual and light-pollution impact. It will be visual from many areas around the lake, including South Tufa and Panum Crater. Lastly, the need for this large project in a town whose economy is primarily seasonal seems questionable to me. Is it really needed? Are there alternatives that are more in keeping with the community as a whole? During my visit earlier this month I spoke with at least one local business owner who had serious concerns about the project.

**HIBBETT, Lori:** (1) Traffic at the 395/120 intersection. Will 395 be widened to allow a merge lane? (2) 2. There is rarely any extended time period where there are no rooms available in Lee Vining. And if there are no rooms, folks can easily head to Bridgeport or June Lake. This could significantly impact those with existing business - both dining and lodging. (3) Dark skies -

even though the correct lighting fixtures are in the plan that doesn't address car lights of 150 + vehicle headlamps shining every which direction, front porch and interior lights in the residential area. The existing lights in Lee Vining are significant as seen from South Tufa. (4) Do they REALLY need 100 PLUS Households to support 120 room hotel and restaurant? I would think that is over kill. I'm not in the hospitality business but can walk through any midsized hotel and see probably 6 people working each floor (2 for this proposed hotel) so a total of 12 housekeeping staff (maybe 15). Then the restaurant will likely have no more than 20 total staff for it to successfully operate throughout the year. We're at 40 people now. That is a far cry from the 100 + rooms being sought. I do see there is an expectation for job/population growth in Lee Vining in the near future. However, over 50% of the residents make between \$20,000-\$30,000. I am concerned that they will be priced out of the housing availability.

**KEMPER, Lauri:** "Please consider alternatives to reduce the visual impacts, including preserving night sky. Also, the document should outline additional alternatives to protect wildlife especially deer migration corridors and habitat. Lastly, sewage treatment should be required such that increases in nitrogen and phosphorus concentrations in groundwater are kept to a minimum and managed so that increases in nutrient loading to streams and Mono Lake do not occur."

**MCPHERSON, Barry:** Due to many concerns that other commenters have brought up and that I brought up in my November 2016 comments, this very large proposed development for Mono Basin, and especially large for the town of Lee Vining, needs to move in reasonable stages over a decade or more. Contingencies at each phase need to preclude additional phases being built if problems arise. This would include problems in the areas of: (a) community disruption and conflicts, (b) services for safety, security, schools, and emergency medical situations, (c) increased pedestrian safety and parking issues in the town of Lee Vining, (d) excessive load on volunteer fire-fighters with equipment inadequacies for the new demand, - air quality impacts from vehicles and heating of space and water within buildings, (e) water table and streamflow, (f) night-sky pollution impacts, especially from outdoor lighting at the development, (g) highway safety, including vehicle/deer interactions, (h) wildlife migration and population health (particularly mule deer), (i) workforce housing needs within the basin, (j) wildfire risks, and (k) increased levels and frequency of extreme storm and climate conditions as forecasted global warming impacts become reality.

Local, state, national, and international development of technologies to reduce fossil-fuel dependence and reduce other greenhouse gas emissions contributing to the growing rate of global warming could permit faster construction of this proposed housing/hotel/restaurant development. The same applies to development of water conservation technologies.

I support the following phased development plan already submitted by at least one other commenter:

PHASE 1: 15 apartments are built, with preference given to Mobil gas mart and deli workers and residents of the Mono Basin.

PHASE 2: The hotel and/or hilltop restaurant is designed and approved by the Board of Supervisors, leading to actual completion of the facilities.

PHASE 3: An additional 15 apartment units are allowed, based on new jobs provided by the hotel (15 apartments) and/or hilltop restaurant (10 apartments).

PHASE 4: As time progresses, the need, occupancy, impacts on the town, impacts on traffic, impacts on deer migration, etc. should become more clear. At that point, which may be at least 10 years out the situation is re-evaluated by Mono County and the local community with the possibility of more residential construction.

I agree with recent comments I've seen to the effect that using Lee Vining as a major housing area for Mammoth's workforce is unfair to the community and to the Mammoth workers. Long commutes burning fossil fuels, especially on icy roads over high summits like Deadman (the second highest summit to Conway Summit throughout all states traversed by Hwy 395), are counterproductive and dangerous. The planners should try to enhance projects closer to the jobs in Mammoth. The proponent should reach out to residents of Lee Vining and the rest of Mono Basin and discuss alternatives to this very large and impactful development. It is clear to me that Mono County and the SEIR consultant should increase their outreach as the Final SEIR is prepared.

**MURAMOTO, Jo Ann:** I am particularly concerned that the proposed expansion is located on top of the headwaters of the Owens River (a public water supply for the City of Los Angeles) and the headwaters of Mono Lake, an inland lake which provides valuable habitat for migratory birds and wildlife. This project will open the door to future cumulative impacts on water quality and habitat because it will encourage further development in the area. Demand for drinking water will increase and will strain water supplies, in a region which is known as the "Land of Little Rain." If this project is to have minimal impact on the environment, a long-term water protection and conservation plan, advanced wastewater treatment, stormwater treatment that replenishes the aquifer and takes into account changes in precipitation due to climate change, and clear identification of responsible parties may help to mitigate cumulative impacts. The last item is particularly important to ensure that mitigation measures are implemented and maintained over the long run.

**PAINTER, Michael J:** I am writing on behalf of the more than 950 members and supporters of Californians for Western Wilderness (CalUWild), a citizens organization dedicated to encouraging and facilitating participation in legislative and administrative actions affecting wilderness and other public lands in the West. Our members use and enjoy public lands in

California and all over the West. We appreciate this opportunity to comment on the DSEIR for the proposed Tioga Inn....Our objections are based on the adverse environmental impacts listed in the project [DSEIR] that are considered significant and unavoidable. From CalUWild's standpoint, the most significant are those that affect the natural environment, specifically impacts on the scenic resources, the creation of light and glare and impacts to wildlife. This is not to discount negative impacts to the town of Lee Vining, such as traffic and safety.

Visitors from all over the world come to Mono Lake to experience its unique geology and dramatic scenery against the granite wall of the Eastern Sierra. The area's scenic importance is reflected in the fact that the Mono Basin is a "National Scenic Area. " As proposed now, the development will be visible from far and wide across the Basin. This goes for both visitors to Mono Lake, particularly the South Tufa Area, and people traveling along U.S. 395 from the south. The project should not be visible from South Tufa or from 395.

Glare from windows will only add to the prominence of the development. This will have extremely negative consequences for visitors and their enjoyment. It is unacceptable. There is an increasing recognition of the value of dark skies at night. ...More development of this type will negatively impact the ability of visitors to see the stars at night. Finally, wildlife movement needs to be protected, especially cumulative impacts to deer.

From an adequacy standpoint, the Final SEIR needs to include alternatives that reduce these impacts to a much less significant level. It is disappointing that the Draft does not already consider mitigation that would reduce the project's visibility. This intersection is the "Gateway to Yosemite," after all, and should reflect an accompanying respect for the natural environment. This proposal fails on that count. The construction of the Mobil Station was already an intrusion, even with its relative unobtrusiveness. This proposal is very much more significant (and worse). Again, we urge you to reject it. Thank you for the opportunity to comment. Please inform us of your decision in this matter and please also inform us of further opportunities to be involved in your public decision-making processes.

**POTTER, Spencer:** The project rejects the Optional Siting Alternative because this alternative does not " deliver outstanding views from the [Project] site " (DSEIR 7.4). However, the Project results in significant and unavoidable aesthetic impacts which will irreparably mar the landscape and ruin the view from South Tufa. The lead agency here is trading the values of the community's views from South Tufa for views for the project proponent. The lead agency has been bought by this developer at the expense of the public's viewshed and the environmental and aesthetic values of this landscape.

I am writing to comment on the Tioga Inn Specific Plan & SEIR. Thank you for your work on this EIR. The proposed Tioga Inn development is completely out of character with the current development of the Mono Basin and Lee Vining area, and would result in many unavoidable negative impacts that cannot be mitigated, as identified by the SEIR. The SEIR considers a "Reduced Development Alternative," which would reduce the housing development from 100 to 50 units, and states it is the "Environmentally Superior Alternative." The SEIR also rejects a "No Project" alternative, which is also identified as environmentally superior. A modified Reduced Development Alternative (with a greater than 50% reduction in the proposed housing development) should be considered and recommended in the SEIR, and the project as proposed should be rejected, along with rejection of any alternatives that include 100 units of housing, including the Cluster Design Alternative and the Apartment Design Alternative. As explicitly laid out in the SEIR, there are unavoidable negative impacts with any of the projects that involve that much housing—including on deer migration, traffic, visual impact, and safety.

Reasons cited against the Reduced Development Alternative and the No Project Alternatives are that they do not meet the project objectives of providing "sufficient workforce housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses (page 3-5)." The biggest problem with this entire project is that objective, which justifies the scale of the housing project based on a non-existent (though approved) hotel and a theoretical "workforce" need. There is no guarantee that this hotel will ever be built (it has been approved for decades and not been built), and there is no current need for housing for its non-existent employees. Thus, we are stuck evaluating whether the housing project meets the needs of the hotel, which may or may not ever exist—we may end up with a 100 unit housing development for 300 people, more than doubling the size of Lee Vining, and no hotel for them to work at.

If this project were evaluated for what it is, a simple housing development for the sake of rental housing, the Reduced Development Alternative would be a perfect solution for providing housing on a scale that is currently needed in Lee Vining (in my view, housing for 30-60 people). I recognize the difficulty perhaps in changing the proposed goals and taking the hotel out of the equation, though I strongly urge you to do so—but a simple solution is project phasing. Please consider a Phased Project Alternative, where a small amount of housing (I propose 15 units) can be approved for current construction but the remainder of the "workforce" housing is contingent on there actually being an increased workforce when the hotel is built.



Please also change the title of the project to take out the word “workforce.” This title is misleading for the reasons I just explained—this housing is not contingent on a real workforce need and is really just a general rental housing development project. It is not going to be affordable housing (as stated by County officials at the public meeting in Lee Vining in July), and any regulations that residents must be working in Mono County are unenforceable. In the very title of the proposed project, the developer (and by extension, the county) is egregiously misleading the public of Mono County by using the word “workforce.” This is just rental housing, and any employed person can be housed in it, regardless of whether they are “workforce” for the Tioga Inn or not. This was made abundantly clear at the July public meeting in Lee Vining, with both the county and developer flip-flopping between justifying the project based on the hotel workforce and saying it is needed to provide general housing for areas as far away as Mammoth Mountain.

Because this proposal is not “workforce” housing, and because it is not contingent in any way on the construction of the hotel, I recommend you modify and re-evaluate the Reduced Development Alternative as defined in SEIR (a 50% decrease in units). I also urge you to consider a ...“Reduced Development Alternative 2”, which would be a reduction in housing units of 80%, from 100 units to 20 units. Based on the calculations in the SEIR (100 units housing 300 people), 20 units would provide housing for about 60 people, which is much more fitting with the nature of the Mono Basin and would reduce negative impacts to non-significant levels, and would provide the amount of housing actually needed in the area, at a reasonable pace of development. As stated in the SEIR, the Dept. of Finance projects that the populations of Lee Vining and Mono City will increase by 52 and 41 people, respectively by 2040.

The SEIR considers a 50% reduction in housing units for the Reduced Development Alternative. In my original comments on the DSEIR I recommended a 50% reduction from the 80 units proposed then (I proposed 40 units). In the SEIR, the number of units has been inexplicably increased from 80 to 100 with no justification I could locate in the SEIR document. At the public meeting in July, county officials and the people who wrote the SEIR were also unable to explain the justification for the 20 unit increase in units from the draft to current version of the EIR. Please include a justification in the next draft of the SEIR for why 100 units are needed instead of 80. These proposals would forever change the character, nature, and quality of life in the Mono Basin and Lee Vining through the following impacts identified by the SEIR: Significant visual impacts. Any approved project should reduce aesthetic and visual impacts to an insignificant level. Visual impacts should also be considered along with the impacts of the approved hotel and gas station, and not piecemeal (the visual impact will not be piecemeal); Significant, cumulative impacts on deer migration. Any mitigation for this would be contingent on outside agencies and not the developers; as such, the mitigation is unenforceable and not guaranteed, which is unacceptable; Impacts on public safety & traffic. Mitigation of these factors depends on uncertain funding and approval of outside agencies, and is likewise unenforceable and not guaranteed.

To summarize, I recommend the following to be included in the Final SEIR: • Reject (i.e. “do not recommend or select”) the current project proposal, the Clustered Development Alternative, and the Apartment Development Alternatives because they have too many negative impacts that cannot be mitigated. • Modify the stated project goals to strike reference to “sufficient workforce housing on the project site to accommodate a majority of employees of the hotel...” Re-word the project goal to be to provide a reasonable amount of general rental housing as needed for the Mono Basin/Lee Vining community. • Take the disingenuous word “workforce” out of the project title. Replace with “Rental Housing.” • Re-consider the Reduced Development Alternative (at a 50% reduction in housing level) considering the project as a simple rental housing development for current real housing needs, and not as housing for the theoretical future hotel. • Consider a Reduced Development Alternative 2 in which the amount of housing is reduced by 80% to 20 units. • Consider a Phased Development Alternative in which 15 units are allowed to be built immediately, but the remainder... is contingent on actual workforce need at the site. • Justify in the Final SEIR why the development proposal was increased from 80 to 100 units; if there is no reasonable justification, please drop the proposal back to 80. This proposal, as defined, would without doubt forever change the character of the Mono Basin, through visual impacts, increased traffic, and negative impacts on deer, as well as the more than quadrupling of population of the town of Lee Vining (SEIR states that 89 people currently live in Lee Vining). The Mono Basin and Mono County deserve an honest, straight-forward proposal that does not try to justify an inappropriately scaled, destructive rental housing development with an imaginary “workforce” at a hypothetical hotel.

**RATTENNE, Kirk:** “My main concern is as currently proposed, the project will be highly visible from many classic viewpoints including South Tufa, Panum Crater, and Highway 395 south of Lee Vining, and will have significant impacts on the prized dark night skies throughout the Mono Basin, deer migration, the Lee Vining community and more”

**RAY, Daniel.** See the city of Flagstaff, AZ as an example. <http://www.flagstaffdarkskies.org/international-dark-sky-city/>

**SCHWARZ, Christian:** I am writing to comment on the Tioga Inn Specific Plan & SEIR. Thank you for your work on this EIR. The proposed Tioga Inn development is completely out of character with the current development of the Mono Basin and Lee Vining area, and would result in many unavoidable negative impacts that cannot be mitigated, [per] the SEIR.

The SEIR considers a “Reduced Development Alternative,” which would reduce the housing development from 100 to 50 units, and states it is the “Environmentally Superior Alternative.” The SEIR also rejects a “No Project” alternative, which is also identified as environmentally superior. A modified Reduced Development Alternative (with a greater than 50% reduction in the proposed housing development) should be considered and recommended in the SEIR, and the project as proposed should be rejected, along with rejection of any alternatives that include 100 units of housing, including the Cluster Design Alternative and the Apartment Design Alternative. As explicitly laid out in the SEIR, there are unavoidable negative impacts with any of the projects that involve that much housing—including on deer migration, traffic, visual impact, and safety.

Reasons cited against the Reduced Development Alternative and the No Project Alternatives are that they do not meet the project objectives of providing “sufficient workforce housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses (page 3-5).” The biggest problem with this entire project is that objective, which justifies the scale of the housing project based on a non-existent (though approved) hotel and a theoretical “workforce” need. There is no guarantee that this hotel will ever be built (it has been approved for decades and not been built), and there is no current need for housing for its non-existent employees. Thus, we are stuck evaluating whether the housing project meets the needs of the hotel, which may or may not ever exist—we may end up with a 100 unit housing development for 300 people, more than doubling the size of Lee Vining, and no hotel for them to work at.

If this project were evaluated for what it is, a simple housing development for the sake of rental housing, the Reduced Development Alternative would be a perfect solution for providing housing on a scale that is currently needed in Lee Vining (in my view, housing for 30-60 people). I recognize the difficulty perhaps in changing the proposed goals and taking the hotel out of the equation, though I strongly urge you to do so—but a simple solution is project phasing. Please consider a Phased Project Alternative, where a small amount of housing (I propose 15 units) can be approved for current construction but the remainder of the “workforce” housing is contingent on there actually being an increased workforce when the hotel is built.

Please also change the title of the project to take out the word “workforce.” This title is misleading for the reasons I just explained—this housing is not contingent on a real workforce need and is really just a general rental housing development project. It is not going to be affordable housing (as stated by County officials at the public meeting in Lee Vining in July), and any regulations that residents must be working in Mono County are unenforceable. In the very title of the proposed project, the developer (and by extension, the county) is egregiously misleading the public of Mono County by using the word “workforce.” This is just rental housing, and any employed person can be housed in it, regardless of whether they are “workforce” for the Tioga Inn or not. This was made abundantly clear at the July public meeting in Lee Vining, with both the county and developer flip-flopping between justifying the project based on the hotel workforce and saying it is needed to provide general housing for areas as far away as Mammoth Mountain. Because this proposal is not “workforce” housing, and because it is not contingent in any way on the construction of the hotel, I recommend you modify and re-evaluate the Reduced Development Alternative as defined in SEIR (a 50% decrease in units). I also urge you to consider another alternative which I’ll call “Reduced Development Alternative 2”, which would be a reduction in housing units of 80%, from 100 units to 20 units. Based on the calculations in the SEIR (100 units housing 300 people), 20 units would provide housing for about 60 people, which is much more fitting with the nature of the Mono Basin and would reduce negative impacts to non-significant levels, and would provide the amount of housing actually needed in the area, at a reasonable pace of development. As stated in the SEIR, the Department of Finance projects that the populations of Lee Vining and Mono City will increase by 52 and 41 people, respectively by 2040.

The current SEIR considers a 50% reduction in housing units for the Reduced Development Alternative. In my original comments on the draft EIR I recommended a 50% reduction from the 80 units proposed then (I proposed 40 units). In the SEIR, the number of units has been inexplicably increased from 80 to 100 with no justification I could locate in the SEIR document. At the public meeting in July, county officials and the people who wrote the SEIR were also unable to explain the justification for the 20 unit increase in units from the draft to current version of the EIR. Please include a justification in the next draft of the SEIR for why 100 units are needed instead of 80.

These proposals would forever change the character, nature, and quality of life in the Mono Basin and Lee Vining through the following impacts identified by the SEIR: • Significant visual impacts. Any approved project should reduce aesthetic and visual impacts to an insignificant level. Visual impacts should also be considered along with the impacts of the approved hotel and gas station, and not piecemeal (the visual impact will not be piecemeal) • Significant, cumulative impacts on deer migration. Any mitigation for this would be contingent on outside agencies and not the developers; as such, the mitigation is unenforceable and not guaranteed, which is unacceptable. • Impacts on public safety & traffic. Mitigation of these factors depends on uncertain funding and approval from outside agencies, and is likewise unenforceable & not guaranteed.

To summarize, I recommend the following to be included in the Final SEIR: • Reject (i.e. “do not recommend or select”) the current project proposal, the Clustered Development Alternative, and the Apartment Development Alternatives because they have too many negative impacts that cannot be mitigated. • Modify the stated project goals to strike reference to “sufficient

workforce housing on the project site to accommodate a majority of employees of the hotel..." Re-word the project goal to be to provide a reasonable amount of general rental housing as needed for the Mono Basin/Lee Vining community.

- Take the disingenuous word "workforce" out of the project title. Replace with "Rental Housing."
- Re-consider the Reduced Development Alternative (at a 50% reduction in housing level) considering the project as a simple rental housing development for current real housing needs, and not as housing for the theoretical future hotel.
- Consider a Reduced Development Alternative 2 in which the amount of housing is reduced by 80% to 20 units.
- Consider a Phased Development Alternative in which 15 units are allowed to be built immediately, but the remainder... is contingent on actual workforce need at the site.
- Justify in the Final SEIR why the development proposal was increased from 80 to 100 units; if there is no reasonable justification, please drop the proposal back to 80.

This proposal, as defined, would without doubt forever change the character of the Mono Basin through visual impacts, increased traffic, negative impacts on deer, as well as the more than quadrupling of population of the town of Lee Vining (the SEIR states that 89 people currently live in Lee Vining). The Mono Basin and Mono County deserve an honest and straightforward proposal that does not try to justify an inappropriately scaled, destructive rental housing development with an imaginary "workforce" at a hypothetical hotel.

**STANSBERRY, Steve:** "I KNOW there is much more that can be done in order to preserve this area's dark skies and urge you to require the applicant to contact the International Dark-Sky Association that has decades of successful experience in preserving the experience of the precious dark night sky."

**SULLIVAN, Jeff:** For many Mono County visitors, the attraction of the Mono Basin is specifically its relatively undeveloped nature: for sunrise photography, daylight landscape photography, sunset photography, night photography, and astrophotography. Dark Sky tourism is a major increasing global trend. Siting a major development within eyesight of South Tufa and Black Point, and where even mitigated and compliant increased lighting will impact the critical dark sky resource, will significantly and adversely affect Mono County's attractiveness as a night landscape photography, astronomy and sky-watching destination.

One workshop series alone can bring hundreds of thousands of dollars into area businesses. A casual Internet search yields about 20 such operations, and that doesn't count individual visitors, informal groups, or organized tours clearly increasing from overseas sources such as China. Some operations charge \$1000/day for 4-5 day trips! The local business impact is easily currently in tens of millions of dollars, and it's placed in jeopardy by any visual impacts, particularly the addition of any light whatsoever. The value of Mono County is not impervious to all assaults. Please consider and recognize this as one of your greatest ones as dark night sky destinations become increasingly rare and ever more valuable. While overall global light pollution increases about 2-3% per year, Mono County's value as a destination could and should be increasing, not decreasing.

With this proposal and development, the County clearly is ignorant of its resource, and utterly blindsided to the potential impact. Educate yourselves. Look at the light pollution on the slopes above Lee Vining today, in photos from South Tufa. Existing light sources need to be severely cut back and mitigated. If Mono County has not consulted the International Dark Sky Association for most stringent lighting regulations and ways to reduce overall light pollution, as well as dark sky place certification. The existing and future value of Lee Vining as a dark sky destination is threatened with extinction. To deal with the possibility (likelihood?) of Mono County not adequately recognizing and protecting its resource, I am already assessing replacement destinations to move my business to. There are some stunning alternatives in Nevada, Oregon, Utah, Idaho and Montana, and I've already scouted many of them. Expect many of the other existing and future operations to do make similar assessments.

The need for employee housing is clearly important, but it is also clear that development is FAR more appropriate for locations closer to existing light sources, and a much healthier general trend for lighting in the area is downward. Could the development be sited much closer to the existing light scars of Mammoth Lakes or June Lake (which themselves need to be reduced), perhaps via a land swap with USFS, LADWP, BLM, or...? Given that this is a critical concern, all options must be fully explored.

**YOVOVICH, VERONICA.** The SEIR considers a "Reduced Development Alternative," which would reduce the housing development from 100 to 50 units, and states it is the "Environmentally Superior Alternative." The SEIR also rejects a "No Project" alternative, which is also identified as environmentally superior. A modified Reduced Development Alternative (with a greater than 50% reduction in the proposed housing development) should be considered and recommended in the SEIR, and the project as proposed should be rejected, along with rejection of any alternatives that include 100 units of housing, including the Cluster Design Alternative and the Apartment Design Alternative. As explicitly laid out in the SEIR, there are unavoidable negative impacts with any of the projects that involve that much housing—including on deer migration, traffic, visual impact, and safety.

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that objective, which justifies the scale of the housing project based on a non-existent (though approved) hotel and a theoretical “workforce” need. There is no guarantee that this hotel will ever be built (it has been approved for decades and not been built), and there is no current need for housing for its non-existent employees. Thus, we are stuck evaluating whether the housing project meets the needs of the hotel, which may or may not ever exist—we may end up with a 100 unit housing development for 300 people, more than doubling the size of Lee Vining, and no hotel for them to work at. If this project were evaluated for what it is, a simple housing development for the sake of rental housing, the Reduced Development Alternative would be a perfect solution for providing housing on a scale that is currently needed in Lee Vining (in my view, housing for 30-60 people). I recognize the difficulty perhaps in changing the proposed goals and taking the hotel out of the equation, though I strongly urge you to do so—but a simple solution is project phasing. Please consider a Phased Project Alternative, where a small amount of housing (I propose 15 units) can be approved for current construction but the remainder of the “workforce” housing is contingent on there actually being an increased workforce when the hotel is built.

Change the title of the project to take out the word “workforce.” This title is misleading for the reasons I just explained—this housing is not contingent on a real workforce need and is really just a general rental housing development project. It is not going to be affordable housing (as stated by County officials at the public meeting in Lee Vining in July), and any regulations that residents must be working in Mono County are unenforceable. In the very title of the proposed project, the developer (and by extension, the county) is egregiously misleading the public of Mono County by using the word “workforce.” This is just rental housing, and any employed person can be housed in it, regardless of whether they are “workforce” for the Tioga Inn or not. This was made abundantly clear at the July public meeting in Lee Vining, with both the county and developer flip-flopping between justifying the project based on the hotel workforce and saying it is needed to provide general housing for areas as far away as Mammoth Mountain.

Because this proposal is not “workforce” housing, and because it is not contingent in any way on the construction of the hotel, I recommend you modify and re-evaluate the Reduced Development Alternative as defined in SEIR (a 50% decrease in units). I also urge you to consider a... “Reduced Development Alternative 2”, which would be a reduction in housing units of 80%, from 100 units to 20 units. Based on the calculations in the SEIR (100 units housing 300 people), 20 units would provide housing for about 60 people, which is much more fitting with the nature of the Mono Basin and would reduce negative impacts to non-significant levels, and would provide the amount of housing actually needed in the area, at a reasonable pace of development. As stated in the SEIR, the Dept. of Finance projects that the populations of Lee Vining and Mono City will increase by 52 and 41 people, respectively by 2040.

The current SEIR considers a 50% reduction in housing units for the Reduced Development Alternative. In my original comments on the draft EIR I recommended a 50% reduction from the 80 units proposed then (I proposed 40 units). In the SEIR, the number of units has been inexplicably increased from 80 to 100 with no justification I could locate in the SEIR document. At the public meeting in July, county officials and the people who wrote the SEIR were also unable to explain the justification for the 20 unit increase in units from the draft to current version of the EIR. Please include a justification in the next draft of the SEIR for why 100 units are needed instead of 80.

If it is impossible to consider this project in separation from the approved hotel plan, please consider another alternative that I’ll call “Phased Development Alternative.” This alternative would allow a small amount of housing development (15 units) to be built immediately, with the remainder of the housing being contingent on actual workforce need at the Tioga Inn site (i.e., the hotel is being built and more housing is needed for real-life employees, not imaginary ones). My final recommendation is that the project as proposed in the SEIR be rejected (i.e. “not recommended or selected”), along with the Clustered and Apartment Design Alternatives, because as the SEIR clearly states, these three alternatives include significant negative impacts that cannot be fully mitigated.

These proposals would forever change the character, nature, and quality of life in the Mono Basin and Lee Vining through the following impacts identified by the SEIR: • Significant visual impacts. Any approved project should reduce aesthetic and visual impacts to an insignificant level. Visual impacts should also be considered along with the impacts of the approved hotel and gas station, and not piecemeal (the visual impact will not be piecemeal) • Significant, cumulative impacts on deer migration. Any mitigation for this would be contingent on outside agencies and not the developers; as such, the mitigation is unenforceable and not guaranteed, which is unacceptable. • Impacts on public safety & traffic. Mitigation of these factors depends on uncertain funding and approval from outside agencies, and is likewise unenforceable & not guaranteed. To summarize, I recommend the following to be included in the Final SEIR: • Reject (i.e. “do not recommend or select”) the current project proposal, the Clustered Development Alternative, and the Apartment Development Alternatives because they have too many negative impacts that cannot be mitigated. • Modify the stated project goals to strike reference to “sufficient workforce housing on the project site to accommodate a majority of employees of the hotel...” Re-word the project goal to be to provide a reasonable amount of general rental housing as needed for the Mono Basin/Lee Vining community. • Take the disingenuous word “workforce” out of the project title. Replace with “Rental Housing”; • Re-consider the Reduced Development Alternative (at a 50% reduction in housing level) considering the project as a simple rental housing development for current real housing needs, and not as housing for the theoretical future hotel. • Consider a Reduced Development

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Tioga Community Housing FSEIR

Alternative 2 in which the amount of housing is reduced by 80% to 20 units. • Consider a Phased Development Alternative in which 15 units are allowed to be built immediately, but the remainder... is contingent on actual workforce need at the site. • Justify in the Final SEIR why the development proposal was increased from 80 to 100 units; if there is no reasonable justification, please drop the proposal back to 80.

## TIOGA COMMUNITY HOUSING FINAL SUBSEQUENT EIR



### SECTION 4 TOPICAL RESPONSES

Many of the comments received during the DSEIR public review period were on shared or thematic issues or concerns. Topical responses have been provided in this section to comprehensively address these common issues (the topical responses complement the individual responses provided in FSEIR §5). Table 4-1 below lists the 19 issues for which topical responses have been prepared, and cross references the comment letters in which the issue was raised.

TABLE 4-1. TOPICAL RESPONSES TO ADDRESS KEY ISSUES RAISED		
TOPICAL RESPONSE #	ISSUE ADDRESSED	WHERE ISSUE IS DISCUSSED IN EIR COMMENTS & RESPONSES
<b>1</b>	<b>Aesthetics and Project Design</b>	Letter 1, Comment 1 Letter 2, Comment 10 Letter 3, Comments 10-12 Letter 6, Comment 2 Letter 10, Comment 4b Letter 12, Comments I.A.1-I.A.8, I.D.4.d, I.D.4.e, I.D.4.h, II.A-II.D Letter 15, Comment II.B.1 Letter 16, Comments 16, 17 Table 3-2 & Appendix A, individual comments on aesthetics Table 3-3 & Appendix B, generated comments on aesthetics
<b>2</b>	<b>Light and Glare</b>	Letter 1, Comment 1 Letter 6, Comment 4 Letter 10, Comment 3d Letter 12, Comment I.A.5, I.A.6, I.D.4.g, II.A-II.D Letter 15, Comment I.B.1 Letter 16, Comment 18 Table 3-2 & Appendix A, individual comments on light/glare Table 3-3 & Appendix B, generated comments on light/glare
<b>3</b>	<b>Alternatives</b>	Topical Response #3 Letter 6, Comment 5 Letter 10, Comment 5 Letter 12, Comment II.A-II.D Letter 15, II.C Table 3-2 & Appendix A, individual comments on alternatives Table 3-3 & Appendix B, generated comments on alternatives
<b>4</b>	<b>Pedestrian Linkage and Safety</b>	Letter 3, Comment 9 Letter 4, Comment 3 Letter 10, Comment 3b Letter 12, Comment II.D Letter 16, Comment 20

		Table 3-2 & Appendix A, individual comments on pedestrian linkage and safety Table 3-3 & Appendix B, generated comments on pedestrian linkage and safety
<b>5</b>	<b>Wildlife Crossing, Habitat Values</b>	Letter 1, Comment 2 Letter 3, Comment 5 Letter 12, Comment I.C.1, I.C.5, Letter 13, Comments 3, 6, 7 Table 3-2 & Appendix A, individual comments on wildlife crossings Table 3-3 & Appendix B, generated comments on wildlife crossings
<b>6</b>	<b>Secondary Emergency Access, Public Safety Evacuation Plan</b>	Letter 2, Comment 3 Letter 3, Comment 14 Letter 8, Comments 2-5 Letter 10, Comments 3a and 3g Letter 11, Comment 1 Letter 15, Comment II.B.2 Letter 16, Comment 15 Letter 18, Comment 1 Table 3-2 & Appendix A, individual comments on secondary access Table 3-3 & Appendix B, generated comments on secondary access
<b>7</b>	<b>Phasing Plan</b>	Letter 8, Comment 2 Letter 16, Comment 3 Table 3-2 & Appendix A, individual comments on phasing Table 3-3 & Appendix B, generated comments on phasing
<b>8</b>	<b>Housing Need, Occupancy, and Project Objectives</b>	Letter 10, Comment 6 Letter 13, Comments 4, 8 Letter 15, Comment II.A, II.B.6 Letter 16, Comment 2 Table 3-2 & Appendix A, individual comments on housing need & occupancy Table 3-3 & Appendix B, generated comments on housing need and occupancy
<b>9</b>	<b>Traffic Impacts at SR 120/US 395 Junction</b>	Letter 3, Comment 8 Table 3-2 & Appendix A, individual comments on SR 120/US 395 intersection Table 3-3 & Appendix B, generated comments on SR 120/US 395 intersection Appendix D, updated Traffic Impact Analysis
<b>10</b>	<b>ESTA/ESUSD/YARTS Bus Stops and Lee Vining Parking Issues</b>	Letter 3, Comments 6, 8 Letter 5, Comment 1 Table 3-2 & Appendix A, individual comments on bus services Table 3-3 & Appendix B, generated comments on bus services
<b>11</b>	<b>Water Supply and Water Quality</b>	Letter 7, Comments 2-8 Letter 12, Comment I.B.1-I.B.3 Letter 13, Comment 2 Letter 16, Comments 11-14 Table 3-2 & Appendix A, individual comments on groundwater, water supply and water quality Table 3-3 & Appendix B, generated comments on groundwater, water supply and water quality Appendix C, updated Drainage Analysis
		Letter 1, Comment 15

<b>12</b>	<b>Significant Adverse Impacts</b>	<p>Letter 6, Comments 3, 5, 6</p> <p>Letter 9, Comments 2, 3c</p> <p>Letter 10, Comment 7</p> <p>Letter 12, Comments I.C.5, I.D.2, I.D.4.g, II.D.9</p> <p>Letter 13, Comment 6</p> <p>Letter 14, Comments 2, 3, 4</p> <p>Letter 15, Comments II.B.1, II.B.2, II.B.4, II.B.6, II.B.7,</p> <p>Table 3-2 &amp; Appendix A, individual comments on Significant Effects</p> <p>Table 3-3 &amp; Appendix B, generated comments on Significant Effects</p>
<b>13</b>	<b>EIR Scope of Analysis</b>	<p>Letter 4, Comments 14, 15</p> <p>Letter 6, Comment 1</p> <p>Letter 7, Comment 5</p> <p>Letter 8, Comment 3</p> <p>Letter 10, Comments 2, 5, 7</p> <p>Letter 15, Comments 1, 4,</p> <p>Letter 16, Comment 4</p> <p>Table 3-2 &amp; Appendix A, individual comments on the EIR scope of analysis</p> <p>Table 3-3 &amp; Appendix B, generated comments on the EIR scope of analysis.</p>
<b>14</b>	<b>Project Impacts on Lee Vining Planning and Community Character</b>	<p>Letter 4, Comments 1, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14</p> <p>Letter 10, Comments 3e, 3f</p> <p>Letter 12, Comments I.D.3, I.D.4a, I.D.4.c, I.D.7, IV</p> <p>Letter 15, Comment I.B.7</p> <p>Letter 18, Comment 1</p> <p>Table 3-2 &amp; Appendix A, individual comments on community character</p> <p>Table 3-3 &amp; Appendix B, generated comments on community character</p>



## TOPICAL RESPONSE 1



### AESTHETICS, PROJECT DESIGN, NEW PREFERRED ALTERNATIVE 6

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Potential project impacts on aesthetic resources was by far the concern most frequently raised in the DSEIR comment letters. Many of the letters requested that the project design be reconsidered with the goal to minimize visual and aesthetic impacts to the maximum feasible extent, and many suggested design elements that should be evaluated for this purpose. Suggested design elements included screening berms, generous landscaping, additional grading to lower the elevation and profile of housing, reduced step down of pads or use of a level ground elevation to facilitate clustering, use of colors and materials to minimize contrast, replacement of 2-story units with 1-story units to lower building profiles, and other suggestions. Many of the comments requested modifications to entirely eliminate or significantly minimize project views from US 395, South Tufa and other locations.

The proposed housing design has been substantially modified in response to the suggestions and recommendations offered by the community. The modified plan is herein referred to as "Alternative 6" or as the 'Modified Plan.' Based on discussions in this section, as well as the considerations outlined in Topical Response #3 (Alternatives), Alternative 6 is identified in this FSEIR as the preferred alternative. Substantive changes in the modified concept plan include the following elements:

1. **FORM, NUMBER AND ORIENTATION OF HOUSING STRUCTURES:** As shown in Exhibit 4-1, the modified plan shows a total of 11 residential structures, which is 4 fewer structures than were shown in the original Concept Plan. In place of the more rectilinear forms shown in the original plan, units in the modified plan are rectangular (some are almost square) in shape, with the narrowest building wall oriented toward US 395; in the original plan, the longest building walls were oriented to US 395. Additionally, the Modified Plan provides additional separation between the buildings to reduce massing. In combination, the changed form, number and orientation of housing structures substantially reduce the surface area of walls and roofing with an eastern exposure. These modifications also substantially increase the surface area of roofing with a southerly exposure, thus enhancing the efficiency of the solar panels to be located on all south-facing roofs.
2. **REVEGETATION OF DISTURBED AREAS:** The entire housing footprint will be graded in one phase, and all of the graded lands (except for the area to be constructed in Phase I) will be planted directly following grading. A new Mitigation Measure has been developed with specific details regarding the revegetation of temporarily disturbed lands, as outlined below:

**NEW** MITIGATION BIO 5.3(a-6)(Revegetation of Temporarily Disturbed Areas): The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:

(a) **TOPSOILS:** During earthwork, topsoil that must be disturbed in relatively weed-free habitats will be removed to a depth of 12" and stockpiled at the margins of temporarily disturbed areas for reuse during replanting. Stockpiles will be used within one year of the completion of construction. During storage, topsoil will be armored to (a) minimize dust emissions, and (b) optimize survival of native seeds during replanting.

(b) **SCREENING:** Trees to be planted onsite for screening include native single leaf pinyon, Jeffrey pine, quaking aspen, and seeded mountain mahogany. Non-native Italian poplar sterile male transplants may be used in areas where rapid screening growth is desired. Screening trees will be planted densely to compensate for up to 50% mortality prior to maturation. Irrigation and plant protection will be provided as needed to attain optimal tree growth, tree health, and screening efficacy.

(c) **BITTERBRUSH:** Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 8-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250 feet of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.

(d) **SEED MIX ADJACENT TO ROADS:** The seed mix to be used adjacent to roads (including the protected corridor along US 395 as shown in Specific Plan Exhibit 8-2) shall consist of 1) curl-leaf rabbitbrush (*Chrysothamnus viscidiflorus*, 1-2 ft maximum ht) and 2) desert peach (*Prunus andersonii*, 2 ft), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.

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

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

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

3. **REPLACEMENT OF 2-STORY ELEVATIONS WITH 1-STORY ELEVATIONS:** Whereas the original concept plan showed all 11 housing structures with 2 stories, six of the 11 housing structures in the Modified Plan are proposed as 1-story structures. The proposed 1-story structures comprise all of the lower (i.e., southeastern-most) buildings. The 5 housing structures on the upper row will remain as 2-story buildings. The roofline exposure of the 6 structures on the lower row would be substantially attenuated by the change from 2-stories to 1 story, as described more fully below under 'Grading.' 4. **GRADING:** Graded elevations along the easternmost housing grading line have been lowered by an average of 2 feet, to more fully "sink" the units into the hillside (see Exhibit 4-2, the grading plan for Alternative 6). Additionally, Alternative 6 shows 2 rows of housing structures (each with the parking area adjacent and downgradient) whereas the original plan had four rows of housing structures, with parking between the upper and lower 2 rows. Cross sections are provided with the Modified Concept Plan to show the line of sight between the units and US 395. As shown in Exhibit 4-3, the lower pad elevations allowed views from US 395 to be largely eliminated, with only 1' of roofline (for the 1-story easternmost units) visible from US 395.

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

5. **BERMS:** An analysis was conducted to determine whether a consolidated landscaped berm below the lower row of units (i.e., on the downslope hillside east of the housing development) would provide for additional screening. It was determined from the line-of-sight drawings that a downslope berm would not eliminate either the 1-foot roofline view from US 395, or the view of the upper two-story units as seen from Navy Beach. Since the addition of berms in this location would require additional grading and earthwork and leave a short-term berm scar, without providing any additional lessening of visibility from offsite locations, this option was eliminated from further consideration.

Alternative 6 retains the landscaped berm (also shown on the original plan) that provides visual screening between the housing area and the full-service restaurant, and incorporates a new landscaped berm below each of the residential parking lots to block direct view of project lighting from offsite locations and to provide additional screening.

6. **COLORS AND MATERIALS:** The original Tioga Inn Specific Plan requires that "All exterior materials shall be in harmony with the theme of a rustic, alpine appearance; ...roof materials shall be of dark muted colors, such as and not limited to "earthtone" or "green." Visible chimney materials shall be limited to stone or wood in conformance with appropriate fire codes. Tones shall be muted or earthtone in theme...Dark or neutral colors found in the immediate surroundings should be used for vertical surfaces and structures." Specific Plan Amendment #3 will include a stipulation that all east-facing walls shall be painted in 'Shaker Gray' and all roofs will be constructed of materials with a dull finish and dark, muted colors.
7. **PHASING:** Phase 3 of the new phasing plan is comprised sole of units located on the upper (westernmost) row of housing structures. As noted in Topical Response #7 (Phasing), the structures in this row are the most visible of the units, due to their location at an elevation higher than the western row, and the fact that all are of two-story design (structures in the lower eastern row are all of one-story design). If housing demand is ultimately lower than projected and fewer than 100 units are constructed, the structures eliminated from construction will be drawn from the most visible group.

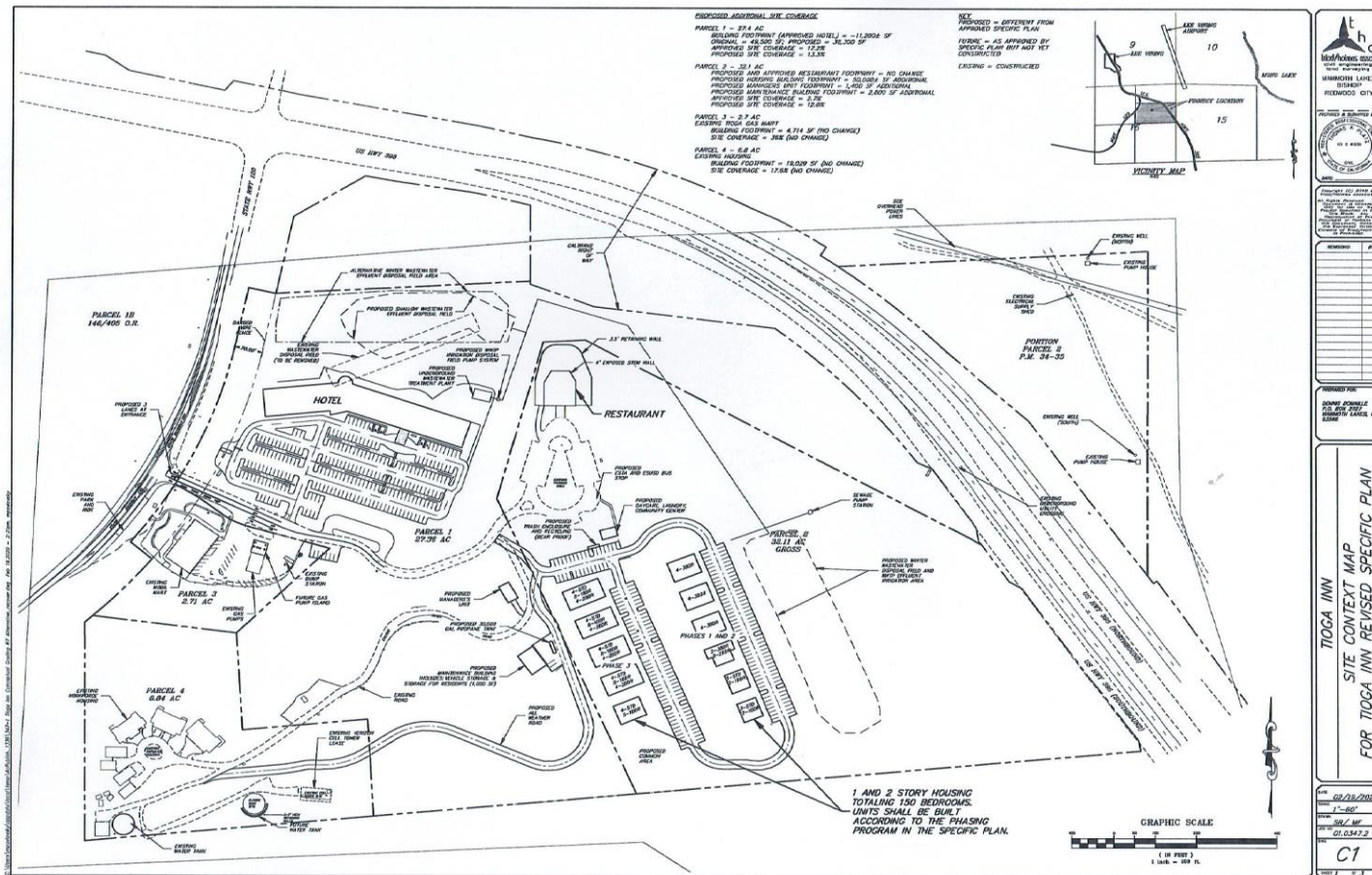


EXHIBIT 4-1. Alternative 6 Concept Plan











In tandem with the exterior design modifications, Alternative 6 incorporates changes to the unit interiors to increase the square footage for the studio units, and the 1- and 2-bedroom units. The added square footage will enhance the livability of units for future occupants. The units are now sized to meet the maximum requirements shown below (based on criteria used by the Oregon Department of Housing and Community Services). The reduction in project visibility from offsite locations was accomplished simultaneously with the increased unit sizes through the design modifications identified above and described more fully in Topical Response #1.

<b>TABLE 4-2. Tioga Community Housing Unit Sizes</b>				
	<b>STUDIO</b>	<b>1-Bedroom</b>	<b>2-bedroom</b>	<b>3-bedroom</b>
Tioga Unit Sizes as shown in DSEIR Concept Plan	320	470	650	1,000
Tioga Unit Sizes as proposed in the FSEIR Modified Plan	350	600	800	1,000
Square footage change between DSEIR Plan and Alternative 6	+9.4%	+27.7%	+23.1%	-0-



## TOPICAL RESPONSE 2



### LIGHT AND GLARE

A number of the DSEIR comment letters expressed concern that lighting associated with the Community Housing project would adversely impact dark night skies, particularly due to the elevation of the project site above most of the Mono Basin and the attendant difficulty of effective 'shielding' of onsite light sources. Many letters stated that dark night skies are essential for photographers, and integral to the experience of residents and visitors to the Mono Basin.

All lighting on the project site will be subject to requirements of the Mono County General Plan Chapter 23 Dark Sky Regulations. The Dark Sky Regulations are both comprehensive and adaptive, and designed to meet six specific objectives that include:

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

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

Chapter 23 requires use of lighting that minimizes contrasts in lighting levels between a project site and adjacent properties (which are, in this case, undeveloped). Chapter 23 includes the following partial list of requirements: (a) all lighting must be aimed downward or toward structures and retrofitted if needed to prevent glare, light trespass and light pollution, (b) use of low pressure sodium and mercury vapor lamps is prohibited due to energy use, and (c) outdoor lighting fixtures must use full cutoff luminaires with the light source downcast and fully shielded with no light emitted above the horizontal plane.<sup>5</sup>

Chapter 23 also requires that an outdoor lighting plan be submitted in conjunction with design review, CUP applications, subdivision approvals, and building permits for any new structures. However, to ensure that the significant concerns pertaining to project lighting are fully addressed, requirements beyond Chapter 23 standards have been incorporated into a new mitigation measure as shown below:

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

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<sup>5</sup> Exceptions: fixtures with a maximum output of 100 lumens (equivalent to 1 10-watt incandescent bulb) may be left unshielded if the bulb is obscured from offsite view with a semi-translucent or frosted glass with an opaque top; and fixtures with a maximum output of 600 lumens (equivalent to 1 40-watt bulb) shall be fully or partially shielded using a solid or semi-translucent barrier provided the lamp is obscured from offsite view, produces no direct glare, and has an opaque top; and floodlights that do not meet the definition of 'full cutoff' may be used if permanently down-directed and no light projects above horizontal and fitted with external shielding to prevent glare and offsite light trespass.

(a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted;

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

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

Chapter 23 gives the CDD discretion to require additional information following the initial Outdoor Lighting Plan review.

Additional information requirements may include, but not limited to:

(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 and shall be prohibited from allowing seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.

As outlined in Mitigation AES 5.12(c-2), the Tioga project will be required to submit an Outdoor Lighting Plan and Mono County has authority to require additional information. The nature of the required additional information would be identified when and as needed to ensure that project lighting achieves the dark sky objectives, as applied to the exceptional circumstances of this site and this region.

In addition to the Dark Sky requirements, the Tioga project is located within the 'Scenic Combining District' and subject to the standards therein. This overlay District regulates development in important scenic areas, and includes the following specific standards, all of which will apply to the proposed project:

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

*A. The natural topography of a site shall be maintained to the fullest extent possible. Earthwork, grading and vegetative removals shall be minimized. Existing access roads shall be utilized whenever possible. Existing trees and native ground cover should be protected. All site disturbances shall be revegetated and maintained with plants that blend with the surrounding natural environment, preferably local native plants;*

*B. New structures shall be situated on the property where, to the extent feasible, they will be least visible from the state scenic highway. Structures shall be clustered when possible, leaving remaining areas in a natural state, or landscaped to be compatible with the scenic quality of the area;*

*C. To the extent feasible new subdivisions shall not create parcels with ridgeline building pad locations;*

*D. Roofs visible from State Scenic Highway 395 shall be a dull finish and in dark muted colors;*

*E. Vertical surfaces of structures should not contrast and shall blend with the natural surroundings. Dark or neutral colors found in immediate surroundings are strongly encouraged for vertical surfaces and structures;*

*F. Light sources in exterior lighting fixtures shall be shielded, down-directed and not visible from US 395;*

*G. Fencing and screening shall not contrast in color, shape and materials with the natural surroundings. The use of landscaping to screen utility areas and trash containers is strongly recommended; and*

*H. Signs shall be compatible with the natural surroundings in color and shape. They shall be small in scale. No sign shall be placed or constructed in such a manner that it silhouettes against the sky above the ridgeline or blocks a scenic viewshed. The number, type, size, height and design of on-site signs shall be strictly regulated according to the County sign regulations."*

Additional lighting measures that may be imposed by Mono County to ensure project compliance with the Scenic Combining District standards including use of landscaping to shield offsite views of lighting and prohibition of seasonal lighting.

Suggestions included in DSEIR comment letters, including window treatments and light colors that minimize impacts to birds and wildlife,<sup>6</sup> may also be considered during the Scenic Combining District compliance review.

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

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<sup>6</sup>Alan Bade and Wendy Gollop recommended, in their comment letter dated 21 August, that exterior lighting “*should not be blue-rich light...the warmer wavelengths have much less impact on birds...the spectral output should minimize blue emission (CCT<3000K)*”; they also suggested consideration of bird friendly glass including “*acid-etched glass, UV grids, Frit and films...to reduce the probability of bird impacts. The rule of thumb is to have no more than a 2”x4” space of clear glass, with at least 1/8” etched or UV printed lines.*”

## TOPICAL RESPONSE 3



### ALTERNATIVES

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Several of the comment letters requested additional information and consideration of the DSEIR §7 project alternatives, particularly the Cluster Alternative, and/or information about other alternatives that were not considered in the Draft SEIR.

DSEIR §7 evaluated five categories of alternatives including (1) the No Project alternative, (2) reconsideration of the 4 alternatives analyzed in the 1993 Final EIR, (3) a Reduced Development Alternative, (4) a Modified Cluster Design, and (5) a Modified Apartment Design. Two of these Alternatives were identified in DSEIR §7 as 'Environmentally Superior' to the proposed project: The No Project Alternative and the Cluster Design Alternative. The No Project Alternative was not recommended for further consideration because it was wholly unresponsive to the primary project objective (i.e., to provide affordable housing on the project site for persons employed on the project site).

The 'Cluster Design Alternative' was judged to be more effective than the proposed project in terms of (1) achieving overall impact reduction, (2) fulfillment of project objectives, and (3) minimizing significant unavoidable impacts. As described in DSEIR §7, the cluster alternative was rejected because it would require more grading than the proposed plan, without significantly reducing visual effects or resident benefits.

Among the alternatives considered, only the 'Cluster' alternative was evaluated in the context of a sketch plan (see Exhibit 4-5 on the following page) that was prepared specifically for the environmental review process. Goals of the 'Cluster Alternative' design effort were to develop a layout that would minimize aesthetic impacts by clustering the housing units, and thereby respond to the County's preference for clustered development over dispersed development where feasible. Additional goals of the plan were to achieve a lower overall profile, lessen the project's environmental impacts, and provide a more unified location along the southernmost property boundary for the family units and associated playground and daycare facilities.

The cluster alternative was successful in lowering the overall profile of the housing area; it achieved this goal by designing only the family units as two-story complexes; the remaining units were shown as single-story structures housing 4-6 units each. Additionally, in terms of overall appearance, this design was considered to have a more attractive appearance and to better blend with the surrounding area than the proposed plan. The alternative also succeeded in providing a more unified and protected area for family housing. This was achieved by placing all of the family units, and the associated day care and play areas, along the southern property boundary and thus farther from the public spaces (such as the restaurant and hotel).

The Cluster Alternative was ultimately rejected for a number of reasons. First, this alternative did not achieve the goal of a reduced footprint, and in fact required a slightly larger development footprint due to the increased number of (albeit smaller) units. Moreover, although the design was considered more visually attractive, it was not successful at reducing overall aesthetic impacts to a less than significant level, and thus did not achieve a primary purpose of the Alternative review process.

Additional factors were identified in evaluating the Cluster Alternative. The dispersed arrangement of individual structures was not suited to the use of solar panels. It placed many of the smaller residential units at distance from the residential parking lot and thus required more sidewalks; in icy winter conditions, these features would make it more difficult to maintain plowed walkways and would also make it harder for residents to access their cars. There was also a concern that the nonfamily parking area would be inconsistent with anticipated future EV charging station requirements pertaining to the distance between units and dedicated parking.



Again due to the dispersed layout, the Cluster Alternative required substantially more retaining walls to support the structures over the larger hillside area. For the same reason, landscaping for the Cluster Alternative was largely confined to the residential perimeter with only limited opportunities for landscaped between structures compared with the proposed plan. As noted in the DSEIR, the Cluster Alternative also required more grading than the proposed plan. The Cluster Alternative was determined in the DSEIR to be environmentally superior to the proposed project, largely due to the more aesthetic appearance and the 'tighter' clustering of units. The alternative was rejected because the aesthetic advantages were not sufficient to reduce aesthetic impacts to less than significant levels, and it was also recognized that the tighter clustering of units did not reduce overall footprint. For all of the above reasons, the Cluster Alternative was not recommended to replace the project as proposed.

The DSEIR §7 Alternatives analysis included Table 7-1 (presented below) that compared project alternatives with the project as proposed in the DSEIR.

DSEIR TABLE 7-1: Comparison of Project Alternatives with DSEIR Proposed Project							
	#1: No Project Alternative	Other Alternatives Considered in 1993			#3: Reduced Development Alternative	#4: Cluster Design Alternative	5: Apartment Design Alternative
		#2a: Residential Use Only	#2b: Redesigned Site Layout	#2c: Alternate Mix of Uses			
ENVIRONMENTAL IMPACTS							
Land Use	-1	0	-1	-1	-1	0	0
Traffic/ Circulation	+1	+1	0	+1	-1	0	0
Air Quality/GHG	0	0	0	+1	-1	0	0
Biology	+1	0	0	0	+1	+1	0
Geology	+1	0	0	0	+1	-1	-1
Hazards	+1	+1	0	0	+1	0	0
Cultural	0	0	0	0	0	0	0
Hydrology	-1	-1	0	0	-1	0	0
Aesthetics	+1	+1	-1	0	+1	0	-1
Recreation	0	-1	0	0	0	0	0
Agriculture	0	0	0	0	0	0	0
Population/ Housing	-1	0	0	-1	-1	0	0
Public Services	+1	0	0	0	+1	0	0
Noise	+1	0	0	0	+1	0	0
SUBTOTAL	+4	+1	-2	0	+2	0	-2
PROJECT OBJECTIVES							
Provide full range of tourist/traveler/ resident services	-1	-1	0	-1	-1	0	0
Optimize Customer Views	0	-1	-1	-1	-1	0	0
Strengthen area economy	0	-1	0	-1	-1	0	0
Architecture, siting, landscaping blends into natural setting	0	0	-1	0	+1	+1	-1
Onsite housing to accommodate most workers	-1	0	0	0	-1	0	0



Increased energy and water use efficiency	-1	-1	0	0	0	0	0
Upgrade infrastructure sizing to meet needs	-1	-1	0	0	-1	0	0
Meet demand for additional gas services	-1	-1	0	0	0	0	0
<b>SUBTOTAL</b>	<b>-5</b>	<b>-6</b>	<b>-2</b>	<b>-3</b>	<b>-4</b>	<b>+1</b>	<b>-1</b>
<b>AVOIDANCE OF SIGNIFICANT EFFECTS</b>							
Volcanic Hazards	+1	+1	0	0	+1	0	0
FAA Obstruction	0	0	0	0	0	0	0
Pedestrian Hazards	+1	0	0	0	0	0	0
Visual Impacts	+1	+1	0	0	+1	+1	-1
Traffic Impacts	0	0	0	0	-1	0	0
<b>OTHER?? Bio??</b>	<b>+1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>+1</b>	<b>0</b>	<b>0</b>
<b>SUBTOTAL</b>	<b>+4</b>	<b>+2</b>	<b>0</b>	<b>0</b>	<b>+2</b>	<b>+1</b>	<b>-1</b>
<b>TOTAL</b>	<b>+3</b>	<b>-3</b>	<b>-4</b>	<b>-3</b>	<b>0</b>	<b>+2</b>	<b>-4</b>

The subsection entitled "Avoidance of Significant Effects" contained an editing error ('OTHER?? Bio??') that also resulted in a technical error. That line should have been edited to read 'Cumulative Deer Impacts', which is among the significant and unavoidable adverse impacts, and the scoring for 'deer impacts' for both the 'No Project' and 'Cluster Design Alternative' would have been reduced from +1 to 0, since it was determined that the cumulative project impacts to deer (but not the direct impacts to deer) would be significant, unavoidable and adverse. A final edit would also have deleted the reference to FAA, since it was determined late in the Draft EIR preparation that FAA did not consider the project to represent an obstruction hazard.

The final table, properly edited, would have been as shown below. The No Project Alternative and the Cluster Alternative would again be identified as environmentally superior, each scoring two points higher than the project as proposed. The final recommendation would also be unchanged, because although the cluster alternative would reduce visual impacts, it would not reduce those impacts to less than significant levels and the project would as a whole still have a significant unavoidable and adverse impact on aesthetic values.

	No Project	Alternatives Considered in 1993			Reduced Development	Cluster Layout	Apartment Design
		Residential Only	Redesigned Layout	Alternative Mix of Uses			
Volcanic Mudflows	+1	+1	0	0	+1	0	0
Pedestrian Hazards	+1	0	0	0	0	0	0
Visual/Light & Glare Impacts	+1	+1	0	0	+1	+1	-1
Traffic Impacts	0	0	0	0	-1	0	0
Cumulative Deer Impacts	0	0	0	0	0	0	0
<b>SUBTOTAL</b>	<b>+3</b>	<b>+2</b>	<b>0</b>	<b>0</b>	<b>+1</b>	<b>+1</b>	<b>-1</b>
<b>TOTAL</b>	<b>+2</b>	<b>-3</b>	<b>-4</b>	<b>-3</b>	<b>-1</b>	<b>+2</b>	<b>-4</b>

As described and illustrated in Topical Response #1 (Aesthetics), a new Alternative 6 has been developed with design modifications intended to avoid or minimize the significant adverse project impacts on aesthetic resources. As described and illustrated in Topical Response #1, modifications incorporated into the design of Alternative 6 include (1) changes in the form, number and orientation of the housing structures, (2) development of additional details regarding landscape screening of project elements, (3) replacement of 6 of the 11 two-story housing structures (in the initial concept plan) with 1-story structures, (4) lowering of graded pad elevations to more fully “sink” the units into the hillside, and additional specifications regarding building colors and materials. Environmental Impacts of the Alternative 6 would be substantially the same as the original project proposal. Alternative 6 would require more grading for the housing area (67,920 cubic yards compared to 60,800 cubic yards), but all cut materials would be used onsite and thus the impact on geology is substantially the same. Table 4-3 below compares Alternative 6 to the other alternatives considered in DSEIR Table 7-1. Alternative 6 would also provide additional screening of project views, and thus lessen visual impacts, but not to a level below significance.

<b>TABLE 4-3: Comparison of Project Alternatives with Preferred Alternative 6<sup>7</sup></b>								
	<b>#1: No Project Alternative</b>	<b>Other Alternatives Considered in 1993</b>			<b>#3: Reduced Development Alternative</b>	<b>#4: Cluster Design Alternative</b>	<b>5: Apartment Design Alternative</b>	<b>6 Alternative 6 Modified Design</b>
		<b>#2a: Residential Use Only</b>	<b>#2b: Redesigned Site Layout</b>	<b>#2c: Alternate Mix of Uses</b>				
<b>ENVIRONMENTAL IMPACTS</b>								
Land Use	-1	0	-1	-1	-1	0	0	0
Traffic/ Circulation	+1	+1	0	+1	-1	0	0	0
Air Quality/GHG	0	0	0	+1	-1	0	0	0
Biology	+1	0	0	0	+1	+1	0	0
Geology	+1	0	0	0	+1	-1	-1	0
Hazards	+1	+1	0	0	+1	0	0	0
Cultural	0	0	0	0	0	0	0	0
Hydrology	-1	-1	0	0	-1	0	0	0
Aesthetics	+1	+1	-1	0	+1	0	-1	+1
Recreation	0	-1	0	0	0	0	0	0
Agriculture	0	0	0	0	0	0	0	0
Population/ Housing	-1	0	0	-1	-1	0	0	0
Public Services	+1	0	0	0	+1	0	0	0
Noise	+1	0	0	0	+1	0	0	0
<b>SUBTOTAL</b>	<b>+4</b>	<b>+1</b>	<b>-2</b>	<b>0</b>	<b>+2</b>	<b>0</b>	<b>-2</b>	<b>+1</b>
<b>PROJECT OBJECTIVES</b>								
Provide full range of tourist/traveler/ resident services	-1	-1	0	-1	-1	0	0	0
Optimize Customer Views	0	-1	-1	-1	-1	0	0	0
Strengthen area economy	0	-1	0	-1	-1	0	0	0

<sup>7</sup> The table assigns a score of “-1,” “0,” or “+1” to denote how each of the alternatives compares to the proposed project in terms of meeting objectives, lessening the severity of environmental effects, and avoiding significant project impacts. A score of “0” indicates that the alternative would have the same level of impact as the proposed project. A score of “+1” indicates that the alternative would have a better (or reduced) impact when compared to the proposed project. A score of “-1” indicates that the alternative would have a worse (or increased) impact when compared to the proposed project. The project alternative with the highest total score is considered the environmentally superior alternative.



[Type text]

[Type text]

Tioga Community Housing FSEIR

Architecture, siting, landscaping blends into natural setting	0	0	-1	0	+1	+1	-1	+1
Onsite housing to accommodate most workers	-1	0	0	0	-1	0	0	0
Increased energy and water use efficiency	-1	-1	0	0	0	0	0	0
Upgrade infrastructure sizing to meet needs	-1	-1	0	0	-1	0	0	0
Meet demand for additional gas services	-1	-1	0	0	0	0	0	0
<b>SUBTOTAL</b>	<b>-5</b>	<b>-6</b>	<b>-2</b>	<b>-3</b>	<b>-4</b>	<b>+1</b>	<b>-1</b>	<b>+1</b>
<b>AVOIDANCE OF SIGNIFICANT EFFECTS</b>								
Volcanic Hazards	+1	+1	0	0	+1	0	0	0
Pedestrian Hazards	+1	0	0	0	0	0	0	0
Visual Impacts	+1	+1	0	0	+1	+1	+1	0
Traffic Impacts	0	0	0	0	-1	0	0	0
Cumulative Deer Impacts	0	0	0	0	0	0	0	0
<b>SUBTOTAL</b>	<b>+3</b>	<b>+2</b>	<b>0</b>	<b>0</b>	<b>+1</b>	<b>+1</b>	<b>-1</b>	<b>0</b>
<b>TOTAL</b>	<b>+2</b>	<b>-3</b>	<b>-4</b>	<b>-3</b>	<b>-1</b>	<b>+2</b>	<b>-4</b>	<b>+2</b>

Results of Table 4-3 indicate that Alternative 6 would be environmentally superior to the project as proposed and equivalent to the No Project Alternative and to the Cluster Alternative (all of which have a total score of +2). In brief, Alternative 6 would be equivalent to the project in terms of meeting project objectives. Alternative 6 would offer many of the advantages previously described for the Cluster Alternative, in that it too would lower the overall profile of the housing area; would offer more attractive appearance and better blend with the surrounding area than the proposed plan. But Alternative 6 would better avoid the drawbacks associated with the Cluster alternative in that it would result in a slightly reduced footprint, better accommodate the use of solar panels, require fewer sidewalks and better accommodate the placement of EV charging stations in close proximity to the housing units. For all of these reasons, Alternative 6 is identified in this FSEIR as the preferred project alternative.

## TOPICAL RESPONSE 4



### PEDESTRIAN CONNECTIVITY AND SAFETY

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

Sheriff Braun stated in her comments that Caltrans has initiated a project to rehabilitate US 395 through Lee Vining, with potential for pedestrian connectivity if the SR 120/US395 junction is modified as part of the rehabilitation. However, based on preliminary comments from Caltrans, it was the understanding of Mono County staff that there may not be sufficient project funding to provide a dedicated pedestrian facility between Lee Vining and the SR 120/US 395 intersection.<sup>8</sup>

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

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

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

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<sup>8</sup> Note that Caltrans has subsequently indicated that the SR 120/US 395 intersection is performing adequately and projected to continue performing adequately in the foreseeable future. As discussed in Topical Response #9, Caltrans also raised concerns about the accuracy of assumptions used in the DSEIR Traffic Analysis, stating that the 2% per year increase in background traffic may have been excessively high. Based on further analysis, the Traffic Analysis has been revised and the significance finding has been deleted; please see Topical Response #9 for further discussion.

residential community on the Tioga site would create potential for increased foot traffic to and from the businesses and schools in Lee Vining, though she had no way of quantifying the increase.<sup>9</sup>

CHP was subsequently contacted<sup>10, 11</sup> for information about pedestrian movement in the project area. CHP indicated that between January 2017 and March 2018, it received one call regarding an (unspecified) pedestrian incident. CHP shared the Sheriff's concern that establishment of a residential community on the project site would create potential for increased foot traffic between the site and Lee Vining, but did not have pedestrian counts or other data to quantify the increase. Caltrans and Mono County CDD also indicated that they have no pedestrian counts for the project area.

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

With this additional information, the potential for pedestrian access was a key topic of discussion at a 24 September 2019 meeting with Caltrans. During the September meeting, Caltrans indicated that SR 120 is currently designated as a freeway with access controls. Caltrans noted that it had considered a change of designation for SR 120 from 'freeway' to 'conventional highway,' and subsequently affirmed that it plans to proceed with the freeway rescission action. Caltrans noted that redesignation of SR 120 from 'freeway' to 'conventional highway' would create potential to allow for future construction of an 'at-grade' pedestrian and bicycle crossing. Caltrans also indicated,<sup>12</sup> however, that it would be premature for Caltrans or Mono County to instigate a pedestrian crossing on SR 120 with its current status as a 'freeway.' Caltrans has also expressed reservations about the safety of an at-grade crossing on SR 120 near Vista Point Drive due to high speeds and poor sight distances at that location.

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

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

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

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

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<sup>9</sup> Email communication from Sheriff Ingrid Brain, 26 September 2019.

<sup>10</sup> Email communication from Chuck Mairs, Bridgeport Commander, CHP, 1 November 2019.

<sup>11</sup> Telephone communication with CHP Officer Elena Villa, 13 November 2019.

<sup>12</sup> Email communication from Gayle Rosander, Caltrans District 9, 11 October 2019.

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

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

The potential for locating a path across Lee Vining Creek was also discussed with the project applicant, Mono County and Caltrans. It was determined that this may be infeasible for several reasons, including SCE concerns regarding additional public uses along this corridor due to the presence of power facilities, the anticipated costs of maintenance, the lack of logical connection points on either side of the Creek, the potential hazards associated with a crossing on SR 120, and the comparatively high cost of elevated pathways compared to at-grade sidewalks (among other factors).

## TOPICAL RESPONSE 5



### DEER MIGRATION AND CROSSING

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Many of the comment letters expressed concern for the welfare of area wildlife, particularly the Casa Diablo Mule Deer Herd that lives in and migrates through the project region. During preparation of the Biological Assessment for this project, the project biologist (Dr. James Paulus) analyzed direct and cumulative project impacts on wildlife movement. He concluded that the project could worsen deer mortality due to increased highway crossings, particularly across US 395, and found that the project as originally proposed in 1993 would, when fully built out, create a significant new physical barrier to deer movement. Dr. Paulus noted that diligent exclusion of plants that attract wildlife (along the freeway corridor) would be the only effective means to avoid creating an attractive but dangerous new resource for opportunistic wildlife. To reduce this potential impact, the Draft Biological Assessment included a mitigation measure that would establish a protected corridor, redesignated from Open Space-Facilities to Open Space-Preserve, between US 395 and all project elements (proposed and approved).<sup>13</sup>

The biologist's recommendation to establish a protected corridor, shown in Specific Plan Exhibit 8-2, was incorporated into the project proposal before release of the DSEIR. This modification resulted in a revised Land Use and Open Space Plan, as shown in DSEIR Exhibit 5.3-6. Designation of the protected corridor as 'Open Space-Preserve' would limit uses in this area to improved or undisturbed landscaping consisting of native materials. With the exception of one reclaimed water pump station, no new above-ground structures will be allowed. The biologist concluded that the protected corridor, in tandem with the Pet Kennel and Pet Leashing requirements contained in Mitigation Measure 5.3-(a-5), would redirect deer movements to the east and south of the new housing area (rather than back across highways) and thereby reduce the potential direct project impacts on wildlife movement to less than significant levels.

Dr. Paulus also concluded, however, that implementation of the protected corridor would not be sufficient to reduce cumulative project impacts on deer migration that would result primarily from regional transportation and development improvements. To mitigate the cumulative impacts on wildlife movement, Dr. Paulus recommended creation of a dedicated deer passageway; this recommendation was outlined in Mitigation Measure BIO 5.3(d-5).

The DSEIR identified the cumulative impact on wildlife movement as significant and potentially unavoidable. The DSEIR also discussed the applicant and county's goal to jointly seek grant funds that would be used, in part, to establish a deer passage in the project vicinity.

In its comment letter on the DSEIR, Caltrans stated that "*there is currently no nexus for a deer passage at the US 395/ Lee Vining Creek culvert*" and referenced the *2016 Wildlife Vehicle Collision Reduction Feasibility Study Report*. During 2016, Caltrans completed a *Wildlife Vehicle Collision Reduction - Feasibility Study Report* that evaluated the frequency of wildlife vehicle collisions (WVCs) in Caltrans District 9, including Mono, Inyo and eastern Kern counties. Study goals were to identify areas with the highest concentration of collisions, and to evaluate potential options for reducing these collisions. The Report identified six Mono County locations with the highest density of wildlife vehicle collisions ('hotspots'), each of which is tabulated and ranked in Table 4-4 in terms of deer mortality per mile.

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<sup>13</sup> This FSEIR also includes a new Mitigation Measure (BIO 5.3(a-6) that specifies the types of plantings to be allowed in project areas that adjoin roads (including US 395).

<b>TABLE 4-4. US 395 DEER MORTALITY HOT SPOTS IN MONO COUNTY ( 2002-2015)</b>							
<b>Hot Spot Ranking</b>	<b>Name</b>	<b>Location by Post Mile<sup>14</sup></b>	<b>Hotspot Length (miles)</b>	<b>Total Mortality</b>	<b>Mortality per Year</b>	<b>Mortality per Year per Mile</b>	<b>Comments</b>
<b>1</b>	<b>Mt. Morrison Rd - Benton Crossing Rd</b>	19.7-20.3	0.47	79	6.1	12.93	Located within the focus area
<b>2</b>	<b>McGee</b>	18.6-19.6	0.43	55	4.2	9.84	Located just north of McGee Maintenance Sta. & in the focus area
<b>3</b>	<b>Hot Creek Hatchery Road</b>	22.83-23.24	0.41	34	2.6	6.38	Just North of Hot Creek Hatchery Rd.; south end of snow fence
<b>4</b>	<b>Buckeye Road</b>	80.75-81.49	0.74	58	4.5	6.03	Located 0.4 miles north of Buckeye Road
<b>5</b>	<b>Junction US395/SR203</b>	25.6-26.0 0.4 26 2 5	0.4	26	2	5	Between the SR203/US 395 intersection & Mammoth Creek
<b>6</b>	<b>Bodie Road (SR 270)</b>	69.41-69.85 0.44 26 2 4.5	0.44	26	2	4.5	Jct. Bodie Rd & US 395 & .35 miles s/o Bodie Rd

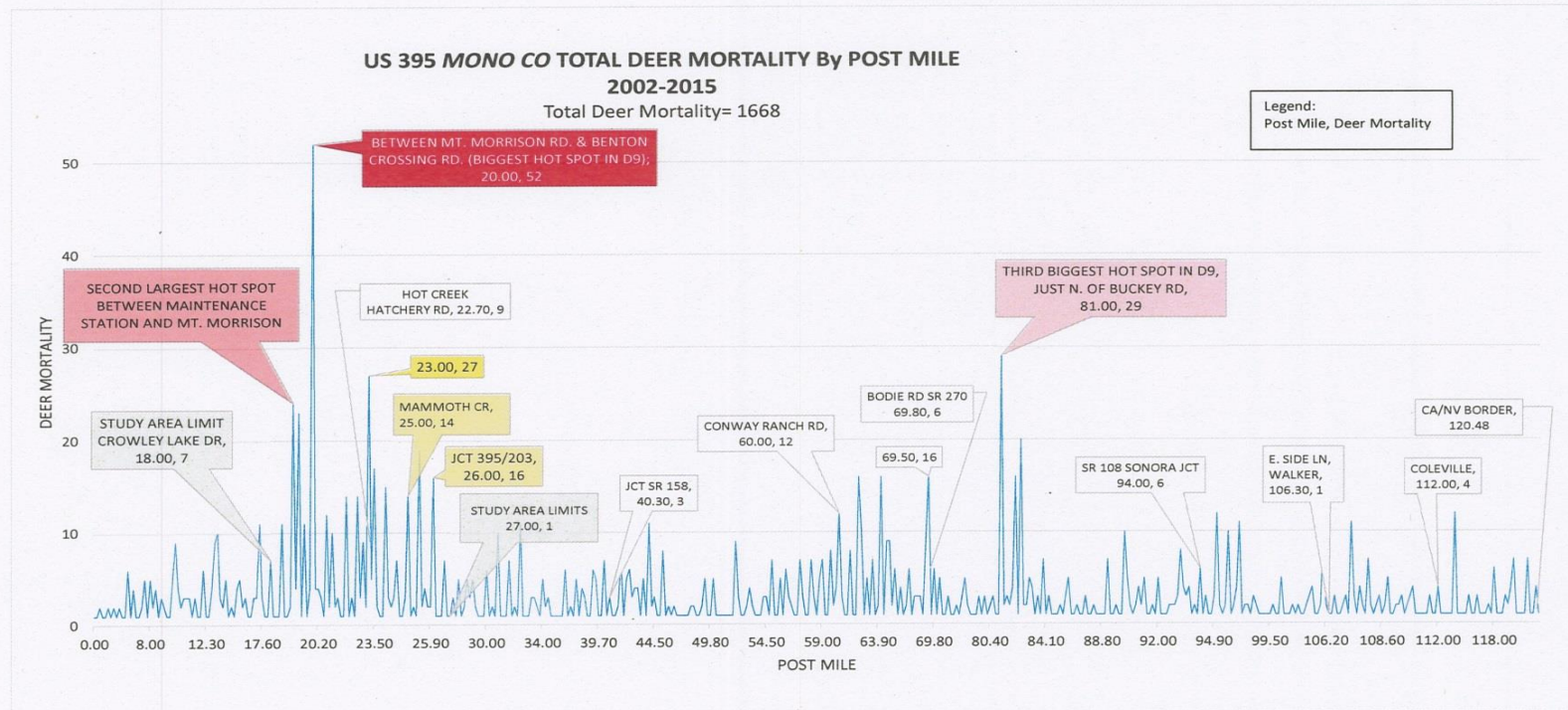
The US 395 segment between Mt. Morrison Road and Benton Crossing Road (in the vicinity of the Mammoth-Yosemite Airport) is the segment with top priority for a wildlife crossing, followed by the other five hotspots shown in Table 4-4. The project area is not a hot spot, and so it is not identified by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

The project area is thus not among the areas that will be considered for a future wildlife passageway. Caltrans has also indicated that the Lee Vining Creek corridor would not likely provide a suitable wildlife crossing location, even if identified as a priority location, due to difficult US 395 roadway geometrics, and SCE facilities along Utility Road. Based on the foregoing, the intent to seek grant funding for construction of a wildlife crossing is no longer part of the project proposal. This FSEIR retains the DSEIR conclusion that the direct project impacts on deer movement would be less than significant, and that the cumulative impacts would be significant, adverse and unavoidable.<sup>15</sup>

<sup>14</sup> The project site is located at US 395 Post Mile 50.744.

<sup>15</sup> Please note, that the significance determination is based on a conservative understanding of available information. The 1993 EIR Biological Assessment, prepared by Tim Taylor, stated that "Detailed, repeated-measures study of the magnitude and spatial patterns of deer movement both within and near the project area has identified a traditional migration corridor that passes within one-half mile to the south" [[of the project site]], and "Studies in support of the original environmental impacts analysis for Tioga Inn found that the project area, in contrast to the identified migration corridor, is not highly used and itself 'is of little importance' as a migration corridor." (Taylor, 1992) Furthermore, Caltrans existing data shows that most deer movement does not conflict with the project area. Caltrans finds that there is little evidence to show that project buildout would create a significant, adverse, unavoidable impact to deer migration: deer that are already using established migration routes south of project area would be minimally impacted, and the remaining mitigation measures should be sufficient to keep the corridor open to deer movement without causing additional conflict.





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

## TOPICAL RESPONSE 6



### SECONDARY ACCESS AND EVACUATION PLAN

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CalFire has confirmed in Letter #2, and comment letters from LVFPD and other sources have acknowledged, that the project will meet applicable fire code requirements as currently designed (i.e., with a single point of access). At the same time, CalFire and others have recommended that a secondary access be provided by the project applicant, on a voluntary basis, to enhance emergency services.

In response, the project applicant is voluntarily seeking to provide a secondary route for use during emergencies. The secondary access would be taken from the existing SCE easement road that follows close to the southern Tioga property boundary and exits onto SR 120 about 500 feet west of the existing hilltop housing.

SCE and the property owner have entered into negotiations for the property owner to acquire a portion of the existing SCE road easement. The exit from the SCE easement road onto SR 120 is currently blocked by large boulders and unavailable for emergency use. The owner intends to replace the existing boulders with a break-away gate in which the gate 'arm' would swing out of the way in the event an approaching vehicle does not stop. SCE has given firm verbal approval for the project applicant to replace the boulders with a break-away gate even if easement acquisition is delayed or terminated.

Based on the above considerations, the applicant will create a secondary emergency access route. The secondary access would be via the existing SCE easement road, which would be made accessible by replacing the existing boulders with a breakaway gate. This procedure would be used whether or not the housing project is approved, and whether or not the applicant is successful in acquiring the easement from SCE.

Implementation of the secondary access may require that an encroachment permit be obtained from Caltrans. As noted in Topical Response #4, Caltrans is planning to proceed with a freeway agreement rescission action for SR 120. When final, the action would redesignate SR 120 as a conventional highway (SR 120 is currently designated as a freeway). Rescinding of the freeway agreement would enable use of the SCE easement road for emergency-only access without requiring a Caltrans encroachment permit, provided the breakaway gate was located inside the privately-owned easement. If the gate is located inside the Caltrans right-of-way, it would be necessary to obtain an encroachment permit from Caltrans as part of the project conditions of approval. This FSEIR includes a new mitigation measure, shown below, requiring that an encroachment permit be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.

**NEW Mitigation SFTY 5.6(d-2) (Encroachment Permit):** An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.

During review of secondary access options, the applicant also considered the feasibility of an emergency escape route to US 395, potentially along the alignment of the proposed wastewater treatment line. This concept was discussed with Caltrans during a meeting on 24 September 2019. Caltrans advised the applicant not to pursue a secondary access onto US 395 due to complex road geometrics in the project vicinity.

Several comment letters, including LVFPD, cited the need for a plan to direct onsite response in the event of a fire. LVFPD recommended that the plan be "*created, reviewed and approved collectively by the various safety agencies...prior issuance of subsequent documents and permits.*" In response to the request by LVFPD, DSEIR Mitigation Measure SFTY 5.7(d) (Emergency Evacuation) has been incorporated into the Specific Plan, with added requirements, and deleted from the Mitigation Monitoring and Reporting Program. New Specific Plan Implementation Measure 2b(5) is shown below, with revisions to the language previously used in DSEIR Mitigation SFTY 5.7(d).



**DELETED MITIGATION SFTY 5.7(d) (Emergency Evacuation):** A public safety evacuation plan shall be prepared for use by onsite residents and businesses in the event of a natural disaster.

**NEW SPECIFIC PLAN IMPLEMENTATION MEASURE 2b(5):** A public safety evacuation plan shall be prepared for use by onsite residents and businesses in the event of a natural disaster. The plan must be approved by LVFPD through the standard 'will serve' letter required by the County, prior to the issuance of a building permit. The plan shall be prepared in collaboration with and approved by Mono County EMS and the Mono County Sheriff.

# TOPICAL RESPONSE 7



## PROJECT PHASING

Several comment letters identified the need to establish a project phasing plan to ensure that offsite services and neighboring communities have time and opportunity to adapt and respond to the additional population and land uses on an incremental basis. An additional key reason was to ensure that construction of the previously-approved hotel and restaurant components (that are driving the need for and the number of units) are assured prior to construction of the full number of units. Other goals of the requested phasing plan included an assurance that housing construction and mitigation obligations will be provided in tandem with employment-generating uses in order to synchronize project elements and functions.

In response to the comments and recommendations received, a formal phasing plan has been developed for the proposed Tioga Community Housing Project. The more gradual development associated with the proposed phasing plan will enable the Lee Vining community and town services to adapt on an incremental basis, and more effectively ensure the timely provision, availability and coordination of onsite facilities and uses with the implementation of mitigation obligations, as well as buildout of the previously-approved commercial components. Grading for all of the housing pads would be completed during the first phase of construction, and followed directly by landscaping of all graded surfaces. The phasing plan is outlined below in Table 4-5.

TABLE 4-5. Community Housing Phasing Plan		
PHASE	# OF UNITS	SCHEDULE
1	30	The 30 Phase 1 units would be built following completion of grading for the housing project as a whole (including phases 1, 2 and 3). The goal is to have the 30 phase 1 units available for use by construction workers during the hotel and restaurant construction process.
2	40	Construction of the 40 Phase 2 units would begin at the time that a building permit application is submitted to Mono County for construction of the hotel. The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously-approved commercial job positions.
3	30	Construction of the 30 Phase 3 units would begin when the phase 1 and phase 2 units reach a combined 80% occupancy rate (i.e., when 56 of the Phase 1 and 2 units are rented). All Phase 3 units will be in the westernmost row of units; the two-story structures in this row are at a higher elevation, have higher rooflines, and are thus the most visible units.

The proposal to construct up to 100 units is motivated by onsite employment forecasts. Currently, 37 people work on the Tioga site. Upon completion of the hotel and restaurant components, onsite employment will increase to an estimated total of 187 positions, including approximately 35 new employees at the restaurant, and 120 new employees at the hotel. The proposed 100 units would have capacity to house roughly two-thirds of the forecast future onsite employees. However, as noted in Table 4-5 the phasing plan provides flexibility to construct fewer units if housing demand is lower than projected.

## TOPICAL RESPONSE 8



### HOUSING NEED, POPULATION, OCCUPANCY, PROJECT OBJECTIVES

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A number of the SEIR comment letters expressed the view that the DSEIR presented inconsistent discussions concerning project objectives, who would be eligible to live in the housing, and when the housing would be constructed.

The primary project description, as stated in DSEIR §3.3 (Project Objectives) and elsewhere, is *“To provide sufficient workforce housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses.”* This primary objective supports a range of Mono County General Plan housing policies<sup>16</sup> that were developed in response to issues associated with the County’s tourism-based economy. As identified by the Mono County Housing Authority,<sup>17</sup> the issues include (a) sharp increases in housing costs, (b) an increase in the number of second-home residents (as well as housing ‘lost’ to nightly rentals), (c) a scarcity of private land for housing development, and (d) the fact that wages have not kept pace with housing costs. The seasonal nature of employment, the high proportion of workers who hold multiple jobs, and work schedules that involve weekends and holidays (all of which are common in the hospitality sector) are additional specific needs of workers in tourism-based economies, and correlated with marital stress and child-related problems.<sup>18</sup>

Existing and future employment opportunities on the project site and in Mono County generally are dominated by tourism (62% of total County employment, well above average<sup>19</sup>). As noted in the 2009 study of tourism in Mono County,<sup>20</sup> *“many of these [tourism-based] jobs are seasonal and part-time...and... vary widely by season.”* Seasonal workers in Mono County on average hold 1.4 jobs. 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 season, and it is anticipated that Tioga workers will seek employment in other sectors during the off season. The ski industry is the largest employer during winter months, and the industry most likely to have positions available to these individuals.

Following construction of the hotel and restaurant, the Tioga site will add 150 new employment positions to the 37 employment positions currently on the site. Of the 37 existing onsite employees, 30% are employed by the ski industry during winter months. An overarching goal for the proposed housing project is to provide the flexibility for onsite workers to accommodate the fluctuations associated with seasonal employment opportunities, without the need for a seasonal change of housing.

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<sup>16</sup> Relevant policies include Policy 1: ‘Facilitate the provision of housing in unincorporated communities to meet local housing demand’; Policy 2: ‘Ensure that adequate infrastructure exists or will be provided to support future housing development’; Policy 5: ‘Plan for adequate sites and facilities to be available for housing all segments of the population’; Policy 7: ‘Designate adequate sites for a variety of residential development in each community to help establish self-sufficient communities that balance job locations with housing.’

<sup>17</sup> Mono County Housing Authority, <https://monocounty.ca.gov/housing-authority>.

<sup>18</sup> Journal of Hospitality and Tourism Research, Work and Family Issues in the Hospitality Industry: Perspectives of Entrants, Managers, and Spouses. J. Cleveland, J.O’Neill, J. Himelright, M. Hammond, August 2007: [https://www.researchgate.net/publication/247784632\\_Work\\_and\\_Family\\_Issues\\_in\\_the\\_Hospitality\\_Industry\\_Perspectives\\_of\\_Entrants\\_Managers\\_and\\_Spouses](https://www.researchgate.net/publication/247784632_Work_and_Family_Issues_in_the_Hospitality_Industry_Perspectives_of_Entrants_Managers_and_Spouses)

<sup>19</sup> 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>.

<sup>20</sup> 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.

The Tioga Community Housing will provide stable, year-round housing for all project employees who wish to live on the project site. In compliance with the State and Federal Fair Employment and Housing Act (FEHA), no tenant criteria are established by the Specific Plan. Tenant selection is at the discretion of the owner's housing management. However, nightly and short-term rentals are prohibited by the Specific Plan, requiring rental terms to be more than 30 days.

The 2017 Mono County Housing Needs Assessment<sup>21</sup> identified a need for 120-170 new housing units in the unincorporated area by 2022, based on current needs and projected demand. The Assessment suggested 70 new units would be required to accommodate new housing demand from employment growth, and 50-100 units are required to address current needs. The Assessment identified future housing needs as "largely determined by employment growth."

Mono County employment is dominated by jobs in the hospitality sector, government, skiing and nonprofit industries. Of the 47 employers surveyed for the Needs Assessment, 32 were based in Mammoth Lakes; Lee Vining and June Lake had the next highest number of employers (7 each), followed by Bridgeport (6 employers). In the project area, the Assessment found that 44% of Mono Basin residents responding to the survey report that friends or family live with them due to a lack of housing, and stated that *"this high proportion indicates that there is a lack of housing to rent or buy in the Mono Basin. The most common reasons why these respondents have friends or family living with them are a lack of affordable housing to rent and that they cannot find a place to rent, regardless of price."*

The Tioga Community Housing proposal to construct up to 100 Community Housing units reflects updated estimates of onsite employment. As proposed, the Community Housing project would result in only 1 new permanent job (for the housing manager). The previously approved elements are forecast to create onsite employment for an estimated 187 individuals, 37 of which are employed in the existing facilities and 150 of which would be created through the as-yet unbuilt hotel and restaurant. The 1993 project approvals allowed construction of up to 10 residential units (only 8 of which were built), with a 1993 estimated maximum population of approximately 25 residents. In contrast, the proposed project would allow construction of up to 100 units with an estimated resident population of 300. These estimates indicate that the proposed 100 housing units would have capacity to house roughly two-thirds of the onsite employees (assuming each employee occupied a separate unit, potentially with their families). However, the phasing plan as outlined above provides flexibility to construct fewer units if occupancy rates fall below projections.

The County has recently adopted a new Housing Mitigation Ordinance ('HMO') that requires developers to mitigate the impacts of development projects on the availability of workforce and affordable housing. The Ordinance took effect in February 2020, and will apply to the Tioga Workforce Housing Project. The HMO is not retroactive, and thus does not directly impact the hotel and restaurant uses that were approved in the 1993 Tioga Inn Specific Plan, although the primary project objective is to voluntarily provide housing for future employees of the hotel and restaurant. HMO requirements are triggered when a building permit is issued.

In reviewing the new ordinance with the project applicant, Mono County outlined 3 potential options for HMO compliance including:

- (1) Compliance with the Multi-Family Residential Inclusionary requirement of one low-income unit for every 30 units (at each unit size), with an in-lieu fee of \$3.90 for any fraction of 30 units (or deed restriction of an additional unit).
- (2) Voluntary designation of units for Extremely Low Income households: Voluntary designation of units for Extremely Low Income (ELI) households is a qualifying factor for grant applications under the Affordable Housing Sustainable Communities grant program (the applicant plans to submit a grant application). Applicants with 5-10% of units for ELI households are awarded an additional 2 points in grant scoring, whereas applicants with more than 20% of units for ELI households are awarded 5 points. (Note that the scoring bonus would apply only to grants, but the ELI units would qualify under the HMO).

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<sup>21</sup> 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](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5732/mono_county_housing_needs_assessment_bos_f.pdf)

(3) Housing Mitigation Agreement: The new Ordinance allows the county to consider alternative proposals for projects that meet the intent of the HMO and provide a greater housing benefit to the community than would otherwise be attained through building affordable dwelling units or the payment of fees.

The applicant has tentatively indicated his intention to pursue HMO compliance through voluntary designation of units for ELI households in tandem with the grant application process. In the event the grant application is not successful, the project applicant plans to comply with the HMO through the Multi-Family Inclusionary requirement by constructing 4 low-income units, or 3 low-income units with payment of fees for the fractional 10 units.

The Mono County General Plan is the appropriate source of housing and population buildout estimates for the project area, and the appropriate yardstick for measuring the significance of potential project-related housing and population growth. The Mono General Plan Land Use Element organized buildout estimates by Planning Areas; Mono Basin is the planning area in which the project is located. The Mono Basin is an important reference area for this analysis because many of the community services provided in Lee Vining are available to population groups outside of downtown Lee Vining. Families throughout the Mono Basin send their children to ESUSD schools in Lee Vining, use the Lee Vining Post office, and patronize Lee Vining businesses.

The General Plan build-out populations were adopted less than 5 years ago, and represent the level of growth that is considered reasonable as determined through a parcel-by-parcel analysis of buildout potential based on land use designations and a minimum set of assumptions. As such, the General Plan population forecasts for the Mono Basin are part of the project baseline (per the certified 2015 General Plan update EIR). The forecasts encompassed two scenarios: (a) a "Maximum Theoretical Buildout" scenario, representing the total number of units possible if each parcel of land is developed at the maximum allowable density without regard for environmental, infrastructure and regulatory constraints, and (b) a "Regulatory Buildout" (the 'Practical' scenario) representing the number of units that could be built based on land use designation and generalized (but not site specific) constraints. The General Plan noted that the estimates do not define a time frame or rate of development, and do not represent growth goals or population projections. However, the data do represent projected buildout estimates based on land use maps, parcel database and allowable densities for each land use designation. Within that context, the county estimated a maximum Mono Basin build-out population of 2,574 (the countywide estimate was 48,702), and a 'practical' buildout population of 2,478 (37,657 countywide).

It is notable that for Mono Basin, there is very little difference (3.9%) between the maximum and practical buildout estimates, particularly in light of the wide discrepancy Countywide (29.3%). The relatively narrow range of Mono Basin buildout scenarios signifies that build-out population in the Mono Basin – with or without consideration of environmental, regulatory and infrastructure constraints -- will likely be in the cited range, and further supports the DSEIR conclusion that the project would be well within the range of future growth estimates for this region.

The County's Land Use Element was developed with participation by the Mono Basin Regional Planning Advisory Committee (RPAC); the RPAC reviewed drafts of the General Plan, and their comments were incorporated into the final document. The RPAC also worked closely with the Planning Division to develop new land use goals and policies for their area, and to update existing goals and policies. Regardless of the varying individual opinions as to whether economic factors will ever allow for buildout, this is the density permitted by existing land use standards.

The estimated future workforce housing population of 300 is a conservative estimate, at the top end of the forecast range of 194-300 residents. DSEIR §5.6 (Table 5.9-3, Population Estimates) anticipates that housing occupancy would range from a low of 194 to a high of 293 residents. An even higher estimate of 300 was identified, based on the occupancy standard of 2 persons per bedroom adopted by the U.S. Department of Housing and Urban Development (HUD) as a reasonable standard under the Fair Housing Act. There is no projection indicating that the project may contain more than 300 residents. And while the maximum forecast population of 300 would represent a quadrupling of the town's population based on the 2016 census estimate of 98 residents, the Town population has been much higher in recent history with a Census estimate of 222 residents in 2010. Mono County does not have 1990 or 1980 Census population data for the community of Lee Vining, but at least one estimate places the Town population at 398 residents in 1990.<sup>22</sup> Seen in this broader context, the Lee Vining

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<sup>22</sup> Wikipedia: [https://en.wikipedia.org/wiki/Lee\\_Vining,\\_California](https://en.wikipedia.org/wiki/Lee_Vining,_California).

population has experienced significant fluctuations in recent years, and the increased project population would not represent a significant departure from the numbers seen over that time. As noted above, the project would also be well within General Plan growth forecasts for this area, representing approximately 12.1% of the total adopted population increases that can be expected in Mono Basin through buildout.

## TOPICAL RESPONSE 9



### TRAFFIC IMPACTS AT THE SR 120/US 395 JUNCTION

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

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

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

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

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

Caltrans' recommendation was reviewed with the Mono County staff. While acknowledging Caltrans' concerns that July traffic data are not representative, it was the view of Mono County that the October counts were also not representative of 'typical' traffic. Traffic fluctuates on a seasonal basis, precluding any single set of counts from representing typical

conditions. To be conservative, Mono County recommended that the updated Traffic Analysis use data from the July 2018 traffic counts, and also use a conservative 2 percent per year annual growth rate in background (i.e., non-project) traffic.

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

The updated Traffic Analysis also finds that there is no feasible way to mitigate this impact. Caltrans has confirmed that a roundabout at SR 120/US 395 is unfunded and not reasonably foreseeable at this time. Although a roundabout may ultimately be a viable traffic control measure from an engineering standpoint, the need and expense of a roundabout does not warrant funding at this time and therefore the project is not planned to be programmed. Caltrans also indicates that the Tioga Inn analysis would likely not increase the statewide priority of this project enough for it to be competitive for funding.

Furthermore, the US 395/SR 120 unsignalized study intersection does not satisfy traffic signal warrants in the *California Manual on Uniform Traffic Control Devices* (used by Caltrans) for any of the analysis scenarios evaluated as part of this report. Installation of a traffic signal is therefore not warranted and not recommended.

The DSEIR Traffic Impact Analysis identified two Mitigation Measures (TFFC 5.9(c-1) calling for Caltrans signalization of the US 395/SR 120 intersection, or TFFC 5.9(c-2) calling for Caltrans construction of a roundabout at the US 305/SR 120 intersection), either of which would reduce the identified significant impact at the US 395/SR 120 intersection to less than significant levels. The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4).

All of the potential mitigation alternatives were considered during extensive discussions with both Caltrans and County of Mono staff. Additionally, Recommendation TFFC 5.9(a-4) was discussed with YARTS. None of the potential modifications have found to be feasible by the agencies at this time.

In light of the foregoing considerations, all traffic mitigation measures outlined in the DSEIR are hereby deleted,<sup>23</sup> and project impacts on the US 395/SR 120 intersection during mid-day conditions for the forecast opening year of 2023 are hereby determined to be significant, adverse and unavoidable.

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<sup>23</sup> Including (1) Recommendation TFFC 5.9(a-4): Caltrans relocation of YARTS bus stop, (2) Recommendation TFFC 5.9(a-2): Caltrans consideration of designated Vista Point entry/egress (3) Recommendation TFFC 5.9 (a-3): Caltrans modifications to apron parking, (4) Recommendation TFFC 5.9(a-4): Caltrans relocation of YARTS bus stop, (5) TFFC 5.9(c-1): Caltrans Signalization of the US 395/SR 120 Intersection, OR (6) TFFC 5.9(c-2): Caltrans construction of a Roundabout at the US 395/SR 120 Intersection.



## TOPICAL RESPONSE 10



### ESTA, ESUSD & YARTS BUS STOPS AND PARKING

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A number of comments on the DSEIR raised concerns about the availability of transit services to reduce future residents' overall vehicle use and particularly the minimize residents' impacts on the limited availability of parking in downtown Lee Vining.

Multiple provisions are being made to ensure that future residents have access to diverse transportation options. ESTA has requested that site access be quick and safe, include a generous turnaround area, and be sized to accommodate their 37' Class 4 buses. A bus stop/turnaround area meeting ESTA requirements will be provided in the vicinity of the hotel access road.<sup>24</sup>

ESUSD bus stops are normally located on county- or state-maintained rights-of-way.<sup>25</sup> However, ESUSD indicates that SR 120 is difficult and dangerous for bus turnaround during winter and peak season months. ESUSD would like to use an on-site location that is safe for the children and the bus. Key factors would include locating the bus stop and turnaround where traffic is at a minimum during all seasons of the year, where snow is removed and the road is maintained in a safe condition at all times." A bus stop/turnaround will be provided for ESUSD in the full-service restaurant parking lot, with a path connecting to the Day Care Center.

Based on input from ESTA, ESUSD and YARTS, a newly proposed MITIGATION LU 5.5(b-2) (ESTA/ESUSD Bus Stops) has been developed as shown below:

**NEW MITIGATION LU 5.5(b-2) (ESTA/ESUSD Bus Stops):** The 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. The 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.

The ESUSD school bus services will eliminate the use of personal vehicles for residents to drive students into town for school, thereby reducing in-town parking demands. ESTA bus services will also reduce travel and parking demand in offsite locations served by ESTA.

The Yosemite Area Rapid Transit System (YARTS) operates summer bus service through Yosemite, with service between the Tuolumne Meadows Visitor Center and Mammoth Lakes. The route includes a bus stop at the Tioga Mobil Gas Mart; the stop is located inside Caltrans' SR 120 Right-of-Way, just west of the Vista Point Drive entry into the Tioga project. In comments on the DSEIR, Caltrans requested that the EIR clarify the onsite YARTS stop, noting that Caltrans would support relocating the YARTS stop onto the Tioga property in order to eliminate awkward bus maneuvers on SR 120 and thereby benefit traveler safety (see Letter #3, Comment 1).

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<sup>24</sup> Exhibit 4-1 (Concept Site Plan) shows the ESTA bus stop location in the full-service restaurant parking lot, with the ESUSD bus stop. Based on a 21 February 2020 site visit by ESTA Executive Director Phil Moores, ESTA has requested that the planned ESTA bus stop location be moved to the vicinity of the hotel. That change will be incorporated into Exhibit 4-1 prior to the FSEIR Certification hearings.

<sup>25</sup> Discussion of ESUSD bus requirements is based on communication with Shane Gleason, ESUSD Maintenance Director, 28 January 2020.

In a subsequent communication, YARTS staff<sup>26</sup> indicated a firm preference for the bus stop to remain inside the Caltrans Right-of-Way in the future, because YARTS' insurance costs are lower for bus stops inside public rights of way compared to bus stops on private property. In response to YARTS' input concerning the bus stop location, YARTS/Caltrans Mitigation TFFC 5.9(a-4)(Relocation of YARTS Stop) has been deleted from the project proposal as shown below:

**DELETED**

With respect to the Tioga Specific Plan, YARTS staff suggested that the applicant consider providing pedestrian pathways between the project and the YARTS bus stop, along with a pedestrian crosswalk at the Vista Point entry. The paths and crosswalk would provide safe interior routes for residents and guests to access the YARTS stop, consistent with anticipated increases in internal pedestrian traffic and in the use of the YARTS transportation system. A new Mitigation Measure TFFC 5.9(a-4) has been incorporated into the FSEIR to require these improvements. The new Mitigation Measure replaces deleted Measure TFFC 5.9(a-4), as shown below:

***NEW YARTS ACCESS MITIGATION TFFC 5.9(a-4) (Access to YARTS Stop): To enhance access to the YARTS bus stop, a pedestrian pathway shall be provided between the Community Housing area and the YARTS bus stop located directly west of the Vista Point Drive project entry, and a crosswalk shall be provided at Vista Point Drive to provide for safe pedestrian access across the entry driveway.***

YARTS staff also indicated that close coordination will be maintained with Caltrans regarding potential future changes to the designation of SR 120 (i.e., from 'Freeway' to 'Conventional Highway') as well as potential future modifications to the apron (inside the Caltrans right-of-way) directly east and west of the Vista Point project entry.

The need for additional parking in downtown Lee Vining is among the concerns cited in many comment letters, and also recognized in Caltrans' May 2019 *Draft Project Initiation Report*. At completion, this Caltrans project will provide many improvements to address the transportation needs of the Lee Vining community (including parking), as well as safe and efficient interregional traffic. The *Draft Project Initiation Report* evaluates a range of traffic calming alternatives in Lee Vining. The alternatives include updated parking improvements, ADA facilities, implementation of 'complete street' concepts, pavement repairs, and updated drainage system elements for a roughly 8-mile stretch of US 395 between Lee Vining and the junction with SR 120. Notably, parking improvements are included in all of the alternatives under review by Caltrans. It is important to add, however, that Mono County does not have an adopted policy for public parking, and parking is not an issue addressed in the CEQA Environmental Checklist at this time.

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<sup>26</sup> Telephone communication with Cindy Kelly and Christine Chavez, YARTS staff, 17 January 2020.

# TOPICAL RESPONSE 11



## WATER QUALITY & WATER SUPPLY

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Project impacts on Lee Vining Creek flows, on neighboring wells, and on the Mono Groundwater Basin were cited as concerns in a number of comment letters, along with a concern that the groundwater pump test results may not have accurately assessed potential impacts on all areas of potential concern.

During the 2017 groundwater pump test, a transducer was installed in the Winston Well, which is located 3,576' northwest of the Tioga wells, and about 400 feet west of Lee Vining Creek. The Winston well was drilled in 2005 with a casement depth of 630' and produces groundwater at a rate of 28 gpm. Pump test results showed that there is no interaction between Tioga wells and the Winston well.

Proximity of the Winston Well to Lee Vining Creek, in combination with Creek management practices, indicated to the Project Hydrologist that pumping at the Tioga wells would not impact Lee Vining Creek. In a peer review, RCI Engineering noted that a more detailed analysis would be required to determine how much (if any) stream depletion occurs from Lee Vining Creek due to pumping at the Tioga wells. The project hydrologist responded that water flows in Lee Vining Creek are controlled mostly by SCE and LADWP releases from the upstream reservoirs, and subject to minimum creek water flow requirements mandated by Decision D1631, SWRCB Order 98-05 (minimum/maximum flows currently range between 25 cfs and 35 cfs, depending on time of year and snowpack). SGSI provided the mathematical model below to express the potential effect on Lee Vining Creek of groundwater pumping at the Tioga wells:

### Assumed Flow Rates

- 102 gpm constant rate flow from Tioga Well.
- 25 cfs daily required minimum flow.

### Daily Effect

- $102 \text{ gpm} \times 60 \text{ min} \times 24 \text{ hours} = 146,850 \text{ gpd}$ .
- $146,850 \text{ gpd} = 0.23 \text{ cfs}$
- $0.23 \text{ cfs} / 25 \text{ cfs} = 0.9 \text{ percent daily usage}$

### Annual Effect

- $146,850 \text{ gpd} \times 365 \text{ days} = 53,600,250 \text{ gpy (gallons per year)}$
- $25 \text{ cfs} = 16,154,761 \text{ gpd} = 5,896,487,765 \text{ gpy}$
- $53,600,250 \text{ gpy} / 589,648,740 \text{ gpy} = 0.9 \text{ percent yearly usage}$

Based on the model values calculated, SGSI concluded that potential for stream depletion on Lee Vining Creek from pumping of the Tioga well would be less than 1%. The model did not account for a number of variables (distance from the creek, local geology, transmissivity or usage rates that would be reduced during winter and night hours) that would have further reduced the already negligible potential for project-related impacts to Lee Vining Creek.

The project hydrologist has considered the new flows that are part of a larger Mono Lake settlement agreement under State Water Board guidance, and finds the DSEIR conclusions are unchanged.<sup>27</sup> The basis for this determination include (1) the 3000'+ distance between the Tioga wells and Lee Vining Creek, (2) the fact that that Tioga wells are not located between Lee Vining Creek and the spring-fed Tufa towers, (3) the comparatively low volume of pumping at the Tioga wells (current

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<sup>27</sup> Correspondence from Roger Smith, SGSI hydrologist, 2 October 2019 and 11 October 2019.

and forecast), and (4) the fact that Lee Vining Creek is armored in the section between the range-front faults and areas where the Tioga wells might otherwise have influenced creek flows.

With respect to the concern that water temperature may influence water quality and thus impair fishery conditions in Lee Vining Creek (as raised by the Mono Lake Committee in Letter #12, Comment I.B.2), the factors noted above are similarly altered under existing management conditions. An alteration to creek temperatures could cause the fish to move upstream to cooler water temperatures, but could also cause the fish to move downstream where flows are warmer and food supplies are more plentiful. In any scenario, the fish in Lee Vining are 'planted' on a weekly basis during the summer months.

The conclusion that project-related groundwater pumping will not adversely impact Lee Vining Creek, nearby wells or Mono Lake is substantially supported by information presented in the DSEIR. Relevant information includes results of the 2017 Tioga well pump test, results of the project modeling, information about the performance and history of wells and streams in the project area, and analyses conducted to assess the potential effect of groundwater pumping at the Tioga wells on Lee Vining Creek.

The project hydrologist has reviewed and analyzed concerns raised by the Mono Lake Kutzadika'a Tribe regarding project impacts on the neighboring Andrews family Indian allotment wells. By way of background, the Andrews family in 1980 installed a well on their property at a depth of 250 feet; the well did not reach groundwater. In 1992, the family hired Maranatha to drill through the bottom of the original hole to a new depth of 370 feet. With the second effort, Maranatha did reach groundwater, and the new well produced groundwater at an estimated rate of 30 gallons per minute (gpm). The static water level of the new well stabilized at 230 feet.

The Andrews well was drilled in a comparatively small groundwater basin located about 1 mile south of the Tioga wells. The groundwater basin tapped by the Andrews well is geologically separated from the Tioga well by the Sierra Range Front Fault System. Based on this review, the hydrologist concludes that the failure of the initial Andrews well resulted from insufficient well depth, and that the low groundwater production rate of the second Andrews well is due to the small diameter of the well and the completed depth of the well (i.e., not deep enough). The reason this well cannot be deepened is that it is already cased with 4 inch diameter casing (i.e., the 4-inch diameter casing cannot support a larger pump than what is in it now; to drill deeper would require a 3 inch diameter casing and a much smaller pump, further reducing production from this well).

The pump stress test conducted for the proposed Community Housing Project showed no interference with the Winston well, which is located northwest of and in the same groundwater basin as the Tioga well, and is nearly the same distance away as the Andrews well. Even if no recharge to the basin occurred in a given year, the project hydrologist indicates that it is highly unlikely there would be a noticeable drop in the groundwater levels of surrounding wells solely due to annual production from the Tioga well. Based on these considerations, the project hydrologist has a 95% confidence level that there will be no interaction between the Tioga and Andrews' wells resulting from groundwater production in these two wells.

The original Tioga well predates all of the allotment wells. The first Tioga well was drilled in 1984 with the pump intake depth at 598' below ground surface. The Tioga well has since produced groundwater at a rate of 100-150 gpm independent of external variables (e.g., precipitation amounts, new wells, changes in water demands, etc.). The new Tioga well (well #2), was drilled by Maranatha Drilling in 2018. As with the first Tioga well, the new well is located on the project parcel east of US 395, approximately 400 feet north of the first well. The new well also produces groundwater at a rate of 100-150 gpm.

Correspondence received from the Sierra Club-Toiyabe Chapter raised three issues pertaining to water supply: (1) consideration of potential project impacts on groundwater supply during single and multiple dry years; (2) an assessment of project groundwater production rates based on observed current usage at the Tioga Mobile site, and (3) the fact that the Mono Groundwater Basin is currently a 'Low Priority Groundwater Basin' and therefore not subject to oversight.

Future annual water demands of the Community Housing Project, based on conservative factors, are estimated to be 22,500 gpd (about 10.2 AF) for the months from November through March, and about 40,800 gpd (26.8 AFY) from April through October. During the months of April through October, it is anticipated that one-half of irrigation demand will be met through subsurface irrigation using treated wastewater from the package plant, and the other half of irrigation demand will be met with use of potable water from the project water supply wells. Irrigation demands and treated supplies will decrease during the off-season months (November through March). The 50% of irrigation to be met through potable water increases

the estimated 'worst case' Maximum Day demand from 48,800 gpd to 60,000 gpd. The 60,000 gpd maximum demand is considered 'worst case' because it would be limited to the hottest days in the peak season. Only the public lawn areas will be irrigated long-term with potable water supplies; new plantings will be irrigated with potable water and only until established.

Application of existing consumption rates at the project site would result in lower estimates. Table 4-6 below shows current consumption rates for the existing uses, and applies the existing use rates to the future approved and proposed project elements. These demand estimates reflect known current usage rates based on more than 20 years of operation at the Mobil Gas Station and Deli, and indicate that actual usage would be lower than the estimates provided above.

<b>TABLE 4-6. Existing &amp; Forecast Water Consumption at the Tioga Site</b>	
<b>SUMMER MONTHS</b>	
<b>EXISTING USES</b>	<b>WATER CONSUMPTION (gpd)</b>
Deli/Restrooms	3,000
Hilltop Housing	1,000
Irrigation	26,000
<b>APPROVED USES</b>	
Hotel	12,000
Restaurant	2,000
Irrigation (primarily recycled water)	5,000
<b>PROPOSED USES</b>	
Community Housing	15,000
Irrigation (primarily recycled water)	10,000
<b>SUMMER TOTAL:</b>	<b>74,000 gpd</b> (requiring water well production for 12 hours per day)
<b>WINTER MONTHS</b>	
<b>EXISTING USES</b>	<b>WATER CONSUMPTION (gpd)</b>
Deli/Restrooms	500
Hilltop Housing	1,000
Irrigation	-0-
<b>APPROVED USES</b>	
Hotel	4,000
Restaurant	2,000
Irrigation	-0-
<b>PROPOSED USES</b>	
Community Housing	15,000
Irrigation	-0-
<b>WINTER TOTAL:</b>	<b>22,500 gpd</b> (requiring water well production for 3.7 hours per day)

With respect to the Mono Lake Groundwater Basin, the 2018 Sustainable Groundwater Management Act 2018 Basin Prioritization document identifies Mono Valley as a Very Low priority groundwater basin. The designation reflects the judgment of the Department of Water Resources (DWR) that this basin is being sustainably managed. The designation reflects current information about population, the number of active wells, acres irrigated, dependence on groundwater as a supply source, known impact factors (subsidence, overdraft, etc.) and other information [<https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Basin-Prioritization/Files/2018-Sustainable-Groundwater-Management-Act-Basin-Prioritization.pdf>]. The designation also accounts for demands associated with the Mono County General Plan Mono Basin growth forecasts. As noted, the proposed Tioga Community Housing is within General Plan growth forecasts for the Mono Basin. The fact that the Mono Groundwater Basin may not be subject to management in the foreseeable future is a reflection of the sustainable management practices already in place to serve existing and future land uses in the basin.

With respect to project impacts during periods with multiple dry years, it is correct (as stated by the Sierra Club in Letter #16, comment 11) that the May 2017 groundwater pump tests were done after a record season of winter snowfall. However, recharge of the groundwater basin had only begun as of May, since there is typically a 6 to 9 month delay between snowmelt and peak recharge. More significantly, the test was conducted following a period of sustained drought: the Public Policy Institute of California cites the 4-year period between fall 2011-fall 2015 as the driest since record keeping began in 1895. [<https://www.ppic.org/publication/californias-latest-drought/>]

The 1992 and 2017 tests were thus conducted under substantially similar baseline conditions. However, the 1992 tests were done when the well casing was fairly new (having been installed in 1984), and the well itself was producing at a higher rate of transmissivity. Sierra Geotechnical Services, Inc. (SGSI, the project hydrologist) indicates that a 0.2' or 0.3' difference in static water levels would not be significant, and that testing protocols allow for completion of data gathering after the well has recovered to within 5% of the static water level. Most groundwater basins have some degree of annual water level fluctuation, due mainly to seasonal precipitation and recharge rates. The Tioga well has produced groundwater at an unvarying rate of 130 gpm since 1984, independent of external variables (e.g., precipitation amounts, new wells, changes in water demands, etc.).

LRWQCB has indicated that groundwater monitoring will be required for this project to verify that discharges from the Wastewater Treatment Plant are in compliance with applicable water quality standards. The applicant plans to use the monitoring well to keep track of static water levels. Please see the response to comment 7 in Letter #7 (LRWQCB) for additional information about the monitoring program.

## TOPICAL RESPONSE 12



### SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

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Five significant and unavoidable adverse impacts were identified in the DSEIR based on analyses provided in the CEQA section that are listed below and discussed in the paragraphs that follow:

- 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
- Public Services: Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining
- Traffic: Significant unavoidable impacts associated with turning movements from eastbound SR120 onto northbound US 395 (with or without the project)
- Aesthetics: Project impacts on scenic and visual resources and on light and glare

**HYDROLOGY (Volcanic Mudflows):** There is no feasible way to avoid the significant but moderate-probability risk of volcanic-associated mudflows on the project site. However, USGS cites two steps that can be taken to reduce risk, including monitoring for signs of increased volcanic activity, and preparation and testing of emergency plans. USGS routinely monitors for volcanic hazards at locations throughout California, including the Mono Lake volcanic field,<sup>28</sup> with the intent to strengthen understanding of volcanic processes, and lessen harmful impacts. The monitoring data are regularly updated and available to the public online.<sup>29</sup> With respect to emergency planning, the gas station is required by current laws and regulations to maintain contingency and evacuation plans.

Additionally, this FSEIR incorporates DSEIR Mitigation Measure SFTY 5.7(d) (Emergency Evacuation) directly into the Specific Plan, with added requirements, and deletes the measure from the Mitigation Monitoring and Reporting Program. Deleted Mitigation SFTY 5.7(d) and new Specific Plan Implementation Measure 2b(5) are shown below, with revisions to the language previously used in DSEIR Mitigation SFTY 5.7(d).

**DELETED MITIGATION SFTY 5.7(d) (Emergency Evacuation):** A public safety evacuation plan shall be prepared for use by onsite residents and businesses in the event of a natural disaster.

**NEW SPECIFIC PLAN IMPLEMENTATION MEASURE 2b(5):** A public safety evacuation plan shall be prepared for use by onsite residents and businesses in the event of a natural disaster. The plan must be approved by LVFPD through the standard 'will serve' letter required by the County, prior to the issuance of a building permit. The plan shall be prepared in collaboration with and approved by Mono County EMS and the Mono County Sheriff.

**BIOLOGICAL RESOURCES (Deer Passageway):** As discussed in Topical Response #7, there is no feasible means by which to provide for a deer passageway in the project area, even if grant funding was available for this project. The significant and unavoidable cumulative impacts on with deer movement (as identified in the DSEIR) are still identified as significant and unavoidable. Please see additional discussion of this topic in the responses to Comment Letter 1 (comments 2), Letter 3 (comment 5), and Letter 12 (comments I.C.1 and I.C.5).

**PUBLIC SERVICES (Pedestrian Linkage):** As discussed in Topical Response #4, there is no feasible way at this time to provide connectivity between the project site and downtown Lee Vining. Based on a very conservative understanding of

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<sup>28</sup> USGS: <https://volcanoes.usgs.gov/observatories/calvo/>.

<sup>29</sup> USGS: [https://volcanoes.usgs.gov/observatories/calvo/calvo\\_activity\\_update\\_last10.html](https://volcanoes.usgs.gov/observatories/calvo/calvo_activity_update_last10.html)



these facts, this FSEIR concludes that the project impacts on pedestrian safety would be significant and unavoidable. However, the project proposal does now incorporate a measure, suggested by Caltrans that would provide an ADA sidewalk between Vista Point Drive and US 395, based on the prospect that Caltrans may in the future construct pedestrian safety features at the SR 120/US395 intersection. The amended measure, shown below, would hold open the possibility for future connectivity between the site and Lee Vining:

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

Implementation of Mitigation SVCS 5.8(a) (Pedestrian Safety), as amended, would lessen potential project impacts on pedestrian and cycling safety, but not to less-than-significant levels. Please see additional discussion of this topic in Topical Response #4.

**TRAFFIC (Impacts at SR 120/US 395 Junction):** Results of the DSEIR Traffic Impact Analysis indicated that, with one exception, all study area intersections are now and will continue to operate at an acceptable level of service with or without the proposed project. The exception pertains to the intersection of US 395/SR 120, which is forecast to operate at a deficient LOS E or worse during the mid-day peak hour (with and without the project). Based on the findings, the Traffic Impact Analysis recommended installation of a traffic signal or a roundabout at the study intersection to reduce potential impacts to less than significant levels. In their comments on the DSEIR, Caltrans noted that the recommended mitigations would be triggered by the project and the responsibility of the project proponent. In subsequent communications, Caltrans indicated that traffic counts and projected traffic increases at the SR120/US 395 intersection do not justify installation of a signal or a roundabout at this time, and therefore the DSEIR measures calling for intersection signalization or a roundabout do not represent feasible mitigations. Caltrans also indicated that the traffic volumes used in the Tioga Traffic Analysis (based on counts taken in July 2018) appeared to overestimate traffic levels on US 395 and at the 120/395 intersection since they were based on peak season conditions. Additional counts were taken during October 2019. Results indicated that the October traffic volumes were a little over half the volumes counted in July 2018. Caltrans staff indicated that the new and lower mid-day counts are more representative of typical conditions at this intersection, and recommended that the traffic study be revised to reflect the new traffic data. Use of the new October 2019 counts would have eliminated the significant adverse impacts on level of service and associated mitigation requirement.

Caltrans' recommendation was reviewed with the Mono County staff. To be conservative, Mono County recommended that the updated Traffic Analysis use data from the July 2018 traffic counts, and also use a conservative 2 percent per year annual growth rate for background (i.e., non-project) traffic. The updated analysis continues to show a significant adverse impact at the intersection during mid-day peak season conditions, with or without the proposed project. After extensive review of mitigation alternatives with Caltrans and Mono County, it was concluded that there is no feasible way to mitigate the impact at this time. Project impacts on the US 395/SR 120 intersection during mid-day peak-season conditions for the forecast opening year of 2023 are thus determined to be significant, adverse and unavoidable. Please see Topical Response #9 for additional discussion.

**AESTHETICS (Impacts on Scenic Resources, and Light and Glare):** During FSEIR preparation, particular effort has been given to the development of design features to further minimize project impacts on aesthetic and scenic resources. As detailed in Topical Response #1, the modified features include changes in the form and number and orientation of housing structures, additional information about landscape screening, replacement of more than half of the 2-story elevations with 1-story elevations, a lowering of graded pad elevations, and additional provisions governing allowed colors and materials. Topical Response #2 provides detailed information about the regulations set forth in the Mono County General Plan Chapter 23 Dark Sky Regulations as well as the Scenic Combining Element. These comprehensive regulations were developed to



maintain dark skies under challenging site conditions, such as exist on the Tioga site due to its elevation higher than many surrounding areas.

The new design modifications will fully eliminate project views from the South Tufa parking lot, and largely eliminate project views from US 395. , Project views from South Tufa Beach, Navy Beach and other eastern areas of the basin would be lessened. Compliance with the Dark Sky Ordinance and Scenic Combining Element requirements, as well as new Mitigation AES 5.12(c-2) (Outdoor Lighting Plan), will reduce light and glare to the maximum feasible extent.

New Alternative 6, in combination with compliance requirements for Chapter 23 and the Scenic Combining Element District, will substantially lessen potential project impacts on aesthetic resources and on light and glare. However, in recognition of the unique challenges (elevation, 24-hour gas station operation, and exceptionally high scenic baseline values) it is the conclusion of this FSEIR that the additional design measures and adopted requirements will not reduce aesthetic impacts to less than significant levels.

**SUMMARY:** Based on the foregoing considerations, the significant and unavoidable adverse impacts that were identified in the DSEIR will remain significant and unavoidable if the proposed Tioga Community Housing project is approved, even with modifications proposed in this FSEIR. The significant, adverse and unavoidable impacts of the Tioga Community Housing Project are listed below:

- **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
- **Public Services:** Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining
- **Traffic:** Significant unavoidable impacts associated with turning movements from eastbound SR120 onto northbound US 395 (with or without the project)
- **Aesthetics:** Project impacts on scenic and visual resources and on light and glare

## TOPICAL RESPONSE 2



## EIR SCOPE OF ANALYSIS

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

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

**15162. Subsequent EIRs and Negative Declarations**

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

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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

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

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

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

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

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

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

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

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

In this instance, it would appear the MLC, through counsel, is improperly challenging the initial EIR (for which the time to do so has long passed). The MLC does not get a second bite at the apple and contrary to its argument, the initial EIR has not been rendered wholly irrelevant, but retains its integrity as an environmental document on which Mono County can legally

rely in its decision-making process in conjunction with a subsequent EIR which addresses changes in the project and in surrounding circumstances. This satisfies its obligations under the law. Furthermore, this approach is not an example of piecemealing, as the initial project was analyzed in its entirety by the original EIR, the proposed changes to the project are also being analyzed in their entirety by the subsequent EIR, and the effects of the initial project and the currently proposed project are considered in the cumulative impact analysis of the subsequent EIR.

## TOPICAL RESPONSE 14



### PROJECT IMPACTS ON COMMUNITY PLAN AND CHARACTER

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A number of comment letters expressed the concern that the scale of the proposed Tioga Community Housing project (with up to 100 units housing up to 300 residents) would exceed the capacity of Lee Vining services, and potentially diminish the cohesion and ambience that define the small-town character of Lee Vining and are integral to the Mono Basin Community Plan.

The DSEIR examined potential project impacts on local services. None of the service providers consulted during the DSEIR preparation (including the Eastern Sierra Unified School District, the Lee Vining Post Office, the Lee Vining Fire Protection District, the Mono County Public Health Department and Social Services Department, and the Mono County Sheriff) anticipated difficulties in serving the proposed project.

Following review of the DSEIR, the LVFPD raised new concerns (please see Comment Letter #8) pertaining to the significant challenges associated with ensuring code compliance and providing volunteer fire protection services to a project of the scale and service population of the Community Housing proposal. As detailed in the response to Comment Letter #8, Comment 2, Mono County CDD has identified several options available to address the concerns raised by LVFPD. The options include (1) reliance on Mono County for building plan check and inspection services, (2) contracting for external plan check services, and (3) providing services with use of existing LVFPD staff and resources. The County has indicated that they can assist in meeting LVFPD needs. Additionally, in response to recommendations by LVFPD and others, the project now incorporates a secondary access road, and DSEIR mitigation measure SFTY 5.7(d) (Evacuation Plan) has been deleted from the Mitigation Monitoring and Reporting Program and incorporated into the Specific Plan with additional details regarding plan preparation and approval (please see Topical Response #6).

The DSEIR also considered the potential impact of up to 300 new residents on the rural small-town character and strong sense of community that define Lee Vining. As discussed in Topical Response #8, the future Community Housing population of 300 is a conservative estimate, and at the top end of the forecast range (194-300 residents). The actual resident population is likely to fluctuate over time as demographic factors influence workforce composition and family size; these factors also impact the population of Lee Vining. Although the forecast maximum population of 300 would represent a quadrupling of the town's population based on the 2016 census estimate of 98 residents, the Town population has been much higher as recently as 2010, when the Census estimate indicated 222 residents (250% higher than the 2016 estimate).

There is no uniform definition for a small community but it is generally understood to be a population of less than 10,000 residents (depending on considerations such as development patterns and density), with a limited range of services. Even with 300 new residents on the Community Housing site, Lee Vining will continue to embody these general 'small town' characteristics.

Commenters have noted, and it is recognized herein, that the character of Lee Vining is defined by volunteerism and community participation. This FSEIR cannot require that future residents participate in community activities. However, the project owner, in response to DSEIR comments, has modified the priorities for housing eligibility (to the extent allowed by law) to give first priority to onsite employees who agree to volunteer with the LVFPD. It is anticipated that the Community Housing project will increase volunteerism in Lee Vining through the elective and non-compulsory decisions of future residents. Volunteerism by its very nature is done willingly by individuals for the benefit of other people. As with the existing site residents, future residents of the Tioga project will be part of the Lee Vining community. They will inevitably patronize local services, attend local schools and churches, establish relationships with existing community members, and participate in community events. These activities and relationships are often the source of the desire to volunteer. As a state, California

ranks 34 out of 50 for volunteer activities, with a 23.9% participation rate.<sup>30</sup> The rate for future residents of the Tioga site cannot be known, but the statewide average may provide some indication of likely participation rates.

The current project proposal is for a Community Housing project that will strengthen existing Lee Vining businesses through creation of an expanded customer base. The project design incorporates new bus stop locations for ESTA and ESUSD buses, to provide transportation to offsite locations, and the housing project has ample parking for residents' vehicles which will also provide for reliable transportation into town. As with existing residents on the Tioga property, residents of the future Community Housing complex will identify as part of the Lee Vining community. Even those residents whose jobs are in other areas of Mono County (or Yosemite) will, to varying degrees, patronize local services, attend local schools and churches, establish relationships with existing community members, and participate in community events.

As discussed in DSEIR §5.6 (Population) and §8.o (Growth-Inducing Impacts), the proposed project is consistent with growth forecasts for the Mono Basin. The 2015 Mono County General Plan was updated in 2015, based on extensive participation by the residents and Regional Planning Advisory Committees of Lee Vining and other unincorporated communities. Because Mono County has fully integrated its Zoning Code into the General Plan Land Use designations, the General Plan Land Use Element is fully consistent with the Mono Basin Community Plan. The 2015 General Plan update provided guidelines for growth in accordance with the General Plan land uses designations. For the Mono Basin, the General Plan provided a 'build-out' population of 2,574 residents. The Tioga Community Housing project would represent approximately 12.1% of the build-out population.

A housing phasing plan has been developed in response to concerns regarding the challenges that would result from a rapid increase in population living on the Tioga site. As described in Topical Response #4, the plan now incorporates three phases. The more gradual development associated with the proposed phasing plan will enable the Lee Vining community and town services to adapt on an incremental basis, as recommended in Comment 1.

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<sup>30</sup> Americorps: <https://www.nationalservice.gov/vcla/state-rankings-volunteer-rate>

## TIOGA COMMUNITY HOUSING FINAL SUBSEQUENT EIR



### SECTION 5 COMMENTS AND RESPONSES

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Table 5-1 lists the nineteen comment letters for which formal direct responses are provided in this section. The format excerpts key points, followed by a response to each of the key points. Comments are listed in the same order as provided in the original comment letter, and use the same comment numbering system as provided in the comment letter. Full copies of all individual comment letters are provided in FSEIR Appendix A, including the 19 addressed in this section. A detailed list of the topics addressed in each of these letters is provided in Table 5-1.

<b>TABLE 5-1. Individual Comment Letters Addressed in FSEIR Section 6.</b>		
<b>LETTER #</b>	<b>COMMENTER</b>	<b>PAGE #</b>
<b>1</b>	Californians for Western Wilderness (CalUWild)	<b>110</b>
<b>2</b>	California Dept. of Forestry and Fire Protection (CalFire)	<b>113</b>
<b>3</b>	California Department of Transportation (Caltrans)	<b>114</b>
<b>4</b>	Cutting, Lisa	<b>120</b>
<b>5</b>	E. Sierra Transit Authority	<b>132</b>
<b>6</b>	Houseworth, Alice	<b>133</b>
<b>7</b>	Lahontan Regional Water Quality Control Board	<b>144</b>
<b>8</b>	Lee Vining Fire Protection District	<b>151</b>
<b>9</b>	McFarland, Paul	<b>155</b>
<b>10</b>	Miller, Sally	<b>157</b>
<b>11</b>	Mono City Fire Protection District	<b>168</b>
<b>12</b>	Mono Lake Committee	<b>169</b>
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# #1

## Californians for Western Wilderness

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- 1 COMMENT (Significant Effects):** *Our objections are based on the adverse environmental impacts listed in the project documentation that are considered significant and unavoidable. From CalUWild's standpoint, the most significant are those that affect the natural environment, specifically the impacts on the scenic resources, the creation of light and glare, and impacts to wildlife. This is not to discount negative impacts to the town of Lee Vining, such as traffic and safety. Visitors from all over the world come to Mono Lake to experience its unique geology and dramatic scenery against the granite wall of the Eastern Sierra. The area's scenic importance is reflected in the fact that Mono Basin is a "National Scenic Area." As proposed now, the development will be visible from far and wide across the Basin. This goes for both visitors to Mono Lake, particularly the South Tufa Area, and people traveling along US 395 from the south. The project should not be visible from South Tufa or from 395.*

*Glare from windows will only add to the prominence of the development. This will have extremely negative consequences for visitors and their enjoyment. It is unacceptable. There is an increasing recognition of the value of dark skies at night. Having more development of this type will negatively impact the ability of visitors to see the stars at night.*

**RESPONSE:** All lighting on the project site will be subject to requirements of both the Mono County General Plan Chapter 23 Dark Sky Regulations and the Scenic Combining District, as discussed in Topical Response #2. The Dark Sky Regulations are both comprehensive and adaptive, with the intent to meet objectives<sup>31</sup> even under challenging conditions, and additional requirements have been added to provide further mitigation. The Tioga site poses challenges because it is at an elevation higher than most of the Mono Basin scenic resources, because the gas station is open 24 hours a day and requires lighting for public safety, and because the project site is located in an area recognized for its exceptional natural beauty and formally-designated scenic resources.

Chapter 23 requires use of lighting that minimizes contrasts in lighting levels between a project site and adjacent properties (which are in this case undeveloped), including the following partial list of requirements: (a) all lighting must be aimed downward or toward structures and retrofitted if needed to prevent glare, light trespass and light pollution, (b) use of low pressure sodium and mercury vapor lamps is prohibited due to energy use, and (c) outdoor lighting fixtures must use full cutoff luminaires with the light source downcast and fully shielded with no light emitted above the horizontal plane.<sup>32</sup> Chapter 23 also requires that an outdoor lighting plan be submitted in conjunction with design review, CUP applications, subdivision approvals, and building permits for any new structures. However, to ensure that the significant concerns pertaining to project lighting are fully addressed, requirements beyond Chapter 23 standards have been incorporated into a new mitigation measure as shown below:

**NEW MITIGATION AES 5.12(c-2) (Outdoor Lighting Plan):** An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can

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<sup>31</sup> In summary, the 6 objectives are (a) to promote a safe and pleasant nighttime environment; (b) to protect and improve safe travel; (c) to prevent nuisances caused by unnecessary light; (d) to protect night sky views; (e) to phase out existing nonconforming fixtures; and (f) to promote lighting practices and systems to conserve energy.

<sup>32</sup> Exceptions to this requirement: fixtures with a maximum output of 100 lumens (equivalent to 1 10-watt incandescent bulb) may be left unshielded if the bulb is obscured from offsite view with a semi-translucent or frosted glass with an opaque top; and fixtures with a maximum output of 600 lumens (equivalent to 1 40-watt bulb) shall be fully or partially shielded using a solid or semi-translucent barrier provided the lamp is obscured from offsite view, produces no direct glare, and has an opaque top; and floodlights that do not meet the definition of 'full cutoff' may be used if permanently down-directed and no light projects above horizontal and fitted with external shielding to prevent glare and offsite light trespass.



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;
- (b) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and
- (c) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

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

- (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 and shall be prohibited from allowing seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.

As outlined in Mitigation AES 5.12(c-2), the Tioga project will be required to submit an Outdoor Lighting Plan and Mono County has authority to require additional information. The nature of the required additional information would be identified when and as needed to ensure that project lighting achieves the dark sky objectives, as applied to the exceptional circumstances of this site and this region.

The Tioga project is also located in the 'Scenic Combining District' and subject to the standards therein. Applicable standards include a requirement that "*Light sources in exterior lighting fixtures shall be shielded, down-directed and not visible from US 395.*" Please also see discussion provided in Topical Response #1, including proposed plan modifications that will minimize (and in some cases eliminate) project visibility from important offsite viewpoints.

**2. COMMENT (Wildlife):** *Wildlife movement needs to be protected, especially cumulative impacts to deer.*

**RESPONSE:** As discussed in Topical Response #5, and in response to this and other comments on the DSEIR, substantial efforts have been given to reducing the significant cumulative project impacts on deer. In particular, a protected corridor has been designated along the length of the project boundary shared with US 395 (see Specific Plan Exhibit 8-2), and the landscaping plan has been more fully articulated to provide deer forage (i.e., bitterbrush) in appropriate locations on the project site. The DSEIR intent and goal to seek grant funding for construction of a wildlife crossing has been found to be infeasible and is no longer part of the project proposal. Based on the foregoing, this FSEIR concludes that direct project impacts on deer movement would be less than significant, and that cumulative impacts would be significant, adverse and unavoidable. Please see the additional discussion of this issue provided in Topical Response #5.

**3. COMMENT (EIR Alternatives):** *The Final SEIR needs to include alternatives that reduce these impacts to a much less significant level. It is disappointing that the Draft does not already consider mitigation that would reduce the project's visibility. This intersection is the "Gateway to Yosemite," after all, and should reflect an accompanying respect for the natural environment. This proposal fails on that count. The construction of the Mobil Station was already an intrusion, even with its relative unobtrusiveness. This proposal is very much more significant (and worse).*

**RESPONSE:** To reduce the significant project impacts on aesthetic resources, and in response to this and other comments on the DSEIR, a new Alternative 6 (Design Modifications) has been developed. As described in Topical Response #1, Alternative 6 incorporates a wide range of new design elements that include (1) changes in the form, number and orientation of housing structures, (2) more detailed landscaping guidelines to maximize screening of project elements, (3)

replacement of 6 of the 11 2-story structures with 1-story structures, (4) lowering of pad elevations through additional grading, and (5) additional detail regarding colors and materials that will be permitted in order to minimize contrast with the surrounding vegetation and landforms. Please see Topical Response #1 for additional discussion of the proposed Alternative 6 design modifications, including exhibits that show the layout and resulting line-of-sight exposure of the project from US 395, South Tufa Beach parking lot and Navy Beach.

# #2

## California Department of Forestry and Fire Protection

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

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

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

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

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

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

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

# #3

## California Department of Transportation

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- 1. COMMENT (Mitigations and Recommendations):** *Even if labelled as "recommended" it would be clearer if items which are not strictly CEQA triggered mitigation not be included in Mitigation lists/sections. Such items might be discussed in document narrative or noted in §2.3 as issues to be resolved, as they could become project features, Conditions of Approval (COA), or actions for assorted entities to consider independent of this proposal. Project proponents are responsible to mitigate project impacts, although they may need to work with Caltrans or other entities to fulfill obligations. It should not be implied that another entity is the responsible party. Please ensure changes are reflected in all related document sections ... [including]:*

- *Mitigation BIO 5.3(d-5) Grant application for deer passageway*
- *Recommendation (to Applicant TFFC/SVCS 5.9(a-1) shuttle passes*
- *Caltrans Mitigation TFFC 5.9(a-2) Vista Point Apron*
- *Caltrans Mitigation TFFC 5.9(a-3) Apron Parking*
- *YARTS/Caltrans Mitigation TFFC 5.9(a-4) (Relocation of YARTS Stop)*

**RESPONSE:** Based on Caltrans' input, and as discussed more fully in the referenced Topical Issues (where applicable), the following changes are hereby incorporated into the DSEIR:

- Mitigation BIO 5.3(d-5), Grant application for deer passageway, is hereby DELETED from the DSEIR text, including (a) Table 2-1, page 2-4, (b) DSEIR §5.9 (Traffic and Circulation) Summary of Project Impacts on page 5.3-1, (b) DSEIR §5.3(Biological Resources) page 5.3-23, and (d) DSEIR Table 10-2, page 10-11. The significance finding for cumulative impacts to wildlife movement is hereby amended to "Significant and Unavoidable." DSEIR Page 5.3-23, paragraph 2, is hereby AMENDED to read as shown herein: *"Note that implementation of the protected corridor will not be sufficient to reduce cumulative project impacts on deer migration that are associated with regional transportation and development improvements. Due to the lack of feasible mitigation, this cumulative impact is considered significant and unavoidable."* The direct project impacts on deer migration remain less than significant, as described in the DSEIR. Please see Topical Response #5 for further discussion
- Recommendation (to Applicant) TFFC/SVCS 5.9(a-1) shuttle passes: The recommended mitigation measure TFFC 5.9(a-1) is hereby DELETED from the DSEIR text including (a) Table 2-1, page 2-5, (b) DSEIR §5.9 (Traffic and Circulation) Summary of Project Impacts on page 5.9-1, (b) DSEIR §5.9-6 page 5.9-9, and (d) DSEIR Table 10-3, page 10-13. The recommended measures have been deleted because they do not directly contribute to the mitigation of identified impacts and because improvements from this mitigation and its related enhancement of the intersection level of service would be difficult and infeasible to quantify.
- Caltrans Mitigation TFFC 5.9(a-2) Vista Point Apron: Caltrans Mitigation TFFC 5.9(a-2) is hereby DELETED from the DSEIR text including: (a) Table 2-1, page 2-5, (b) DSEIR §5.9 (Traffic and Circulation) Summary of Project Impacts on page 5.9-1, (b) DSEIR §5.9-6 page 5.9-9, and (d) DSEIR Table 10-2, page 10-11. As indicated in Comment 3 below, Caltrans is currently considering solutions to issues on the SR 120 right-of-way.
- Caltrans Mitigation TFFC 5.9(a-3) Apron Parking: Caltrans Mitigation TFFC 5.9(a-3) is hereby DELETED from the DSEIR text including: (a) Table 2-1, page 2-5, (b) DSEIR §5.9 (Traffic and Circulation) Summary of Project Impacts on page 5.9-1, (b) DSEIR §5.9-6 page 5.9-10, and (d) DSEIR Table 10-3, page 10-12 (see Caltrans comment 3).
- YARTS/Caltrans Mitigation TFFC 5.9(a-4) Relocation of YARTS Stop: As discussed more fully in response to Caltrans Comment 7, and in Topical Response #10, the applicant no longer proposes to relocate the YARTS bus stop from the Caltrans right-of-way onto the project site. Recommendation TFFC 5.9(a-4) is hereby DELETED from the DSEIR text including (a) Table 2-1, page 2-6, (b) DSEIR §5.9 (Traffic and Circulation) Summary of Project Impacts on page 5.9-1, (c) DSEIR §5.9-6 page 5.9-9, and (d) DSEIR Table 10-3, page 10-12. The deleted mitigation measure is provided below:

2. **COMMENT (Page 3-4, Site Context Map):** *The Owner's previous encroachment into the SR 120 right-of-way (R/W) easement has been addressed by the owner purchasing it and Caltrans recording a Director's Deed. It was not relinquished by Caltrans. Please correct the terminology on the Site Context Map and elsewhere.*

**RESPONSE:** The following corrections to the DSEIR text are hereby incorporated by reference:

- §3.6 PROPOSED PARCEL REVISIONS, final sentence, is hereby AMENDED to read as shown herein: *"The reduced area of Parcels 1 and 2 occurred when Caltrans expanded US 395 to 4 lanes, which required acquisition of land from adjoining properties; the expanded acreage of Parcel 4 occurred when the owner redesignated parcel acreages to provide additional land for a new cell tower to improve internet access; land gained through purchase of Caltrans' SR 120 right-of-way in 2018 became part of Parcels 1 and 3."*
  - SITE CONTEXT MAP: "Caltrans Right-of-Way Relinquished to Parcels 1 and 3" is hereby DELETED from the Concept Plan, as shown in the Preferred Alternative 6 Concept Plan (see Exhibit 541).
3. **COMMENT (Page 3-8, Roads, Circulation and Access):** *It states, "Caltrans will continue to own the remaining SR 120 right of way, which includes an apron (east and west of the entry) that is used heavily by motorists as a Mono Lake vista point, and also used as overflow parking area by Tioga Mart patrons and YARTS customers." This additional use of the R/W can block intersection sight distance. Caltrans is currently considering solutions to this issue.*

**RESPONSE:** DSEIR Page 3-8, ¶2 of §3.5.12, is hereby AMENDED to read as shown herein: *"The amended plan calls for reconfiguration of the access drive. The reconfiguration would retain the existing single entry and two exit lanes, but the access lane is now proposed to have a dedicated left-turn lane into the hotel, and a relocated right-turn entry to the gas pumps. The reconfiguration is designed to improve traffic flow. A second change pertains to Caltrans' sale of a 70-foot wide portion of the SR 120 right-of-way easement to the project applicant. The easement extends a distance of 1,170-feet adjacent to the Tioga site. A portion of this easement (west of the entry) has long been used informally by minimart customers as a picnic and play area. The ownership transfer will provide more public parking area for YARTS customers, facilitate long-term use of the picnic area by customers, and provide greater flexibility in design of the land adjacent to and north of the hotel. Caltrans will continue to own the remaining SR 120 right of way, which includes an apron (east and west of the entry) that is used heavily by motorists as a Mono Lake vista point, and also used as an overflow parking area by Tioga Mart patrons and YARTS customers. Caltrans indicates that this additional use of the R/W can block intersection sight distance, and is currently considering solutions to remedy this issue."*

4. **COMMENT (MAPPED R/W LINE):** *Update maps with the current SR 120 R/W line.*

**RESPONSE:** The Preferred Alternative 6 Concept Plan incorporates the current SR 120 right-of-way line, as shown previously in Exhibit 4-1.

5. **COMMENT (Deer Passage Mitigation):** *Please revise the following related to "Mitigation BIO 5.3(d-5) (Deer Passage: Cumulative Impact Mitigation Measure):*

- Remove "Caltrans has installed deer crossings at other streams along the migratory portion of US 395, with significant benefits." Caltrans, as part of the Eastern Sierra Wildlife Stewardship Team, is in the process of initiating a wildlife connectivity project; there is currently no deer under-crossing in Mono County.
- Remove "Caltrans installation of a deer passage along the US 395 culvert at Lee Vining Creek would significantly reduce the frequency of unsafe deer crossings in the project area, and associated collision hazards to deer and to motorists." There is currently no nexus for a deer passage at the US 395, Lee Vining Creek culvert. Any mitigation for deer migration impacts because of the development would be the responsibility of the applicant. For further information on wildlife-vehicle collisions in Mono County, see the 2016 Wildlife Vehicle Collision Reduction Feasibility Study Report at: [http://www.dot.ca.gov/d9/planning/docs/2016\\_deer\\_feasibility\\_study.pdf](http://www.dot.ca.gov/d9/planning/docs/2016_deer_feasibility_study.pdf).
- The document states that the "applicant intends to collaborate with Mono County CDD to submit a Sustainable Communities grant application under the Rural Innovation Project Area (RIPA)." This grant is administered by the California Department of Housing and Community Development and should not be confused with the Caltrans Sustainable Communities Grant Program. Please clarify all instances mentioning this "Sustainable Communities

*Grant” to read the “Affordable Housing and Sustainable Communities Program (AHSC).” (Perhaps also clarify how submission of a grant application would be a viable mitigation measure.)*

**RESPONSE:** The following revisions have been incorporated in response to Caltrans’ comment 5:

- Mitigation Measure BIO 3.5(d-5) has been deleted from the DSEIR text (please see Topical Response #5 and the response to Caltrans Comment 1 above), along with the statement that “Caltrans has installed deer crossings at other streams along the migratory portion of US 395, with significant benefits.” It is hereby acknowledged that there is currently no deer undercrossing in Mono County.
- Mitigation Measure BIO 3.5(d-5) has been deleted from the DSEIR text (see Response directly above and Response to Caltrans Comment 1), along with the statement that “*Caltrans installation of a deer passage along the US 395 culvert at Lee Vining Creek would significantly reduce the frequency of unsafe deer crossings in the project area, and associated collision hazards to deer and to motorists.*” It is hereby acknowledged that there is currently no nexus for a deer passage at the US 395, Lee Vining Creek culvert, based on information developed through Caltrans’ 2016 *Wildlife Vehicle Collision Reduction Feasibility Study Report*.
- Most DSEIR references to the Sustainable Communities Grant have now been deleted (including references on page 5.3-23, 5.3-26, 5.8-9; 5.8-10, 5.9-9 (two references), and Table 10-2 on page 10-11 (4 separate references). Several DSEIR references to ‘Sustainable Communities Grant’ will remain, and all are hereby AMENDED to read “Affordable Housing and Sustainable Communities Program (AHSC).”
- Paragraph 2 on DSEIR page 5.9-10 is hereby DELETED in its entirety: “”

Please also see Topical Response #5, which provides additional background information pertaining to the changes noted above.

**6. COMMENT (Page 5.9-7, ESTA Short-Range Transit Plan):** *It states, “The 2009 plan is currently being updated by ESTA” is incorrect. The ESTA 2009 Short Range Transit Plan was updated in 2015 (on ESTA’s website). It is due to be updated again in 2020.*

**RESPONSE:** The DSEIR is hereby AMENDED to state that the ESTA Short-Range Transit Plan was updated in 2015 and will again be updated in 2020. DSEIR p. 5.9-7 paragraph 2 and paragraph 3, and footnote 10, are hereby revised accordingly.

**7. COMMENT (Page 5.9-8, bullet 1, paragraph 2, YARTS):** *Please clarify the onsite Yosemite Area Regional Transit System (YARTS) stop, per the grant comment above. Caltrans is supportive of relocating the YARTS stop onto project property, as an actual project feature. This would eliminate any awkward bus maneuvers on SR 120 and benefit traveler safety. The DSEIR contains no indication of interaction with YARTS regarding this topic. Primarily the project proponent and YARTS would need to work toward this end with County and Caltrans involvement.*

**RESPONSE:** As noted in the response above to Comment 1, the applicant had indicated potential interest in relocating the YARTS stop onto the project property, and Caltrans has indicated above that they would support relocation of the YARTS stop as project feature, as a way to eliminate awkward bus maneuvers and enhance safety.

During FSEIR preparation, Mono County contacted YARTS concerning the proposed project and the YARTS bus stop location. YARTS staff<sup>33</sup> indicated a firm preference for the bus stop to remain inside the Caltrans Right-of-Way in the future, because YARTS’ insurance costs are lower for bus stops inside public rights of way compared to bus stops on private property. In response to YARTS’ input concerning the bus stop location, the applicant will not seek to relocate the YARTS stop onto the Tioga project site. Mitigation TFFC 5.9(a-4) (Relocation of YARTS Stop) is hereby deleted in its entirety from the DSEIR text.

With respect to the Tioga Inn Specific Plan, YARTS staff suggested that the applicant consider providing a pedestrian pathway between the project and the YARTS bus stop, along with a pedestrian crosswalk at the Vista Point entry. In response to the request by YARTS, a new mitigation measure has been incorporated as shown below:

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<sup>33</sup> Telephone communication with Cindy Kelly and Christine Chavez, YARTS staff, 17 January 2020.

**NEW MITIGATION SFTY 5.9(a-7) (YARTS ACCESS):** The project plan shall incorporate (1) a pedestrian pathway between the Community Housing area and the YARTS bus stop, and (2) a pedestrian crosswalk at the Vista Point entry.

YARTS staff also noted that all parking in Tuolumne Meadows will be closed this summer (2020) and next summer (2021) for the "Tuolumne Meadows Parking" project, which will increase parking in dedicated lots, and eliminate off-road/shoulder parking around the Visitor Center and Cathedral Lake trailhead. YARTS anticipates that there may be more parking on the Tioga apron during this period. YARTS plans to maintain close coordination with Caltrans regarding potential future modifications to the apron (inside the Caltrans right-of-way) directly east and west of the Vista Point project entry, as well as Caltrans' planned changes to the designation of SR 120 (i.e., from 'Freeway' to 'Conventional Highway'). YARTS will also maintain contact with Mono County and the Tioga project applicant to ensure that YARTS services are not adversely impacted during construction.

**8. COMMENT (Mitigation for impacts to SR 120/US 395):** *It appears that the only CEQA triggered traffic mitigation is for the SR 120/US 395 intersection, labeled as "Caltrans Mitigation" 5.9 d-1 or d-2 for intersection signalization and a roundabout. This is triggered by the project and is the proponent's responsibility, not Caltrans as implied by the label. Please update the Traffic Analysis to calculate a fair share percent based on trip generation for the project's monetary contribution to mitigate an intersection improvement. The County (or Caltrans) could hold these funds for a future intersection project. The roundabout option is estimated at \$2.2 million in the May 2019 Project Initiation Report for US 395 in the Lee Vining area. (Even if warrants were met – road geometry, speed, and terrain grade would be challenges to provide a traffic signal at this location).*

**RESPONSE:** Please see Topical Response #9, which provides a detailed and updated discussion of issues pertaining to the potentially significant project impacts on the SR 120/US 395 intersection. As noted therein, the updated Traffic Analysis finds that there is no feasible way to mitigate this impact. All traffic mitigation measures outlined in the DSEIR are hereby deleted,<sup>34</sup> and project impacts on the US 395/SR 120 intersection are hereby determined to be significant, adverse and unavoidable.

**9. COMMENT (Significance after Mitigation):** *The wording implies that the project impacts would be "unsafe" conditions or that perhaps existing transportation facilities are "unsafe." This might be somewhat subjective since collision data did not conclude such. Please reassess and revise wording accordingly throughout.*

*The Traffic Analysis did not address pedestrians. "Anticipated increase in foot traffic" has not been quantified, but has been concluded as a "significant and potentially unavoidable adverse project impact." Please update the traffic analysis to determine the percent of project generated pedestrian trips. Then mitigation in the form of a fair share fee could be applied toward pedestrian facilities to alter this conclusion. Revised here and elsewhere throughout.*

**RESPONSE:** Please see Topical Response #4, which provides a detailed and updated discussion of issues pertaining to pedestrian safety and potential for pedestrian/cycling connectivity between the project site and downtown Lee Vining. As noted, there is no feasible way at this time to mitigate the potentially significant project impact on pedestrian safety or to provide connectivity between the project site and downtown Lee Vining. Project impacts associated with the exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining are therefore determined to be significant, adverse and unavoidable.

**10. COMMENT (Aesthetics, Light & Glare, Scenic Resources):** *In general, the project's scenic impacts may be overestimated considering the project's scale within the rather vast viewshed. The project is at the fringe of the Lee Vining*

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<sup>34</sup> Including (1) Recommendation TFFC 5.9(a-4): Caltrans relocation of YARTS bus stop, (2) Recommendation TFFC 5.9(a-2): Caltrans consideration of designated Vista Point entry/egress (3) Recommendation TFFC 5.9 (a-3): Caltrans modifications to apron parking, (4) Recommendation TFFC 5.9(a-4): Caltrans relocation of YARTS bus stop, (5) TFFC 5.9(c-1): Caltrans Signalization of the US 395/SR 120 Intersection, OR (6) TFFC 5.9(c-2): Caltrans construction of a Roundabout at the US 395/SR 120 Intersection.

*community (an area omitted from Scenic Highway designation) and is subject to County requirements (including Scenic Combining District Regulations). The County and consultant might want to revisit this section.*

**RESPONSE:** The DSEIR acknowledges that visual impacts of the project would be substantially attenuated by the dominant Sierra Nevada backdrop, as well site topography and other mitigating factors. The conclusion that impacts would nonetheless be significant and adverse is recognition of the Scenic Combining District and (nearby) US 395 Scenic Highway designation, and also of the larger regional identity of Mono Basin as a world-class scenic resource. This broader context includes the nearby Mono Basin National Forest Scenic Area, the Mono Lake Tufa State Natural Reserve, goals as identified in the Mono Basin Community Plan, the fact that the project is located at the eastern gateway entry to Yosemite National Park, and comments received on the Notice of EIR Preparation. On the basis of these considerations, the conclusion remains unchanged that the project would have significant and unavoidable adverse impact on aesthetic resources as well as light and glare, even with the modifications described in Topical Response #1.

**11. COMMENT (Caltrans Scenic Highway Program):** *While not affecting the project analysis, you may wish to clarify that there is more to the designation process than just Caltrans action.*

**RESPONSE:** Caltrans' comment concerning the Scenic Highway designation process are noted and incorporated by reference herein.

**12. COMMENT (Page 5.12-15ff, Visual Impacts):** Caltrans Scenic Highway Visual Impact System): It states, "Caltrans uses the Visual Impact Assessment (VIA) system to assess potential impacts..." This could be casually interpreted that Caltrans actually did this assessment.

**RESPONSE:** In accordance with Caltrans' suggestion, this discussion on page 5.12-15 under Impact 5.12 (a, b) is hereby MODIFIED as shown below:

"Caltrans Scenic Highway Visual Impact System. This environmental analysis utilizes Caltrans' Visual Impact Assessment (VIA) system to assess potential impacts to the visual environment associated with projects along designated scenic highways..."

**13. COMMENT (SR 120 Access Controls):** *This segment of SR 120 is an access-controlled highway. Access rights were purchased by Caltrans with access openings (location/width) specifically defined. The project's defined driveway width is 30-feet. The project proposes to continue using the existing SR 120 driveway, but the paved driveway itself currently exceeds this 30-foot access by approximately 6-ft (noted in our previous 2016 letter). The YARTS walkway, which is approximately 6-ft, also contributes to the width, making the current access opening width approximately 42-ft. The owner will need to work with Caltrans R/W to remedy this issue (which could not have been addressed with the R/W purchase/Director's Deed). Hence, please define a COA for the project to address access right widths with Caltrans. Interaction with YARTS would also be necessary, unless the YARTS stop is moved onsite.*

**RESPONSE:** DSEIR Impact 5.9(a) (Conflict with a program, plan, ordinance or policy addressing the circulation system) is hereby AMENDED to include an additional paragraph:

*"The segment of SR 120 adjacent to the project site is an access-controlled highway, and will remain an access-controlled highway following redesignation of SR 120 as a conventional highway. Access rights were purchased by Caltrans with access openings (location/width) specifically defined. The project's defined driveway width is 30-feet. The project proposes to continue using the existing SR 120 driveway, but the paved driveway itself currently exceeds this 30-foot access by approximately 6-ft (noted in our previous 2016 letter). The YARTS walkway, which is approximately 6-ft, also contributes to the width, making the current access opening width approximately 42-ft.*

NEW Mitigation Measure 5.9(a-5), shown below, will resolve the current access-rights conflict:

**NEW** Mitigation Measure 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.



**14. COMMENT (Secondary Access):** *[Caltrans has] discussed the possible need for another SR 120 access for site evacuation – perhaps utilizing an existing access (post-mile 11.524, 30-ft defined access opening) through Southern California Edison (SCE) land... If merited, Caltrans would determine access requirements (i.e., apron paving, sight distance, etc.). The project proponent would be responsible to procure SCE permission and provide improvements, under the Caltrans encroachment permit process for the apron area within SR 120 R/W. [Caltrans finds] no record of an encroachment permit for this access.) This is potentially another COA.*

**RESPONSE:** Based on subsequent discussion with Caltrans, it has been verified that any alteration within the SR 120 R/W would require a Caltrans Encroachment Permit. However, no Caltrans permits or approvals would be required if the applicant (or SCE) does nothing to the existing SCE access portion within the SR 120 R/W. Thus, creation of a secondary access through the SCE land would not require Caltrans permits or approvals unless the secondary access incorporates modifications within the SR 120 R/W.

This FSEIR includes a new requirement, shown below, that an encroachment permit must be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.

Mitigation SFTY 5.6(d-2) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.

**15. COMMENT (Access Control Fence):** *Please define a COA for the project to replace the access control fence for the current R/W location. Consultation with Caltrans will be necessary.*

**RESPONSE:** As noted in the response to Caltrans Comment #9, Caltrans has confirmed its plans to move forward with a freeway agreement rescission action for SR 120 and to redesignate SR 120 as a conventional highway. Caltrans will not require replacement of the R/W fence, and no further action is required.

**16. COMMENT (Update to Project Conditions):** *Please ensure that the final environmental document is updated so it addresses all project conditions and work within State right-of-way. For encroachment permit issuance, Caltrans needs to file a separate Notice of Determination, and reference the final document.*

**RESPONSE:** Provided in Table 5-2 below, and incorporated by Reference into the FSEIR, is an update list of project conditions and proposed project work within State right-of-way.

TABLE 5-2. Conditions of Project Approval that require Caltrans Permitting	
TOPIC	PERMIT REQUIREMENTS
Secondary Access Road	An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.
Project Access Rights to SR 120	The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.

# #4

Lisa Cutting

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**1. COMMENT (Introduction, Compliance with Mono Basin Community Plan, Goal 1, Objective A):**

*The Mono Basin Community Plan: Visioning to Action was finalized in 2012 after a series of facilitated community meetings and discussions and should be used to guide all aspects of the draft SEIR process. The Mono Basin Community Plan "is a community-based planning effort intended to guide future land-use, development, and quality-of-life decisions. The purpose of the plan is to inform decision makers at the community and local government levels, as well as other agencies, businesses and entities operating in the Mono Basin, about the needs and aspirations of the community." This plan currently serves as the Mono Basin Area Plan in the Mono County General Plan Land Use Element and guides all Mono Basin RPAC actions [...] It is my understanding that any project proposal must conform to the current Mono County General Plan and to any Area Plan, if one exists. In this case it is the Mono Basin Community Plan.*

*The project, as proposed, is thoroughly in conflict with the Mono Basin Community Plan's applicable goals, policies and actions. The Mono Basin Community Plan was approved in 2012 and is an Area Plan in the Mono County General Plan. CEQA requires that the Draft SEIR be consistent with the Mono Basin Community Plan.*

*The Draft SEIR (5.5-17) states that the "Mono Basin Community Plan was developed by the Mono Basin RPAC". This is incorrect. The Mono Basin Community Plan was developed by the community members of Lee Vining through an intense, facilitated process that included multiple meetings, surveys, and detailed consensus-based drafting and editing to achieve a final plan that most accurately represents the community of Lee Vining. The draft SEIR attempted to analyze project impacts as they relate to the Mono Basin Community Plan and, frankly, fell short:*

*"Goal 1: Maintain the spectacular natural values of the Mono Basin and rural, small-town character of communities by managing growth, ensuring high-quality aesthetics, and providing for community development needs to enhance the quality of life for residents. 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 SEIR states: The project would be consistent with the objective to pursue orderly development in and around Lee Vining, as well as the policies to prioritize existing built uses over new lands. Water and propane services would be provided (if desired) to supplement existing infrastructure in Lee Vining. Comment: I do not consider tripling the population of Lee Vining orderly growth. Community growth at that rate, all at once, does not allow services such as volunteer fire departments, paramedics, schools and other county supported programs and infrastructure to develop as it would with more gradual incremental growth. The size of the development and the fact that it will dwarf Lee Vining, does not retain Lee Vining's small-town character. The project fails to adequately address connectivity between the project site and the town of Lee Vining, further exacerbating and degrading the quality of life for residents and visitors.*

**RESPONSE:** The requirement for project consistency with the goals and policies of an adopted General Plan is generally understood to mean that a project must be compatible with, and not conflict with, the adopted goals and policies. Many General Plan policies are adopted to provide guidance for specific areas or issues, and do not apply to all properties or proposals. Moreover, a nexus must be established between a project impact and a General Plan policy for the county to legally enforce the policy.

Mono Basin Community Plan Goal 1, Objective 10.A calls for orderly growth in a manner that retains the small town character by directing future development to occur in and adjacent to Lee Vining. The project is located 'in and adjacent to Lee Vining' in recognition that it is part of the community, and also separated from the community by SR 120. The same is true of other Lee Vining properties that are located south of SR 120, but within the service area of the Fire Protection District, the Post Office, the School District and other Lee Vining services. The Tioga property has an adopted Specific Plan, and is intended for development subject to and in accordance with a public planning process.

As discussed more fully in Topical Response #8, the estimated future Community Housing population of 300 is a conservative estimate, and at the top end of the forecast range (194-300 residents). The resident population is likely to fluctuate over time as demographic factors influence workforce composition and family size. Although the forecast maximum population of 300 would represent a quadrupling of the town's population based on the 2016 census estimate of 98 residents, the Town population has been much higher as recently as 2010, when the Census estimate indicated 222 residents. Mono County does not have 1990 or 1980 Census population data for the community of Lee Vining, but one estimate places the Town population at 390 in 1990.<sup>35</sup> Lee Vining has experienced, and accommodated, wide population fluctuations in recent years. Despite these fluctuations (including development on the Tioga site), the town has retained its small town character and increased its tourism ranking among Mono County visitors.

The Mono County General Plan was updated in 2015, based on extensive participation by the residents and Regional Planning Advisory Committees of Lee Vining and other unincorporated communities. Because Mono County has fully integrated its Zoning Code into the General Plan Land Use designations, the Mono Basin Community Plan is fully consistent with the General Plan Land Use Element. The 2015 General Plan update provided guidelines for growth in accordance with the General Plan land uses designations. For the Mono Basin, the General Plan provided a 'build-out' population of 2,574 residents. The Tioga Community Housing project would represent approximately 12.1% of the build-out population. As stated in the DSEIR and as discussed throughout these responses to comments, the project proposal is generally compatible with applicable goals and policies of the Mono Basin Community Plan.

With respect to the role of the Lee Vining RPAC in Community Plan development, and using the language provided above, it is hereby clarified that *"the Mono Basin Community Plan was developed by the community members of Lee Vining through an intense, facilitated process that included multiple meetings, surveys, and detailed consensus-based drafting and editing to achieve a final plan that most accurately represents the community of Lee Vining."* As noted on Community Plan page 1, *"the Mono Basin RPAC formed a Steering Committee of interested RPAC and community members to pursue a visioning effort and update of the Mono Basin Area Plan, with the update supported by the County Board of Supervisors"* (per Plan page 1).

To facilitate a more orderly pattern of population growth on the project site, a phasing plan has been developed for the proposed Tioga Community Housing project. The plan will enable community services and residents to adjust incrementally to the new population, as recommended in Comment 1. Please see Topical Response #7 for discussion of the new Phasing Plan, Topical Response #8 for discussion of housing need, and Topical Response #14 for discussion of project impacts on the Lee Vining Community.

- 2. COMMENT (Goal 1, Objective C):** *"Encourage building types and architectural design compatible with the scenic and natural attributes of the Mono Basin."* The SEIR states: *New uses will incorporate the colors, materials and rustic design elements of the existing Tioga Mart development. The siting of new uses incorporates recommendations of the project biologist as well as visual perspectives gained from the schematic renderings. Green energy will be integral to project infrastructure. The workforce housing will be designed as a residential community located inside a commercial development. All project lighting will conform with dark sky regulations that were enacted after the original Specific Plan was approved.*

*Comment: The color or architectural design will do little to mitigate the fact that the workforce housing has been sited out on a promontory bluff, highly visible from all areas of the Mono Basin. The current range of alternatives does not address nor utilize all possible ways to mitigate the visual impacts of the housing units such as grading below current surface levels, creating berms to shield project structures, or simply moving them to another location on the property perhaps below the moraine. Instead, it appears as though the highest priority of the housing project is to create the best views possible of Mono Lake for future residents presumably to maximize "market rate" rents. I find it ironic and sad that the residents of these units will reap the rewards of iconic and scenic Mono Lake with no visual impacts from their units, while the rest of the community is forever changed with a diminished viewshed. Project lighting conforming to dark night sky regulations will not be enough to mitigate the mere quantity of lights necessary for the project development. The impacts to the Mono*

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<sup>35</sup> Wikipedia: [https://en.wikipedia.org/wiki/Lee\\_Vining,\\_California](https://en.wikipedia.org/wiki/Lee_Vining,_California). Note that this Wikipedia entry does not identify source.

*Basin dark night skies will be significant from every corner of the Basin, impacting both residents and visitors. Even with downward facing lighting, the glow that will emanate from the project area will be significant and visible from all points in the Mono Basin.*

**RESPONSE:** As shown in the DSEIR Concept Plan, the Community Housing location is not proposed to be located on the ridgeline, but rather on the east flank of and below the ridgeline. In this location, the housing would be largely screened from view of viewpoints to the north, northeast and northwest: the housing would be oriented away from, and not visible from, most of the Mono Basin. The units would be visible from (and also have views of) areas to the southwest, including a ½ mile segment of US 395 and South Tufa.

In response to comments on the DSEIR, additional plan modifications have been incorporated to lessen visibility from these areas. Please see discussion in Topical Response #1 and in response to Comment Letter 1, Comment #3 for a more detailed discussion of the plan modifications that will be taken to further minimize project visibility. As noted therein, the modified design elements include additional grading to lower the base elevation (and thus the roof elevation) of the housing units, a reduction in the number of housing structures and a changed orientation and layout of the structures, redesign of the lower and more prominent 2-story structures to be 1-story structures, reduction in the overall housing footprint, articulation of native landscaping elements that will be used to provide rapid growth and optimal screening, and other elements. The modified design eliminates project views from US 395 and from South Tufa (at the parking lot), and substantially reduces project views from other areas of the Mono Basin.

Topical Response #2 addresses the concerns above (and shared by many commenters) regarding preservation of dark night skies. As noted in response to Letter 1, Comment 1, the Tioga project will be subject to requirements of the Mono County General Plan Chapter 23 Dark Sky Regulations as well as the Scenic Combining District.

**3. COMMENT (Goal 1, Objective D):** *"Maintain, protect and enhance the natural, historical and recreational attributes of the Mono Basin." Objective D is a foundational pillar of our community – "natural, historical, and recreational attributes of the Mono Basin" and the only way that the project will address and support this outside the project area is through the possibility of a grant to connect the project area with the Lee Vining community. Pedestrian connectivity between Lee Vining and the project is essential and should be a mandatory, required mitigation funded entirely by the proponent. I'm confident there are other mitigations that could be developed such as a trail system in Lee Vining Canyon that would help mitigate impacts to wildlife by focusing residents and hotel visitors on a particular route rather than dispersing them throughout the canyon, therefore interfering with natural patterns and behaviors of wildlife.*

**RESPONSE:** The project applicant has expressed support for the creation of pedestrian connectivity between Lee Vining and the project site. However, there is at present no mechanism by which this connectivity can be achieved. As noted in the response to Letter 3 (Caltrans), Comment 9, the potential for pedestrian access was a key topic of discussion at a September 2019 meeting with Caltrans. During the September meeting, Caltrans noted that SR 120 is currently designated as a 'freeway' and indicated that redesignation of SR 120 from 'freeway' to 'conventional highway' would create the potential to allow for a future 'at-grade' pedestrian and bicycle crossing. Caltrans has subsequently determined to proceed with the freeway rescission action.

Caltrans noted,<sup>36</sup> however, that it would be premature to instigate a pedestrian crossing on SR 120 with its current status as a 'freeway.' Caltrans also expressed reservations about the safety of an at-grade crossing on SR 120 near Vista Point Drive due to high speeds and poor sight distances, even with redesignation to a conventional highway. Caltrans suggested that it may be possible for the project applicant to provide an ADA sidewalk inside the project boundary along the east side of SR 120, while noting that there is at this time no guarantee that pedestrian safety improvements will be incorporated into the SR 120/US 395 junction.

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

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<sup>36</sup> Email communication from Gayle Rosander, 11 October 2019.

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

Implementation of Mitigation SVCS 5.8(a) (Pedestrian Safety), as amended, would lessen potential project impacts on pedestrian and cycling safety. However, inasmuch as there is no feasible way to provide connectivity between the project site and downtown Lee Vining, the project impacts on pedestrian safety would be significant and unavoidable. Please see additional discussion of this topic in Topical Response #4.

- 4. COMMENT (Goal 1, Objective E):** *"Promote well-planned and functional community uses that retain small-town character and increase quality of life." The SEIR states: The project would increase the housing supply available to local workers, and occupancy would be linked to eligibility criteria. Ample parking would be provided for customer vehicles (standard & oversized), as well as transit vehicles (YARTS & ESTA) and car-pool participants. The project incorporates partnership opportunities including increased airport utilization (through rental car availability). Trails would be provided onsite for walking and bicycles, and efforts will be made to obtain grant funds for development of a walking/biking trail that would safely link the project site to the Lee Vining community. The 1993 project design was developed to optimize public access to the scenic resources and views around the US 395/SR 120 junction, and the newly proposed uses will be largely screened from offsite views. Again, tripling the size of Lee Vining is not retaining "small-town character". As mentioned above, the possibility of a grant to connect the project site with Lee Vining should be a mandatory mitigation funded entirely by the proponent.*

*It is not clear from reading the draft SEIR who the housing would actually be for. In some places it states that it is for the onsite hotel and restaurant employees (but that project has yet to be built and some speculate it might not ever be built). Other places in the document it states it is for seasonal Mammoth Mountain employees, and at public meetings the proponent has said that it would be for anyone working in Mono County. Regardless of the shifting answer, one thing is clear: currently any eligibility criteria is not tied to any clear enforceable measures, either through the County or another oversight entity. Furthermore, The Mono Basin Community Plan specifically calls out requirements for workforce housing which include "establish tenant eligibility criteria, including a time requirement as a local resident and/or local employee, for workforce housing units, and identify the entity that applies, manages, and enforces the criteria". The Mono Basin Community Plan also directs proponents to "promote workforce housing opportunities that connect the community with housing programs." As drafted, the current proposal does not go far enough in prioritizing the local needs of our community. The newly proposed uses will not be screened from off-site views as discussed throughout this letter. The Mono Basin Community Plan clearly states "recognize the junction of Highways 395 and 120 as an important viewshed for the community and its visitors, and therefore, a project should avoid potential impacts to that viewshed".*

**RESPONSE:** As stated on DSEIR §3.4 (Project Objectives), "All of the 1993 objectives remain valid with the current project, joined by the additional objectives listed below:

- *To provide sufficient housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses;*
- *To incorporate water conservation and energy efficient features and design elements in order to manage costs and conserve resources;*
- *To ensure that infrastructure sizing is adequate to meet existing and future needs.*
- *To provide additional gasoline services consistent with demands."*

The primary project objective is and has always been to provide housing for onsite employees. At full operation, the Tioga development is anticipated to employ 185 people, 150 of whom are forecast to work in the onsite Hotel. Housing that is not

needed by onsite employees would be made available to other prospective residents including employees of businesses in Lee Vining and elsewhere in Mono County, and employees of Yosemite National Park.

Ultimately, all decisions regarding housing eligibility will be made in accordance with applicable housing laws. Housing laws have changed rapidly in recent years, and it is possible that some of the applicable laws will not provide for the applicant's original goals (or even to the housing criteria outlined in the Mono Basin Community Plan). Importantly, Mono County has determined that compliance with the State and Federal Fair Employee Housing Act (FEHA) precludes the use of eligibility criteria imposed by the County, other than income restrictions. As discussed in Topical Response #8, the Tioga project proposal has been modified to comply with provisions of the newly adopted Housing Mitigation Ordinance, and to incorporate income restrictions if required to enhance the prospects for grant funding under the Affordable Housing and Sustainable Communities (AHSC) program.

Under the Concept Plan presented in the DSEIR, the housing area would be largely screened from view of the Mono Basin (including the SR 120/US 395 Gateway Junction) by the ridgeline that would form the west boundary of the housing area. As shown in the DSEIR Concept Plan, the housing would be directly visible from a roughly ½ mile segment of US 395, as well as South Tufa Beach and other important points to the southeast. In response to comments on the DSEIR, design modifications have been incorporated into a new Alternative 6 to further minimize aesthetic impacts. The modifications are detailed in Topical Response #1 and briefly discussed above in the response to Comment 2. The Response to Comment 1 above offers additional discussion of the project in terms of the intent of Goal 1, Objective A to promote uses that retain the small-town character of Lee Vining.

- 5. COMMENT (Goal 1, Objective F):** *"Provide appropriate public infrastructure and service capability expansion to support development, public safety, and quality of life." The SEIR states: Water, sewer and propane demands of the existing and proposed project will be met onsite, and the applicant will make water and propane service available to customers in Lee Vining. A sizeable share of the demand for electricity will be met through solar panels to be installed on all structures, and a cell tower located on the property supports Wi-Fi connectivity for project site and the region as a whole. The site serves as a staging area during emergencies, and provides space adequate for helicopter landings. All project utility lines will be underground (only the SCE overhead lines will remain).*

*The Mono Basin Community Plan directs that "future development should coincide with infrastructure and service capability expansion." The project as proposed stands to triple the population of Lee Vining yet there is no discussion or plan on how local community services such as volunteer fire departments, post office capacity, the capacity of our schools, or public parking (to name a few) will be able to accommodate the sudden surge in community population.*

**RESPONSE:** Provision for adequate services and facilities is a priority for the project as well as the Lee Vining Community. In response to concerns raised by LVFPD, this FSEIR outlines steps that will enable LVFPD to expand its service capability to meet requirements associated with the earlier 1993 approvals and the proposed Community Housing. Detailed discussion of these steps is provided in the response to the LVFPD comments on the DSEIR (see Letter #8, Comment 2).

The Mono County Emergency Medical Services Department<sup>37</sup> and the Lee Vining Post Office<sup>38</sup> have stated that the project can be served with existing resources, and the Eastern Sierra Unified School District indicates that local schools will be able to accommodate the added student population and any needed school improvements would be adequately funded through payment of impact fees.<sup>39</sup> All other services and infrastructure (water, sanitation, and power) will be provided on the project site and does not require any public infrastructure expansion. The project site will provide ample onsite parking for residents, as well as bus stops to accommodate ESUSD and ESTA bus service to offsite locations as discussed in Topical Response #10. Please also note that CEQA does not require off-site parking analyses.

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<sup>37</sup> Correspondence from EMS Chief Mokracek, 11 September 2019.

<sup>38</sup> Correspondence from Yazmin Coronado, Post Office Manager, 11 September 2019.

<sup>39</sup> Correspondence from Mollie Nugent, 26 June 2019.

As noted in response to Comment 1 above, the newly developed Phasing Plan (discussed in Topical Response #7) will moderate the rate of growth, ensure that units are constructed only as warranted by occupancy demand, and better enable services in Lee Vining to accommodate demands of the new Tioga residents.

- 6. COMMENT (Goal 2, Objective A):** *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." The SEIR states: The proposed workforce housing will support continued development of a diversified, sustainable economy in the Mono Basin. This is a completely insufficient explanation of how the workforce housing will specifically support this particular objective. How will the workforce housing proposal achieve a diversified and sustainable economy for Lee Vining?*

**RESPONSE:** The DSEIR statement concerning a 'diversified, sustainable economy' referred to the economic growth and development that would be supported by the Tioga project both onsite and in Lee Vining and surrounding communities. Future residents of the housing would almost certainly patronize Lee Vining businesses and services, expanding the year-round customer base and moderating seasonal economic fluctuations. The economic stimulus created by up to 300 new permanent residents would support investment in existing and future Lee Vining businesses.

- 7. COMMENT (Goal 2, Objective B):** *"Enhance and support the existing tourism-related economy." The SEIR states: The project will support community efforts to promote longer stays, provide more visitor accommodations, host YARTS services, provide extend tourism into the shoulder seasons, and explore expanded use of the Lee Vining Airport. The applicant has communicated with USFS regarding the potential availability of housing for Yosemite employees, and has communicated with Mono County regarding the possibility of providing rental cars to airport customers. Restroom facilities on the site are well maintained and open to the public year round. The Tuolumne River Plan approved in 2014 addressed the Park housing need through a reconfiguration of their existing facilities in Tuolumne Meadows, thus eliminating the need for seasonal Park housing in the Mono Basin.*

**RESPONSE:** In accordance with the proposed project objectives, onsite employees at the Tioga hotel, restaurant, deli and other onsite facilities will have the highest priority for occupancy of the housing, consistent with applicable housing laws. Housing that is not required for onsite employees will be made available to employees of other Mono County businesses, as well as Yosemite National Park employees, in accordance with demand and California housing laws. Yosemite was called out specifically because it is the only non-Mono County employee group that was envisioned as potential occupants of the project housing, but only if it is needed (see Topical Response #7, phasing), and only if units are available.

- 8. COMMENT (Goal 2, Objective C) "Diversify the existing economic base and employment opportunities to achieve a more sustainable economy":** *The SEIR states: The project would contribute to employment opportunities, provide a year-round residential market for locally produced goods and foods and an opportunity for expanded water and propane infrastructure. The workforce housing would increase the local recirculation of wages through increased resident purchases in and around Lee Vining. The onsite cellular tower would continue to support Digital 395 broadband access for the site and surrounding environs. The workforce housing proposal does not constitute "new business developments and entrepreneurial efforts that contribute to a mix of uses and services" but rather includes redundant businesses (hotel and restaurant) that will threaten the stability of existing hotels and restaurants currently operating in Lee Vining.*

*The project does not "support the revitalization of Main Street" as the Mono Basin Community Plan calls for, as the project is on the outskirts of Lee Vining. And as stated before, currently there isn't a reliable, funded plan for connecting Lee Vining to the project area. It is questionable whether or not the occupants of the workforce housing would increase purchases of goods and services in Lee Vining as it would depend where the occupants are actually working. It's quite possible that residents might spend at least some of their money on goods purchased outside of Lee Vining, especially if they are working in Mammoth.*

**RESPONSE:** The proposed Community Housing project will strengthen existing Lee Vining businesses through creation of an expanded customer base. The housing project has ample parking for residents' vehicles which will provide for reliable

transportation into town. As with existing residents on the Tioga property, residents of the future Community Housing complex will identify as part of the Lee Vining community. Even those residents whose jobs are in other areas of Mono County (or Yosemite) will to varying degrees patronize local businesses, attend local schools and churches, establish relationships with existing community members, and participate in community events. Without doubt, the new residents will spend some portion of their disposal income outside of Lee Vining, but they just as certainly spend a portion of their income in Lee Vining. Future residents' spending patterns will most likely resemble the spending patterns of current Lee Vining residents.

The policy to support the revitalization of Main Street was not intended to require businesses in other locations (away from Main Street) to support or contribute to the physical revitalization of the Main Street corridor, nor was it meant to preclude proposals in other areas. It was intended as a goal for projects that would be directly located on Main Street. The proposed Tioga project would support Lee Vining businesses indirectly; this conclusion was central to the Fair Political Practices Commission decision that Planning Commissioner Lizza would have a conflict of interest and should therefore be recused from decisions on this project.

- 9. COMMENT (Goal 3, Objective A):** *"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." The SEIR states: Eastern Sierra Unified School District notes that the project would enrich the school community and that developer fees would cover the cost of new facilities for children in the workforce housing area; onsite space will be provided for playgrounds, social meeting areas, day care, and other workforce community programs.*

*The project does not specifically propose opening a dialog with schools to collaborate relationships. It does not support the provision of higher education and workforce development programs, or cultivate community leadership, nor does it express support for various cultural and ethnic groups in the community.*

**RESPONSE:** As noted above, ESUSD concluded that the project would contribute to the sense of community and also provide funds to undertake school improvements if and as needed. There was no cited need for an expanded dialog between ESUSD and the applicant, although the applicant has indicated that he would welcome a collaboration if and as desired by the District. Please also note that no nexus exists to require that this project create new education, employee or leadership development programs. However, although the project does not implement these goals, it is not in conflict them.

- 10. COMMENT (Goal 3, 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." The SEIR states: The Tioga Mart will continue to host the popular free summer music events program which is open to all and offers diverse music forms. Many other community opportunities exist under this objective such as outdoor education, youth activities, after school programs, supporting the local library, and working with the Kutzadika Mono Lake Indian Community. It is disappointing to see that the only institutionalized community offering is an already existing program which provides a direct financial benefit to the proponent since attendees dine and drink at the Tioga Inn while enjoying the musical events.*

**RESPONSE:** The music events are free and popular. Patrons generally do purchase meals and drinks at these events, but they are welcome to bring their own meals and drinks (nonalcoholic only) in order to enjoy the concerts without cost. The value of the music events to the community is not lessened by financial gains to the owner, nor do financial gains create a conflict with this policy. The music events are consistent with the policy goal to capitalize on the tourist economy.

The Community Housing project would diversify the forms of community participation. At a minimum, onsite workers who volunteer with LVFPD will have top priority for available housing, followed by workers at other locations who volunteer with LVFPD. Additionally, the onsite staffed day care facility will be available for use by site residents and Lee Vining residents, and will provide an opportunity for expanded preschool programs including varied outdoor and youth activities.

- 11. COMMENT (Goal 3, Objective C):** *"Encourage people to volunteer in the community and participate in events." The SEIR states: A community poster board is provided outside of the convenience store. Again, this is a disappointing and*



*insufficient offering with a project poised to triple the existing population of Lee Vining and whose community functionality is hinged on so many volunteer organizations.*

**RESPONSE:** Volunteerism by its very nature is done willingly by individuals for the benefit of other people, and generally not tied to financial gain; it also refers to methods and tools used by employers to support employees who want to volunteer. As with the existing site residents, future residents of the Tioga project will be part of the Lee Vining community. They will inevitably patronize local services, attend local schools and churches, establish relationships with existing community members, and participate in community events. These activities and relationships are often the source of the desire to volunteer. As a state, California ranks 34 out of 50 for volunteer activities, with a 23.9% participation rate.<sup>40</sup> The rate for future residents of the Tioga site cannot be known, but the statewide average may provide some indication of likely participation rates. It is anticipated that the project will increase volunteerism in Lee Vining, through the elective and non-compulsory decisions of future residents. In addition, and in response to DSEIR comments, the project owner has modified the priorities for housing eligibility to give first priority to onsite employees who agree to volunteer with LVFPD (to the extent allowed by law).

**12. COMMENT (Public Review Process):** *The draft SEIR was released to the public on June 14, 2019 with a 60-day public comment period. The RPAC was notified by email on June 17, 2019. The general public was noticed in the newspaper on June 22, 2019. The Mono County Planning Commission held a workshop on June 20, 2019 explaining the project. I attended that workshop and other than Commissioner Lizza, I was the only member of the public from Lee Vining. Given the long history of the project and the changes described during the workshop from the original November 2016 scoping documents to the newly revised draft SEIR, I was concerned that members of the Lee Vining community might not be aware of the schedule and more importantly the content.*

*Immediately after the Planning Commission meeting, I requested that Mono County Community Development hold a community workshop to explain the project changes and that meeting was held on July 30, 2019, with the discussion led in large part by the project consultant. On August 15, 2019 another Lee Vining community meeting was held so the residents of Lee Vining could further discuss the project and associated impacts and concerns. Supervisors Gardner and Kreitz attended this meeting.*

*I am summarizing the process timeline for a reason. The original deadline for comments was August 13, 2019 (now adjusted to August 21 to satisfy the 60-day legal requirement from the date published in the newspaper). The Tioga Inn Specific Plan and draft SEIR amendments are a significant project for Mono County. Given the size, complexity (teasing apart what's already approved via the 1993 Specific Plan and what is a new project proposal), and potential impacts to the Mono Basin, a clear understanding of the content and process is critical. My concern is that for such a significant project, members of our community (and I include myself) have not had sufficient time to analyze the draft SEIR to the extent that we would like to, even though Mono County has complied with CEQA noticing and comment deadline requirements.*

**RESPONSE:** The timeline and process outlined above reflects a generous allowance of time under CEQA standards and requirements, and an ongoing commitment to working closely with the Lee Vining community. CEQA Guidelines §15105 (Public Review Period for a Draft EIR) states, "The public review period for a draft EIR shall be not less than 30 days nor should it be more than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse<sup>41</sup> for review by state agencies, the public review period shall be not less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse." The guidelines go on to explain conditions under which a shortened review may be approved, but there is no discussion of review periods longer than 60 days.

Mono County originally set the Tioga DSEIR review period for 60 days. The County subsequently added a 7-day extension for a total of 67 days for public review. The extension was in response to the request of many Lee Vining residents for added time, and also recognized that the legal notice was published 7 days after the review was initiated. Please note, however,

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<sup>40</sup> Americorps: <https://www.nationalservice.gov/vcla/state-rankings-volunteer-rate>

<sup>41</sup> Note that the Tioga DSEIR was submitted to the State Clearinghouse.

that the county and applicant approved the extension voluntarily and in good will; there is no legal requirement for the review period to be longer than 45 days.

Please also note that the CEQA process itself accounts for the complexity of projects by establishing a shorter noticing and review period for less complex proposals that may be subject to less complicated environmental analyses such as a (mitigated) negative declaration. Moreover, the 17 June 2019 email to the RPAC as well as the 20 June Planning Commission meeting were both above and beyond the noticing and meeting requirements of CEQA, and both were done early in the review period in order to provide the public with as much time as possible to subsequently review the DSEIR.

With respect to late comments, Mono County has repeatedly committed to respond to all substantive comments received, including those that arrive after close of the review period. Late comments that cannot be included with the FSEIR will nonetheless be transmitted to the decision-makers and addressed at that stage. In essence, the public can contribute their comments to this process up to and including the final public hearing.

**13. COMMENT (Specific Plans):** *In general, specific plans set limits on the maximum building or footprint disturbance of a particular site, including the intensity of the development. The 1993 Tioga Inn Specific Plan approved a building footprint with associated impacts for a 120 room hotel, a 5,000 square foot restaurant, and ten housing units. Now the proponent wants to increase that disturbance and impacts with a much larger housing project that would be 100 units with 150 bedrooms, effectively housing up to 300 people.*

*The environmental impacts resulting from the already-approved 1993 Specific Plan are significant. Adding cumulative impacts from the increase of 10 to 100 housing units must require a revisit of the entire project so that all environmental impacts can be analyzed and evaluated. Much has changed in our community since 1993; most notably the above-mentioned community plan, an increase in wildfire occurrence and intensity, the 1994 State Water Board Decision protecting Mono Lake, and the exponential tourism and recreational use Mono Lake experiences as a visitor destination.*

*Specific plans must specify programs and establish regulations that are necessary to finance infrastructure and public works projects. In my review of the draft SEIR I found very little evidence that this requirement had been satisfied. For a project that at a minimum will triple Lee Vining's current population, I found very few examples of the project offsetting in any way impacts to the community infrastructure and functionality. Simple things such as parking in Lee Vining or access to the post office will be forever changed and in orders of magnitude not fully expressed in the draft SEIR.*

**RESPONSE:** The proposed project would, if approved, modify the footprint of land uses and increase the density of structures and people on the project site. However, the project proposal also incorporates a net 0.7-acre increase in overall Open Space land area, with almost twice the acreage of Open Space-Preserve (the most protected of the open space designations) compared to the existing Specific Plan (from 14.8 acres now, to 27.8 acres if approved). In whole, more than two thirds of the total project acreage would be designated for Open Space use (47.2 acres of open space on the 69-acre property).

Onsite water, power, internet, sanitation, gasoline, snow removal, basic supplies, and other services and utilities would continue to meet most of the needs of the proposed Tioga project, as at present. No concerns have been identified by the Post Office with respect to future residents' use of this facility. In addition, significant portions of the infrastructure for this project (water, solar power, sanitation, etc.) are provided onsite and will not impact public infrastructure needs or services. As stated in DSEIR §4.4.6, the Tioga development is a private project for which no public monies have been used. In conjunction with Amendment #3, the applicant may seek grant funding in support of the housing component and/or amenities to better serve the housing component.

Cumulative project impacts were addressed in DSEIR §6.0 and included consideration of the environmental impacts associated with the previously approved but as yet unbuilt elements of the 1993 Specific Plan approvals. As summarized in DSEIR Table 6-1, potentially significant cumulative project impacts include exposure to mudflows from volcanic eruption, impacts to migratory species, safety impacts associated with turning movements from SR 120 to northbound US 395, safety impacts associated with pedestrians and cyclists traveling between the site and Lee Vining, and impacts on scenic quality and visual character (including light and glare).

Specific recommendations are provided in this FSEIR (please see Letter 8, Comment 2) that would enable Lee Vining Fire Protection District (LVFPD) to respond to existing and future service requirements throughout its service area, including the project site. The project proposal now provides for a secondary access road, and incorporates DSEIR Mitigation Measure SFTY 5.7(d) (Emergency Evacuation) into the Specific Plan as Implementation Measure 2b(5)) with added requirements; DSEIR Mitigation Measure SFTY 5.7(d) has been deleted from the Mitigation Monitoring and Reporting Program. Please see Topical Response #6 for additional discussion of modifications to address LVFPD concerns.

With respect to the shortage of parking in Lee Vining, please note that offsite parking adequacy is not cited as an environmental issue in the CEQA Checklist, and also not directly relevant to the project as proposed. Commercial properties in Lee Vining have the obligation to comply with standards that ensure adequate onsite parking to meet their customers' needs (and, as noted elsewhere, the population of Lee Vining and associated parking demand has been much higher in the past than it is at present). The lack of adequate parking in Lee Vining is not an impact that can be attributed to the Tioga Community Housing project, nor is it the responsibility of this project applicant to provide solutions for these offsite concerns. However, forthcoming traffic calming improvements by Caltrans will include additional parking facilities in Lee Vining, since parking improvements are included in all of the alternatives under review by Caltrans.

Regarding the 1993 Specific Plan, and changes in Lee Vining since 1993, please see the discussion provided in Topical Response #13.

**14. COMMENT (Gateway community):** *Lee Vining is surrounded by public land and it is special land as evidenced by state and federal designations. The Mono Basin National Forest Scenic Area (the first congressionally-designated Scenic Area in the nation) boundary is across the highway, 1,000' from the proposed project boundary. The Mono Lake Tufa State Natural Reserve, a California State Park unit, encompasses the shoreline of Mono Lake, protecting wildlife habitat and unique shoreline features, the tufa. And 12 miles from the project is the eastern entrance to Yosemite National Park.*

*In past decades, gateway communities have struggled with the challenge of how best to serve the needs of hundreds of thousands of visitors annually with the needs and health of the permanent resident population and the natural landscape that visitors are seemingly craving in larger and larger doses. Many gateway communities have failed to achieve this delicate balance and are now forever changed, and I would argue, have therefore lost their appeal. I don't want Lee Vining to become another over-developed, sterile, commercialized gateway community. Lee Vining and Mono County are unique and therefore require a unique, thoughtful approach to any development project.*

*Admittedly, preserving this unique character will be a challenge, now and with each planning decision we collectively make. But we can learn from experts in the field such as Edward McMahon, co-author of *Balancing Nature and Commerce in Gateway Communities*. McMahon recommends the following:*

- Many gateway communities are overwhelmed by haphazard growth that fails to meet local needs or aspirations and detracts from the integrity of public lands.*
- The vast majority of gateway community residents, both newcomers and old timers, feel a strong attachment to the landscape and to the character of their town. They want a healthy economy, but not at the expense of their natural surroundings or community character. (Note: This exact point was made repeatedly throughout the Mono Basin community visioning process. Please review the plan for specific details.)*
- Many residents and local officials feel helpless in the face of rapid change. People know what they like about their communities and what they don't like about new development. They just don't know how they can preserve what they love without saying no to jobs and economic development (or in this case, housing).*
- Progress does not demand degraded surroundings. A number of gateway communities have implemented successful initiatives to cope with rapid growth and high visitation. Communities are demonstrating that economic prosperity doesn't have to degrade natural surroundings, rob them of their character, or turn them into crowded tourist traps.*

*(Gateway Communities by Edward T. McMahon; Planning Commissioners Journal; Spring 1999)*

**RESPONSE:** The project applicant shares the goal to serve large numbers of visitors while simultaneously protecting the needs of natural resources and long-time residents. Described below are ways in which the concepts reflected in the above discussion of Edward McMahon have been applied to the project:

- The development of commercial uses on the Tioga site is proceeding in stages, and in accordance with approvals granted in 1993. The proposal to incorporate onsite housing is a proactive effort to recognize and address the chronic scarcity of employee housing throughout Mono County. These are not haphazard conditions, but instead reflect an affirmative effort to respond to a long-standing need through deliberative planning. The Tioga project has long been approved for commercial development (since 1993), and the Mono Basin Plan did not identify this Specific Plan as an inappropriate development.
- The proposed Community Housing project would allow future workers at the Tioga site to become members of the Lee Vining community, rather than commuters from more distant locations. As Lee Vining residents, they too will share the goal of preserving community identity and the landscape. The addition of up to 300 residents would not undermine the status of Lee Vining as a 'small community.' There is no uniform definition for a small community but it is generally understood to be a population of fewer than 10,000 residents, with a limited range of services. Lee Vining will continue to represent these and other characteristics of small towns, and the increased population resulting from this project will not be substantially higher than the Lee Vining population in earlier decades.
- The project will expand the opportunity for residents to live near their place of employment and to have ready access to the schools and facilities and day care services that allow families to thrive.
- This EIR acknowledges that aesthetic impacts are significant and at the same time notes that aesthetic impacts will be limited by the natural topographic features. Design modifications are now proposed (through Alternative 6, as described in Topical Response #1) to further reduce visual impacts, and to make the project more compatible with local character. Alternative 6 encompasses a wide range of design modifications including building configuration and orientation, replacement of more than half of the two-story structures with single-story structures, added grading to lower the profile of housing units, and many other elements that are a specific response to the input provided by community members. The elements described in Topical Response #1 embody a successful strategy to maintain a sense of community in an area of exceptional beauty while coping with rapid growth and high visitation.
- Specific concerns and recommendations about this project, as identified by Ms. Cutting and by many other reviewers, have resulted in meaningful changes to respond to the issues raised. These changes include a new Alternative 6, a new phasing plan, additional provisions for compliance with dark sky objectives, and many others.

**15. COMMENT (Conclusion):** *Based on the significant insufficiencies in the draft SEIR, the magnitude of the impacts of the project, and the fact that several major impacts (six in total) cannot be mitigated at all, the only alternative I can support is the environmentally superior alternative, no project alternative.*

*I will conclude my comments with this citation from the Mono County General Plan Land Use Element (ii-9) which should guide decision makers as they evaluate this project going forward: "Residents express conflicting sentiments about additional growth. The concept of a sustainable, successful economy is supported, but the fear is that communities will need to become too big or 'citified' to achieve this, sacrificing the rural characteristics and healthy natural environment valued by residents. The challenge is to appropriately balance economic development goals with the desired rural community characteristics and protection of the natural, scenic, historical and recreational values of the area. Growth does not necessarily mean becoming bigger; it could also mean improving what already exists within the current development footprint." Thank you for considering my comments.*

**RESPONSE:** The DSEIR identified a total of 5 significant adverse project impacts:

- Direct and Cumulative Impacts to people and property from volcanic-generated mudflows
- Cumulative (but not direct) Impacts on deer migration
- Direct and Cumulative impacts to pedestrians and cyclists traveling between the site and Lee Vining
- Direct and Cumulative Impacts on Traffic Conditions at the intersection of SR 120 and US 395 (with or without the proposed project)
- Direct and Cumulative Impacts to aesthetic resources (including light and glare)

As discussed in Topical Responses #4 (pedestrian access), #5 (deer), and # 9 (SR120/US395 intersection), it has been determined that there is no feasible way to reduce to less than significant levels the direct and cumulative project impacts on pedestrian safety, the direct impacts on deer movement, and the direct and cumulative impacts on the SR120/US395 intersection. It is also infeasible to reduce the impacts from volcanic-generated mudflows to less than significant levels.

Efforts in this FSEIR have focused on identifying project changes to lessen aesthetic impacts and reduce light and glare. Please consider the discussion in Topical Response #1, which outlines ways in which the modified plan design will respond to concerns raised in this and other comment letter in order to further minimize project impacts on aesthetic resources of the Mono Basin.

The conflicting sentiments of Lee Vining residents toward growth are acknowledged herein, and were identified in the DSEIR Table 5.5.6. As quoted therein, from the General Plan discussion of constraints and opportunities in Lee Vining, "*Residents support sustainable economic development but not at the cost of a healthy rural environment; the emphasis is on enhancing existing resources.*" The accompanying project analysis noted that the Tioga Mart is a well-established existing use, and the hotel and restaurant are long-established entitlements. The proposed housing enhances those existing uses by allowing employees to live close to their job, and thus spend less time commuting and more time with friends and family. These benefits are widely recognized as important elements of a healthy rural environment.

# #5

## Eastern Sierra Transit Authority

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**COMMENT (ESTA Bus Stop):** If ESTA is to be involved...the access to the bus stop needs to be easy and quick. We are on schedules and our drivers have restricted drive times and break times. Every minute counts. While the deviation of about .5 miles round trip is not much, ESTA's 395 North route is very tightly scheduled. Of course, ESTA will need to turn around and get back on the 395, so a generous turnaround will need to be accommodated. We will turn left into the bus stop design and getting out quickly and safely is a priority. Current vehicles are 37-foot Class 4 buses. I am definitely not interested in going too deep into the property on interior roads.

**RESPONSE:** Following an onsite meeting with ESTA, and as described in Topical Response #10, the ESTA bus stop and turnaround area will be provided in the vicinity of the hotel access road. Newly proposed MITIGATION LU 5.5(b-2) (Bus Stop Design), shown below, ensures that bus access for ESTA (and ESUSD) will meet requirements of both agencies:

**NEW MITIGATION LU 5.5(b-2) (ESTA/ESUSD Bus Stop):** The 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. The 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

## Houseworth, Alice

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### 1. **COMMENT (Notice of Preparation):**

1. *The NOP comment period was from October 17, 2016 to November 25, 2016; with the scoping meeting October 27, 2016. This was 3 years ago and significant project changes have occurred since then, along with changes to OPR CEQA guidelines.*
  - a. *The NOP comments are not based on the current project.*
  - b. *The NOP should have been updated and recirculated for complete public disclosure and meaningful comments.*
2. *"During the NOP review period, a public scoping meeting was held at the Lee Vining Community Center inviting interested agencies, individuals, and organizations to discuss the range of issues, alternatives, and potential mitigation measures to be addressed in his Draft Subsequent EIR.*
  - a. *Again, the comments that were received were based on a project that has since significantly changed. Therefore, the range of issues and alternatives that were discussed are not the same as current version of the project.*
  - b. *A new scoping meeting should have been held to discuss correct project.*
3. *In recirculating the NOP, the EIR should have included the updated CEQA checklist, including a full analysis of energy, wildfire, and a separate analysis of Tribal Cultural Resources (TRC).*

**RESPONSE:** CEQA Guidelines §15375 states that the purpose of the NOP is to solicit guidance from responsible agencies, trustee agencies, the Office of Planning and Research, and involved federal agencies regarding the scope and content of the environmental information to be included in the EIR. The common practice, which Mono County fully supports, is to add the public to the list of important stakeholders while recognizing that the practice is above and beyond CEQA requirements. Guidelines §15082(c) requires a scoping meeting for projects of statewide, regional or areawide significance, or when requested by the agencies. This meeting was held on 25 November 2016.

CEQA does not require that a NOP be recirculated or done over again if the project changes, nor does it require that a NOP provide a full analysis of any topic. In the current instance, the project scope was substantially reduced, following receipt of NOP comments, by eliminating the proposal to add a 3<sup>rd</sup> story to the hotel, and also eliminating the proposal to increase the size of the promontory restaurant, and incorporating additional conservation features. The project proposal was also expanded with respect to a proposed increase in the number of housing units from 80 (as stated in the NOP) to 100. In whole, the list of revisions made in specific response to NOP comments includes:

- Deletion of the proposal to add a 3<sup>rd</sup> story to the hotel
- Deletion of the proposal to increase the size of the promontory restaurant
- Incorporation of a wastewater treatment plant with a subsurface irrigation system using treated effluent
- Affirmation of the use of solar panels to the maximum possible extent, with high efficiency appliances and insulation to minimize unit heating and cooling requirements
- Clarification of Community Housing facilities including staffed day care (which will also be available for use by community members), laundry facilities, and personal storage space for each unit.
- Revisions to the Open Space Plan to create a protected corridor along US 395 for deer, with an overall open space increase of 0.7 acres and almost a doubling of the most-protected Open Space-Preserve category.

This approach is consistent with CEQA Guidelines §15004, which encourages the preparation of environmental documents at a stage when revisions can still be incorporated to reduce or avoid environmental effects. The range of issues discussed in the DSEIR reflects and is consistent with these changes.

As noted in Comment 1 above, the CEQA Guidelines have been recently updated. The changes applied to CEQA documents (including the Tioga DSEIR) that were sent out for public review after the 28 December 2018 effective date.<sup>42</sup> The Tioga Community Housing DSEIR impact analyses were updated to reflect the new guidelines. As indicated in DSEIR §1.4 (CEQA Guidelines and Determination of Impact Significance) the revisions have, in some instances, relocated the sections within which topics are to be addressed. The Tioga DSEIR retained the original locations, but provided referrals where needed to point to the location of updated impact analyses.

- 2. COMMENT (Visual Impact Assessment):** 1. DSEIR Appendix O. Minor Level Visual Impact Assessment, prepared by: [[BPES, Inc.]]. June 14, 2018, states that: "The considerations outlined in this Minor Level Visual Impact Assessment, in combination with additional information provided in the Caltrans Visual Impact Assessment Questionnaire and Responses, provided in SEIR §5.12, indicate that visual impacts of the proposed Tioga Workforce Housing project will be noticeable and the average response of all viewer groups will be moderate to low." Please justify the statement that the average response of all viewer groups will be moderate to low. How was this determined?
2. The Subsequent EIR has an inadequate analysis of visual impacts. a. The visual impact assessment follows the guidance outlined in 'Visual Impact Assessment for Highway Projects' published by the Federal Highway Administration (FHWA) in March 1981. This is an outdated document. The analysis needs to be redone using current January 2015 guidelines. [https://www.environment.fhwa.dot.gov/env\\_topics/other\\_topics/VIA\\_Guidelines\\_for\\_Highway\\_Projects.pdf](https://www.environment.fhwa.dot.gov/env_topics/other_topics/VIA_Guidelines_for_Highway_Projects.pdf)
- b. A visual impact assessment cannot be completed without visual simulations and photographs of the existing conditions from several viewpoints. None of these were found in the 2018 Minor Level Visual Impact Assessment.

**RESPONSE:** The visual assessment method recommended in this comment (i.e., *Visual Impact Assessment for Highway Projects*, FHWA, January 2015) is a program developed by the Federal Highway Administration for evaluation of the visual impacts associated with federal highway construction projects.<sup>43</sup> The program recommends that State Departments of Transportation consider use of this method, or develop alternative methodologies.

The assessment used in the DSEIR is based on the program developed by Caltrans. Caltrans' Visual Impact Assessment (VIA) program is primarily directed to projects involving state highways (Caltrans requires that VIAs be performed by licensed landscape architects for all internal and external developed projects), but is widely used to analyze impacts of land use projects located in Caltrans-designated scenic highway corridors. Caltrans' VIA was used for the Tioga Community Housing Project because the project is located along US 395, which Caltrans has designated as a Scenic Highway from the Inyo County line north to Walker (but does not apply to community areas), and in acknowledgment of recognized scenic value of resources in this area, including the US 395/SR 120 'Gateway' junction. The visual assessment and analysis provided in DSEIR §5.12 (Aesthetics, Light and Glare, Scenic Resources) provides photos of existing conditions and post-project visual simulations from three viewpoints (selected in response to comments on the NOP) including South Tufa Beach, US 395, and Epic Cafe. On the basis of information developed in the photosimulations and results of the Visual Impact Assessment, the DSEIR concluded that project impacts on aesthetic resources would be significant and adverse. (As noted in Letter #3 Comment 10, however, Caltrans believes that the project's scenic impacts may have been overestimated.)

- 3. COMMENT (Project Location):** 1. It is admirable that the workforce (low income) housing has been expanded; it is needed in this area. However, the identified greenfield site is not the proper location for this development. Based on the Mono Basin Community Plan (see above goals and policies) the County specifically states, several times, that orderly growth of Lee Vining should take place adjacent to the existing community, not way out by SR 120. Leapfrog development has consistently been proven to be a poor planning strategy. Isolated developments in rural exurban areas, far from the built-up lands, that will not be incorporated into the contiguous built-up urban area for decades, if ever, specifically meets any definition of urban sprawl. By extending infrastructure to this location the County would encourage future development and promote urban sprawl, habitat destruction, nighttime lights in areas that should be preserved for nature.

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<sup>42</sup> OPR: <http://opr.ca.gov/ceqa/updates/guidelines/>

<sup>43</sup> U.S. Dept. of Transportation, FHWA, Guidelines for the Visual Impact Assessment of Highway Projects, January 2015: [https://www.environment.fhwa.dot.gov/env\\_topics/other\\_topics/VIA\\_Guidelines\\_for\\_Highway\\_Projects.pdf](https://www.environment.fhwa.dot.gov/env_topics/other_topics/VIA_Guidelines_for_Highway_Projects.pdf).



2. Tioga Road (SR 120) and US 395 would have a significant increase in pedestrian/vehicle conflicts and possible fatal accidents as people walk along the side of these fast moving highways. There are no sidewalks until you get closer to town, and then there are very narrow sidewalks until well inside Lee Vining. Workforce housing residents would need to walk a mile to the grocery store. Children would need to walk along a high speed highway with no protection from speeding cars, trucks, semis, and freight haulers. Pedestrian safety would be a significant impact. The developer or county would need to construct off road bicycle/walking path from the development to town to ensure safety.

**RESPONSE:** The Tioga site is part of the Lee Vining community. It is not an isolated site; the Tioga property has long been identified for development (since 1993), and the Mono Basin Plan did not identify the project site as inappropriate for that planned development. The project site is located less than ½ mile south of Epic Cafe (noted above as one of the simulation points), and it is located north of several homes whose families have long been recognized as part of the Lee Vining community. The project site is included in the service area of the School District and the Lee Vining Fire Protection District, and pays taxes and assessments in accordance with local fees and initiatives. The project site has a Lee Vining postal address. The existing project entitlements were granted more than 25 years ago and most of the existing site uses have been in place for several decades. A most-conservative description could be, however, that the project site is adjacent to the main townsite of Lee Vining.

The project also complies with requirements of the recently reinstated Mono County Housing Mitigation Ordinance, and would provide onsite housing (in an area recognized by the County to have very scarce housing options) for future employees of long-approved onsite commercial uses. There is no location that would more directly meet the housing needs of these future employees.

With respect to infrastructure, the project will be self-sufficient in terms of water supply and water storage, sanitation, and propane energy, and will utilize existing SCE lines (in combination with existing and proposed solar panels) for electrical energy, and an existing onsite tower for cell phone connections. All road improvements would be located on the project site. In sum, no extension of infrastructure is proposed and thus the project would not have potential to induce growth by posing a burden on services beyond existing capacities.

Please refer to Topical Response #4 and the response to Letter 3 Comment 9 for updated discussion of potential project impacts on pedestrian and cycling safety.

**4. COMMENT (Night Lighting):** 1. Mitigation Measure BIO 5.3 (d-1) (Shielding of Night Lighting), is inadequate. This measure requires compliance with an existing regulation: Ch. 23, Dark Sky Regulations, of the General Plan (Mono County Outdoor Lighting Ordinance). However, there are exemptions to this ordinance which should not be permitted for this dark area.

23.40 Exemptions. A. The following are exempt from the provisions of this chapter:

1. Seasonal displays using multiple low-wattage bulbs (approximately 15 lumens or less), provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe and attractive condition. Seasonal displays, no matter how safe and attractive, generate significant nighttime light and should be prohibited, not exempt from the lighting restrictions.
2. The Mono County Outdoor Lighting Ordinance was not written with consideration for wildlife and is outdated. This greenfield development should be required to comply with the International Dark Sky Model Lighting Ordinance<sup>1</sup> to ensure dark skies are maintained and that wildlife is not impacted.

**RESPONSE:** Topical Response #2 provides information about the Mono County General Plan Chapter 23 Dark Sky Regulations. The Chapter 23 Dark Sky regulations include an exemption for seasonal lighting displays using multiple low-wattage bulbs (approximately 15 lumens or less), provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe and attractive condition. Mono County staff has recommended that this exemption not be applied to the Tioga Community Housing Project, except on the housing structure walls that are not visible to the public viewshed. The County has also added a new Mitigation Measure AES 5.12(c-2) that requires preparation of a detailed Outdoor Lighting Plan. Elements of the new Outdoor Lighting Plan requirement are described in Topical Response #2.

The project will comply with any applicable regulatory changes adopted by Mono County, including the international Dark Sky Model Lighting Ordinance, if applicable. Please see DSEIR §5.3 (Biology) for discussion of project impacts on wildlife, which concludes that all impacts on wildlife would be reduced to less than significant levels except for the cumulative and unavoidable adverse effects on deer migration associated with increased traffic.

Though not specifically raised as a question, this Comment (and Comment 3 preceding) makes use of a term ('greenfield') that does not apply to the Tioga site or to the project proposal. Greenfield is a construction-industry term that originally referred to undeveloped land, and today refers more broadly to any project where there is no need to consider constraints associated with prior work.<sup>44</sup> The Tioga Specific Plan designation was granted in 1993. Although the Specific Plan does not show habitable structures on the area now proposed for housing, the existing use designation (Open Space-Support) is specifically intended for "accessory type buildings that are used for storage of supplies, a kennel for guests' pets, stable or horse corral, and parking area expansion if any when needed." The housing is an outgrowth of prior approvals and many of the environmental considerations are shaped by the 1993 entitlements. There is no portion of the project site that can be accurately referred to as 'greenfield.'

**5. COMMENT (Alternatives):** *Five project alternatives in the SEIR are:*

- *No Project*
- *1993 Alternatives*
- *Reduced Development*
- *Modified Cluster Design*
- *Modified Apartment Design*

- 1. The 1993 project alternatives are ... irrelevant for the 2019 project, because the 1993 project was completely different.*
- 2. The discussion of alternatives is completely inadequate. For a project of this large size each alternative should have a site plan to help the public understand the difference between site layout, mix of uses, reduced development and cluster development. A vague description does not fully describe the project alternatives.*
- 3. The project alternative must 'avoid or substantially lessen any of the significant effects of the project. EIR Chapter 7 does not list the 'significant effects of the project' so how can it possibly identify project alternatives that would reduce those impacts. However, Chapter 7 does include the irrelevant and unrelated 'potential significant adverse environmental effects' of the Draft RTP/General Plan Update; not the Tioga Workforce Housing Project.*
- 4. 'the lead agency must publicly disclose its reasoning for selecting those alternatives.' There is no explanation for the reason each of the project alternative were selected. They are just modifications of the project and not related directly to reduction of impacts.*
- 5. 'The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.'*
  - a. There is no discussion or even a general analysis of the impacts of each alternative. I understand that CEQA permits the Alternatives analysis to be a less detail than the proposed project, but there is no analysis or discussion of how these alternatives reduce significant impacts.*
  - b. The 'meaningful evaluation and analysis' is limited to a numbered list (p. 7-6 §7.5.3, paragraph #3) or a partial sentence (Section 7.5.4 '...alternative would reduce impacts on biological resources [compared to the proposed project],...')*
  - c. A matrix table is not an analysis, just a summary of findings. Findings should [be] discussed and evaluated in the text.*
  - d. Each significant impact should be discussed, and the alternatives evaluation should show how they avoid or reduce the specific impact. This evaluation did not occur in the SEIR; therefore, the alternatives discussion is inadequate.*
- 6. Alternatives to the 1993 Project are invalid because they don't relate to the 2019 project; the no project alternative is informational only; and Alternative 4 and 5 were both rejected and should not have been included in the project alternatives analyzed. Therefore, EIR Chapter 7, in reality, only includes one Project Alternative. Unfortunately, one alternative does not provide a 'reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.'*
- 7. EIR Chapter 7 does not provide enough information or meaningful evaluation for the County to approve one of the alternatives if so desired.*

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<sup>44</sup> Wikipedia: [https://en.wikipedia.org/wiki/Greenfield\\_project](https://en.wikipedia.org/wiki/Greenfield_project)

*8. 'The discussion of alternatives shall focus on alternatives to the project or its location ... even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.' There is no valid reason why the project is required to be located at the SR 120/US 395 intersection. Since there is only one valid alternative (not a reasonable range), the SEIR should include an alternative location closer to Lee Vining. This would reduce several significant impacts.*

**RESPONSE:** The 1993 project alternatives were included in the Alternative analysis in response to a request made during the NOP review, and in consideration of CEQA Guidelines §15126.6(e) which requires an EIR to consider alternatives that permit a reasoned choice (i.e., meet the 'rule of reason').

The alternatives analysis does provide sufficient information for the County to select among alternatives. It explains which of the significant impacts would be exacerbated or enhanced by the alternative, and evaluates each alternative in terms of its unique environmental impacts, the extent to which it would meet identified project objectives, and its ability to avoid significant adverse impacts.

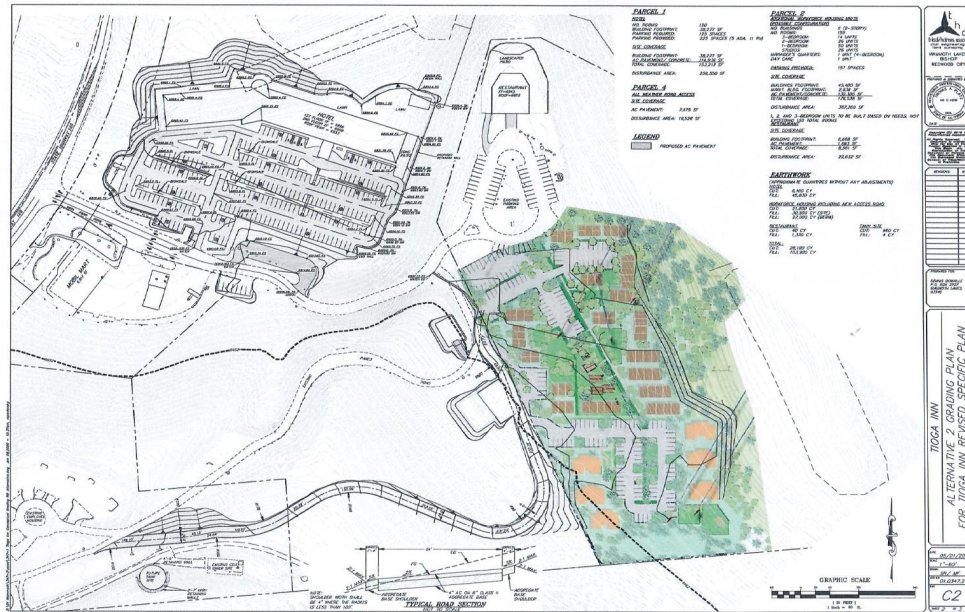
With regard to the No Project Alternative, as well as Alternatives 4 and 5, these alternatives inform decision-makers about the impacts associated with a denial of project approval, CEQA §15126.6(a) states that a reasonable range of alternatives is not limited to only those alternatives that would be selected over the preferred alternative.

As described in Topical Response #3, only the No Project Alternative and the Cluster Design Alternative were identified in DSEIR §7 as 'Environmentally Superior' to the proposed project. Thus, among the new alternatives considered in the DSEIR, only the 'Cluster' alternative was evaluated in the context of a prepared plan (a small version is shown below; please see Exhibit 4-5 in Topical Response #3 for a larger copy).

In designing the cluster plan alternative, key goals were to limit the overall housing footprint, achieve a lower overall profile, and provide a more unified location along the southernmost property boundary for the family units and associated playground and daycare facilities.

The cluster alternative achieved the lower overall profile by showing only the family units as two-story complexes; the remaining units were shown as single-story structures housing 4-6 units each. The alternative also succeeded in providing a more unified area for family housing. The alternative did not achieve the goal of a reduced footprint -- and actually shows a slightly larger footprint -- because the trade-off (from larger structures to smaller structures) required more land area than was required by the proposed plan. In effect, the Cluster Alternative did not fulfill the definition or purpose of clustering.

Additional factors were identified in evaluating the Cluster Alternative. The dispersed arrangement of individual structures was not as well suited as the proposed plan to the use of solar panels. It also placed the non-family residential units at a greater distance from the residential parking lot and thus required more sidewalks; in icy winter conditions, these features would make it more difficult to maintain plowed walkways and would also make it harder for residents to access their cars. There was also a concern that the nonfamily parking area would be inconsistent with anticipated future EV charging station requirements pertaining to the distance between units and dedicated parking.



Again due to the dispersed layout, the Cluster Alternative required substantially more retaining walls to support the structures over the larger hillside area. For the same reason, landscaping for the Cluster Alternative was largely confined to the residential perimeter with only limited opportunities for landscaped between structures compared with the proposed plan. The Cluster Alternative also required more grading than the proposed plan. The Cluster Alternative was determined in the DSEIR to be environmentally superior to the proposed project, largely due to the more aesthetic appearance and the 'tighter' clustering of units. The alternative was rejected because the aesthetic advantages were not sufficient to reduce aesthetic impacts to less than significant levels, and it was also recognized that the tighter clustering of units did not reduce overall footprint. Please see Topical Response #3 for additional discussion.

**6. COMMENT (Significant Unavoidable Impacts):** Section 7.3.1, p. 7-2 identifies the following 5 significant impacts:

- Volcanic Hazards (volcanic eruption)
- Biological Resources (migratory species)
- Public Safety (pedestrians and cyclists)
- Traffic (turning movements)
- Visual (scenic resources light and glare)

Section 9.2, page 9-1 identifies the following 7 significant and unavoidable impacts:

- Risk of Mudflow
- Interfere with Wildlife Movement and Migration
- Impact on Police, Fire, School
- Noncompliance with Plans and Ordinances
- Traffic impacts
- Impacts to Scenic Resources
- Significant new Sources of Light and Glare

Then the matrix in Chapter 7 has a whole different set of 5 significant impacts and something questionable (question marks). The SEIR is not consistent throughout the document and does not provide clear and understandable information that is useful to the public or decision makers.

AVOIDANCE OF SIGNIFICANT EFFECTS							
Volcanic Hazards	+1	+1	0	0	+1	0	0
FAA Obstruction	0	0	0	0	0	0	0
Pedestrian Hazards	+1	0	0	0	0	0	0
Visual Impacts	+1	+1	0	0	+1	+1	-1
Traffic Impacts	0	0	0	0	-1	0	0
OTHER?? Bio??	+1	0	0	0	+1	0	0
<b>SUBTOTAL</b>	<b>+4</b>	<b>+2</b>	<b>0</b>	<b>0</b>	<b>+2</b>	<b>+1</b>	<b>-1</b>
<b>TOTAL</b>	<b>+3</b>	<b>-3</b>	<b>-4</b>	<b>-3</b>	<b>0</b>	<b>+2</b>	<b>-4</b>

**RESPONSE:** The significant and unavoidable adverse impacts identified in DSEIR §7.3.1 (on page 7-2) include:

- 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
- Public Services: Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining
- Traffic: Significant unavoidable impacts associated with turning movements from eastbound SR120 onto northbound US 395 (with or without the project)
- Aesthetics: Project impacts on scenic and visual resources and on light and glare<sup>45</sup>

The Chapter 7 matrix was printed before a final edit to the line that reads 'OTHER?? Bio??.' That line should have been edited to read 'Cumulative Deer Impacts', which is among the significant and unavoidable adverse impacts, and the scoring for 'deer impacts' for both the 'No Project' and 'Cluster Design Alternative' would have been reduced from +1 to 0, since it was determined that the cumulative project impacts to deer (but not the direct impacts to deer) would be significant, unavoidable and adverse. A final edit would also have deleted the reference to FAA, since it was determined late in the Draft EIR preparation that FAA did not consider the project to represent an obstruction hazard.

The final table, properly edited, would have been as shown below. The No Project Alternative and the Cluster Alternative would again be identified as environmentally superior, each scoring two points higher than the project as proposed. The final recommendation would also be unchanged, because although the cluster alternative would reduce visual impacts, it would not reduce those impacts to less than significant levels and the project would as a whole still have a significant unavoidable and adverse impact on aesthetic values.

	No Project	Alternatives Considered in 1993			Reduced Development	Cluster Layout	Apartment Design
		Residential Only	Redesigned Layout	Alternative Mix of Uses			
Volcanic Mudflows	+1	+1	0	0	+1	0	0
Pedestrian Hazards	+1	0	0	0	0	0	0
Visual/Light & Glare Impacts	+1	+1	0	0	+1	+1	-1
Traffic Impacts	0	0	0	0	-1	0	0
Cumulative Deer Impacts	0	0	0	0	0	0	0

<sup>45</sup> Note that the CEQA Environmental Checklist (CEQA Guidelines Appendix G), includes light and glare as an Aesthetic Impact, along with impacts to a scenic vista, scenic resources (trees, rocks etc.), and visual character of public views. Although the DSEIR identified aesthetic impacts and impacts on light and glare as separate impacts, they are correctly identified as a single impact, as shown above.

<b>SUBTOTAL</b>	<b>+3</b>	<b>+2</b>	<b>0</b>	<b>0</b>	<b>+1</b>	<b>+1</b>	<b>-1</b>
<b>TOTAL</b>	<b>+2</b>	<b>-3</b>	<b>-4</b>	<b>-3</b>	<b>-1</b>	<b>+2</b>	<b>-4</b>

- 7. COMMENT (Domestic pets):** Domestic pets, especially dogs and cats, are expected with the new housing tenancy. It is unrealistic to expect that these animals will be restrained and wandering pets will be a significant new predator in the area. Cats, for example, could extirpate the Brewer's sparrow population and dogs could harass badgers and mule deer and cause collisions with trucks and cars on SR 120 and US 395.

*The SEIR finds that the following mitigation would reduce domestic pet impacts to less than significant: "MITIGATION 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 requiring the 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 measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. This measure cannot be enforced unless there is a 'no pets' restriction or pets are registered and tagged with GPS locater to monitor their movements. This impact should be found significant and unavoidable.*

**RESPONSE:** The provisions of Mitigation BIO 5.3(a-5) will be substantially supported by state and local animal control regulations<sup>46</sup> that require all dogs over the age of 4 months to have and wear a Mono County dog license tag that includes owner contact information. The license must be renewed annually, and fees and penalties are applied for noncompliance. Mono County has full jurisdiction over the enforcement of these requirements (the County's animal control system does not incorporate GPS monitoring at this time). Enforcement of these provisions will be strengthened by the housing manager, who will live on the project site.

The predation associated with free-roaming dogs and other pets is a primary factor underlying the SEIR finding that cumulative impacts on deer movement would be significant, unavoidable, and adverse. The Specific Plan allows for the eviction of any tenants who receive two citations for allowing their pets to roam freely.

- 8. COMMENT (Archeological & Tribal Discoveries):** Mitigation Measure CULT 5.4(a) Discovery of Archaeological Resources. To avoid in the field decisions, and/or disagreements over procedures and processes, I suggest setting the ground rules up front so archaeologists, Tribal members, monitors, and construction workers all know what to expect. This can be done with a mitigation measure that requires preparation of an Archaeological Monitoring Plan in coordination with County staff, developer, qualified archaeologist and Tribe. Suggested Mitigation clarification text:

1. To reduce impacts to previously undiscovered buried archaeological resources, following completion of the final grading plan and prior to any ground disturbance, a qualified archaeologist shall prepare an Archaeological Monitoring Plan.

- The County shall retain a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. The archaeologist must have knowledge of both prehistoric and historical archaeology.
- The Archaeological Monitoring Plan shall include:
  - Extent and duration of the monitoring based on the grading plans
  - At what depths monitoring of earthmoving activities shall be required
  - Location of areas to be monitored
  - Types of artifacts anticipated
  - Procedures for temporary stop and redirection of work to permit sampling...
  - Procedures for maintenance of monitoring logs, recovery, analysis, treatment, and curation of significant resources
  - Procedures for archaeological resources sensitivity training for all construction workers

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<sup>46</sup> Mono County Animal Control Dept., Dog Licensing Requirements: <https://monocounty.ca.gov/animal/page/dog-licensing-requirements>



- Accommodation and procedures for Native American monitors
- Procedures for discovery of Native American cultural resources
- The construction manager shall adhere to the stipulations of the Archaeological Monitoring Plan.

**RESPONSE:** As part of the DSEIR preparation process, a qualified Archaeologist was retained to conduct a site survey and evaluation to determine whether the project site contains archaeological or historical resources as defined in CEQA Guidelines §15064.5. Results of the June 2019 *Archaeological Survey of the Tioga Workforce Housing Project Area, Lee Vining, California* (DSEIR Appendix J1) indicated that “there are no significant archaeological sites within the proposed Tioga Community Housing Project area. Neither previously recorded site CA-MNO-2764H nor the isolates are significant resources that would require further consideration under the California Environmental Quality Act. No further archaeological work is recommended.”

Based on these findings, Mono County has determined that there is no impact, and therefore further archaeological monitoring (including an Archaeological Monitoring Plan) cannot be required due to the lack of nexus with a demonstrated impact. However, in consultations with Mono County, the Mono Lake Kutzadika’a Tribe has noted that there may still be potential to uncover culturally significant artifacts or buried human remains on the site (see also Letter 13 Comment 1). The Tribal Historic Preservation Officer of the Bridgeport Indian Colony also pointed out the potential for unmarked indigenous burials anywhere in the area. The Mono Lake Kutzadika’a Tribe requested that Tribal Monitors be present throughout the grading process and compensated at the going rate during all ground-disturbing activities.

The County considered the Mono Lake Kutzadika’a Tribe’s concerns and determined that it would be unjustifiable, in light of the Archaeological Survey findings, to require the project proponent to pay for a tribal monitor to be on standby throughout the various phases of the project. In the DSEIR, Mitigation Measures 5.4 (a) and (c) were proposed to address the Tribe’s concerns: The Tribe would be given advance notice of all ground-disturbing activities conducted as part of the project, and Tribal monitors would be given open access to monitor and inspect whatever earth-disturbing activities they considered to have the most potential to disturb cultural resources. If cultural resources were encountered, ground-disturbing work would halt, and from that point on, Tribal monitors would be paid to monitor work in the area of cultural resources.

In subsequent consultation meetings and in their written response to the DSEIR (see Letter 13, Comment 1), the Kutzadika’a Tribe pointed out that cultural resources unearthed during construction would not likely be discovered and reported without monitoring, and that both Tribal monitors and any archaeologists subsequently involved should be properly compensated. To address these concerns, Mitigation Measure CULT 5.4(a) was voluntarily modified by the project applicant to provide the Tribe with up to 50 hours of compensated time for training of the onsite construction crew.

Following additional consultation with the Kutzadika’a Tribe, Mitigation Measure CULT 5.4(a) was further voluntarily modified by the applicant to provide the Tribe 50 hours of time, prior to any cultural resource discovery, to be used for training of construction workers, and/or for tribal monitoring, with the allocation of time to be at the discretion of the Tribe. With this added flexibility, Mitigation Measure CULT 5.4(a) would be included in the DSEIR with revisions as shown below in ‘legislative format’:

MITIGATION 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 compensation<sup>47</sup> for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.

- 9. COMMENT (Tribal Consultation):** *'Following a request for notification under AB 52, the County sent formal AB 52 letters on 27 April 2018 to the Washoe Tribe of Nevada and California and to the Kutzadika'a Tribe.' Nowhere in § 5.4 Cultural & Tribal Cultural Resources does it state that the formal AB 52 letters (Tribal project notification) were sent via certified mail return receipt or FedEx as is standard practice, so there is an official record of receipt by the Tribe. Based on the information on page 5.4-10, obviously this did not happen. Additionally, there is no mention that official AB 52 consultation was concluded. This can only mean that compliance with AB 52 requirements was not completed.*

*Consultation can be an ongoing process. Consultation ends when either: 1) Both Parties agree to measures to avoid or mitigate a significant effect on a TCR. Agreed upon mitigation measures shall be recommended for inclusion in the environmental document. PRC § 21082.3(a), or 2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. PRC § 21080.3.2(b)(1)-(2); PRC § 21080.3.1(b)(1). The archaeological site survey and analysis cannot and should not replace government-to-government consultation. Which of the two consultation conclusions occurred?*

**RESPONSE:** The AB 52 notification letters were not sent via Certified Mail (AB 52 does not require Certified Mail). AB 52 requires the County to send a letter inviting consultation, and the tribes must respond with a request to consult within 30 days. No consultation requests were received in compliance with AB 52. However, the County recognized that no response had been received, and voluntarily reached out to the tribes by phone and by email to reaffirm the opportunity for tribal consultation (without specific deadlines). The Mono Lake Kutzadika'a tribe accepted the offer, and a first tribal consultation meeting was held at the Mono County offices on 22 January 2019. During the meeting, the Kutzadika'a council representatives and the county discussed ways to ensure that the Tribe receives notifications of future projects subject to AB 52. In this case, the Tribe's preference is to receive notifications by email.

Following review of the DSEIR, the tribe requested a second consultation meeting, which was held on 9 August 2019. At this meeting, the Tribe and the County concluded that mutual agreement could not be reached. The County asked the Tribe to submit their remaining concerns in a formal comment letter, which they did. In the letter, the Tribe requested that Mitigation Measure CULT 5.4(a) be modified to require tribal monitoring, with compensation, throughout all earthwork phases (see Comment Letter #12). Following additional communication with tribal representatives, the mitigation measure was ultimately modified as shown in response to Comment 8 above. Please also see the discussion provided in response to Letter 13, Comment 1, from the Kutzadika'a Tribe.

The archaeological survey conclusion of a low potential for discovery of human remains and tribal cultural resources in the project area is critical evidence for distinguishing between the mitigation measures that can, and those that cannot, be required by the County. In any event, the archaeological survey has in no manner been viewed as a replacement for tribal consultation, and the consultation process has continued to the present time.

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<sup>47</sup> 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.



- 10. COMMENT (Tribal Agreement):** *'Because there is a possibility that one or more undocumented Native American burials could be encountered during grading and excavation, Mitigation Measure 5.4(c) was developed for the protection of tribal cultural resources. This Mitigation Measure is consistent with the California Native American Historical, Cultural, and Sacred Sites Act, and with California Health and Safety Code §7050.5 and Public Resources Code §5097.98, which regulate the treatment of human remains discovered during construction. The measure is also consistent with written guidance provided by the Native American Heritage Commission.*

*The only Tribal mitigation identified is 'Mitigation Measures –Tribal Resources and Human Remains' which concludes that 'all potential project impacts associated with cultural resources on the site would be reduced to less than significant levels through adoption and implementation of the mitigation measures ...' This mitigation measure only covers human remains and is based on compliance with existing regulations (California Health and Safety Code §7050.5 and PRC §5097.98). Compliance with existing regulations is not mitigation and not what the Tribe would have agreed to. Based on the language in the mitigation measure, Tribal agreement on the mitigation measure may not have occurred prior to circulation of the CEQA document.*

**RESPONSE:** As explained above in Response to Comment 8, project earthwork will occur over a period of months and it would be unjustifiable, in light of the Archaeological Survey findings, to ask the project proponent to pay for a tribal monitor to be on standby throughout the entire project. However, the voluntary provisions contained in Mitigation Measure CULT 5.4(a) will provide compensation to the Tribe for training of construction crew and/or for tribal monitoring, with the allocation of time to be at the discretion of the Tribe. It is again noted that the Tribe did not respond to the County's initial consultation outreach. The lack of a response prompted Mono County staff to initiate a second good faith outreach effort; the second effort did result in a consultation process with the Kutzadika'a tribe.

- 11. COMMENT (Tribal Cultural Resource Impacts):** *Human remains are not the only Tribe-related finds that may be unearthed during grading or utility trenching. Tribal cultural resources are defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe. These items must be listed, or determined to be eligible for listing, in the national or state register of historical resource, or listed in a local register of historic resources. Additionally, a TCR can be a resource that the lead agency determines, is a tribal cultural resource. Neither of these definitions was discussed in Chapter 5.4, and a determination of TCR impact was not identified.*

**RESPONSE:** The definition of a Tribal Cultural Resource was included on DSEIR page 5.4-1, and discussed on DSEIR pages 5.4-8 and 5.4-9. Both the Kuzedika'a and the Bridgeport Indian Colony state that human burials, if encountered, would be Tribal Cultural Resources. No other tribal cultural resources (such as sites, features, places, cultural landscapes, sacred places, or objects with cultural value to a tribe) have been identified on this site.

# #7

## Lahontan Regional Water Quality Control Board

1. **LRWQCB COMMENT (Permits):** Activities associated with construction of the Project may require [the following permits issued by the State Water Board ('Water Board')]:
  - 1) A Clean Water Act (CWA), §402(p) stormwater permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit, Order No. WQ 2009-0009-DWQ may be required for land disturbance associated with the Project. The NPDES permit requires the development of a Stormwater Pollution Prevention Plan and implementation of best management practices (BMPs).
  - 2) General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems, Order No. WQ 2014-0153-DWQ, or individual Waste Discharge Requirements, will be the likely regulatory measure for the new packaged wastewater treatment system and wastewater disposal.
  - 3) If use of recycled water is intended as a proponent of the project, then Water Reclamation Requirements for Recycled Water Use, Order No. WO 2016-0068-DDW, or an individual order, may be used as the regulatory measure.
  - 4) Streambed alteration and/or discharge of fill material to a surface water including areas associated with washes or other drainage features, even if currently dry, may require a CWA, §401 water quality certification (WQC) for impacts to federal waters (waters of the U.S.), or dredge and fill Waste Discharge Requirements (WDRs) for impacts to non-federal (State) waters, both issued by the Lahontan Water Board.

**RESPONSE:** DSEIR Table 3-7 (EIR Use by Other Agencies) lists agency permits that may be required for the project; the list includes permits that may be issued by LRWQCB. DSEIR Table 3-7 is hereby modified as shown below:

DSEIR Table 3-7. Use of this Subsequent EIR by Other Agencies (revised)	
AGENCY	PERMIT OF USE OF THE EIR
California Regional Water Quality Control Board – Lahontan Region	<p><u>Responsible Agency:</u></p> <ul style="list-style-type: none"> <li>Streambed alteration and/or discharge of fill material to a surface water including areas associated with washes or other drainage features, even if currently dry, may require Clean Water Act §401 Water Quality Certification for impacts to federal waters (waters of the US), or Dredge &amp; Fill Waste Discharge Requirements for impacts to non-federal (State) waters, both issued by the Lahontan Board.</li> <li>Clean Water Act §402(p) Storm Water Permit, required for land disturbance of more than 1 acre; note that the permit includes a NPDES General Construction Storm Water Permit. State Water Board Order No. WQ 2009-0009-DWQ may be required for land disturbance associated with the project. The NPDES requires development of a Stormwater Pollution Prevention Plan and implementation of best management practices (BMPs).</li> <li>NPDES General Construction Storm Water Permit, for new industrial operations.</li> <li>General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems, State Water Board Order No. WQ 2014-0153-DWQ, or Individual Waste Discharge Requirements, will be the likely regulatory measure for the new packaged wastewater treatment system and wastewater disposal.</li> <li>If the use of recycled water is intended as a proponent of the project, then Water Reclamation Requirements for Recycled Water Use, State Water Board Order No. WQ 2016-0068-DDW, or an individual order, may be used as the regulatory measure.</li> </ul>

2. **LRWQCB COMMENT (Potential Impacts to Waters of the State & Waters of the United States):** Surface waters include but are not limited to drainages, streams, washes, ponds, pools, and may be permanent or intermittent. Waters of the State may include waters determined to be isolated or otherwise non-jurisdictional by the U.S. Army Corps of Engineers. We request that the EIR identify and incorporate measures into the project to avoid surface

waters and the project be provided with buffer zones where possible. If the project alters drainages, then we request that the project be designed such that it would maintain existing hydrologic features and patterns to the extent feasible.

**RESPONSE:** The Tioga Community Housing Final Subsequent EIR responds to this request through the following mitigation requirements, all of which will be part of Mitigation Monitoring and Reporting Program, and incorporated as formal Conditions of Project Approval if the EIR is certified, and the project is approved, by the Board of Supervisors.

- (1) restoration of graded slopes (Mitigation Measure HYDRO 5.2(a-1)),
  - (2) creation of a buffer zone with exclusion fencing (Mitigation Measure HYDRO 5.2(a-2)),
  - (3) minimal clearing of vegetation (Mitigation Measure HYDRO 5.2(a-3);
  - (4) requirements to remove sediments before stormwater is discharged from the site, and to retain runoff from new impervious surfaces and surfaces disturbed during construction in drywells or landscaped infiltration areas (Mitigation Measure HYDRO 5.2(a-5). HYDRO 5.2(a-5) also stipulates that sediment removal and retention systems must be designed to accommodate all runoff from a 20-year storm event of 1-hour duration, and that the stormwater system must be designed such that when the retention capacity is exceeded, runoff will leave the site in keeping with pre-project drainage patterns, and will not cause the design capacities of any downstream drainage facilities to be exceeded.
- With respect to spill and leak prevention, please see the response provided below to LRWQCB Comment 4.

**3. LRWQCB COMMENT (Low Impact Development [LID] Strategies and Storm Water Control):** *The project description should identify features for the post-construction period that will control stormwater and prevent pollutants from non-point sources from entering and degrading surface or groundwaters. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development", the goals of which are to maintain a landscape functionally equivalent to predevelopment hydrologic conditions and to minimize generation of non-point source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters, principles of which include:*

- *Maintaining natural drainage paths & landscape features to slow and filter runoff and maximize groundwater recharge;*
- *Reducing impervious cover created by development and the associated transportation network; and*
- *Managing runoff as close to the source as possible.*

*Please identify and state in the EIR both on-site and off-site stormwater management strategies and BMPs that will be incorporated into the planning process and project for both pre-and post-construction phases of the project. Please state in the EIR project incorporated measures that will be used to ensure that stormwater generated by the project is kept clean and properly managed both during and post-construction. Please state in the EIR who will be responsible for ensuring post-construction BMPs and required maintenance.*

**RESPONSE:** In response to the comment from LRWQCB, and consistent with the Mono County General Plan, the stormwater management Low Impact Development (LID) BMP Program presented in DSEIR Mitigation Measure GEO 5.1(b), is hereby amended, with changes as shown below:

**AMENDED MITIGATION GEO 5.1(b) (Low Impact Development):** In compliance with Mono County General Plan Appendix §25.010, the LID 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 listed below.

Table 5-3. Low Impact Development Features of the Tioga Community Housing Project	
NATURAL DRAINAGE CONTROLS	Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.
RUNOFF COLLECTION AND TREATMENT	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.

ONSITE FLOW RETENTION	Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.
INFILTRATION	Use of rock swales & collection features to enhance filtration of pollutants.
ROAD/PATH RUNOFF SEPARATION	Channels and/or swales will be used to create a separate between roads and pedestrian paths.
ROAD DESIGN	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,
CLUSTER DESIGN	Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.
VEGETATION RETENTION	Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.
SCREENING	The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.
WATER USE FOR LANDSCAPING	The project will comply with provisions of the Department of Water Resources Model Water Efficient Landscape Ordinance.

4. **LRWQCB COMMENT (Avoidance and Impact Analysis):** Please clarify in the EIR how spills will be avoided and cleaned up if they occur. Describe how spills from the plant or pump station will be prevented and addressed if they do occur. Also describe how leaks from trucks and equipment, or other chemicals used onsite will be contained and managed.

**RESPONSE:** A new Mitigation Measure HYDRO 5.2(a-7) is hereby incorporated into the FSEIR, as shown below, to describe how spills will be avoided and cleaned up if they occur. The BMPs listed in Table 5.4 below shall be implemented to minimize the risk of minor spills and leaks, and to ensure that they are properly contained and managed up if they occur. A new mitigation measure HYDRO 5.2(a-7) is hereby incorporated into the FSEIR as shown below:

**NEW MITIGATION HYDRO 5.2(a-7) (BMPs for Spills and Leaks):** 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. The plan will ensure that onsite facilities have in place containment and other controls to prevent oil from reaching navigable waters and adjoining shorelines, and to contain and treat oil discharges onsite should a spill occur.

TABLE 5-4. Spill and Leak Best Management Practices of the Tioga Community Housing Project	
<b>SPILLS</b>	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.
	Drip pans and funnels shall at all times be readily available to gas station customers and staff for use when draining or pouring fluids.
	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
	Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff and 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.
<b>LEAK CONTROLS</b>	Drip pans and funnels shall at all times be readily available and accessible for use with stored vehicles.
	Drip pans shall be placed under the spouts of liquid storage containers.
<b>TRAINING</b>	All gas station employees, as well as the housing manager, shall be trained on spill and leak prevention practices annually.
	Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.
<b>FUELING</b>	Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.
	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.
	Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.
	Rags and absorbents shall at all times be readily available for use by gas station staff and customers in case of leaks and spills.

	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.
<b>WASTEWATER TREATMENT PLANT<sup>48</sup></b>	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 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.
<b>WASHING</b>	No vehicle washing shall be permitted at the gas station or housing area, unless a properly designed wash area is provided and designated on the project site.
	If a wash area is provided on the project site, it shall be located near a clarifier or floor sump, and 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.
	Detergents sold and used at the gas station shall be biodegradable and free of phosphates.

5. **LRWQCB COMMENT (Water Quality and Wastewater Re-use or Disposal):** *The scope of work proposed for implementing the new wastewater treatment plant is to decommission the existing septic tank while retaining the existing septic leach-field. The proposed packaged wastewater treatment plant will be sized to treat wastewater to meet USEPA secondary standards. Furthermore, the effluent from the proposed plant should not exceed 10 milligrams per liter (mg/L) total nitrogen. The proposed project must produce the highest water quality achievable so that any percolation of these waters may not adversely degrade the groundwater quality. The proposed plant will use the treated wastewater effluent for a sub-surface irrigation system. A letter by the State Water Board, Division of Drinking Water (DOW) must be issued providing approval of a California Code of Regulations (CCR), title 22 Engineering Report, or a letter issued to the Discharger stating the irrigation system does not need to meet CCR, title 22 recycled water requirements.*

**RESPONSE:** The requirement to obtain State Water Board approval of a Title 22 Engineering Report, or a letter stating that the irrigation system does not need to meet Title 22 requirements, is acknowledged herein and referenced in DSEIR §5.2 as well as DSEIR Table 3-7 (Use of the SEIR by Other Agencies) and elsewhere. Based on communication between Wildermuth Environmental and the State Water Board, Division of Drinking Water,<sup>49</sup> this requirement will be included with the LRWQCB Board Order for the WWTP.

6. **LRWQCB COMMENT (Effluent Discharge):** *The supernatant from the proposed packaged wastewater treatment plant will seasonally discharge to a new drip irrigation leach-field at a rate of 40,800 gallons per day (GPD) during the spring, summer, and fall. When the flow decreases during the winter months, the effluent discharge will be diverted to flow to the existing leach-field at a rate of 22,000 GPD. The EIR must include a description of the disposal of solids generated from the treatment process. Also, the EIR must justify that the minimum distance to groundwater is at least 40 feet wherever the percolation rate exceeds 5 minutes per inch at the new leach-field.*

**RESPONSE:** Solids from the package wastewater treatment plant will be disposed of by a private contractor who will haul the solids on a weekly basis (or as needed) to a staffed waste transfer facility in Fallon, Nevada, from which the waste

<sup>48</sup> Sources for the WWTP BMPs include EPA Guidance Manual for Developing BMPs (<https://www3.epa.gov/npdes/pubs/owmo274.pdf>) and New Hampshire Dept. of Environmental Services Emergency Response Planning Guide (<https://www.des.nh.gov/organization/divisions/water/wweb/documents/emergency-response-guide.pdf>).

<sup>49</sup> Communication between Mark Wildermuth, Wildermuth Environmental, and Randy Bernard, State Water Resources Control Board Division of Drinking Water, 21 May 2019.

is collected and hauled to a regional landfill, also on a weekly basis or as needed. Note that the waste transfer facility used by the contractor may in the future change to another location.<sup>50</sup>

Groundwater depths on the project site were measured during installation of the first water well in July 1984, and again during installation of a second well in December 2017. Groundwater stabilized at a depth of 340 feet at water supply Well 1, and at a depth of approximately 345 feet at Well 2 (well logs documenting both installations are available for inspection). Based on the groundwater stabilization depths, the vadose zone thickness is estimated to be between 340 and 380 feet thick. In June 1992, aquifer pump testing was performed using well 1 (Kleinfelder, 1992). Based on this testing, it was concluded that groundwater occurred under unconfined conditions at a depth of approximately 340 feet. In addition, the aquifer testing indicated the presence of a recharge boundary. The Transmissivity (T) of the aquifer before the boundary was calculated to be approximately 15,600 gpd/ft. The T of the aquifer, after adjusting for influence of the boundary condition, was calculated to be about 31,800 gpd/ft.

Regarding distance to groundwater, the proposal is to locate the winter disposal field at a depth, and in a location, with a minimum 40' distance between ground surface and groundwater level, to be verified when the Board Order is being prepared (i.e., prior to approval of the disposal field location). An alternate disposal field location has been identified on the project site in the vicinity of the two existing water wells (east of US 395). Groundwater depth in this location has on several occasions been verified at to be stable at a depth of 340'. Because the water production wells are separated by 500-feet, the disposal field can be sited in this area and comply with the minimum 150' separation distance requirement between potable water wells and the wastewater disposal field. DSEIR Mitigation Measure HYDRO 5.2(b-2) concerning Leachfield Percolation Standards shall be amended as shown below:

**AMENDED** 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. The location and 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 high groundwater shall be no less than 40 feet, based on information provided by the well logs drilled within 600 feet of the anticipated disposal location. Note that the criteria for achieving a minimum 40' distance to groundwater with percolation rates faster than 5 MP 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 the LRWQCB permitting process.

- 7. LRWQCB COMMENT (MONITORING WELLS):** *The EIR must discuss the construction of upgradient and downgradient groundwater monitoring wells at the leach-fields to assess the groundwater quality from the effluent discharge of the proposed wastewater treatment plant.*

**RESPONSE:** As outlined in new Mitigation Measure HYDRO 5.2 (b-5), the project will incorporate upgradient and downgradient groundwater monitoring wells at the leachfields to assess the groundwater quality from the effluent discharge of the proposed wastewater treatment plant.

**NEW** MITIGATION HYDRO 5.2(b-6) (Groundwater 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.

- 8. LRWQCB COMMENT (Recycled Water Policy Compliance):** *EIR must state how the project will comply with Recycled Water Policy, as it describes measures for wastewater re-use, in a safe and protective alternative to potable water for such approved uses. EIR must analyze alternatives and control measures available for use of recycled water and*

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<sup>50</sup> State of Nevada, Solid Waste Management Plan, 2017: <https://ndep.nv.gov/uploads/land-waste-solid-swmp-docs/swmp2017-final-8-17.pdf>.



*identify mitigations to address future increases in salinity, which are expected to occur in groundwaters as a result of the project.*

**RESPONSE:** The Anti-Degradation Report prepared by Wildermuth Environmental (December 2018) analyzed project impacts on groundwater salinity levels. Key findings included:

- Groundwater discharge approaching the Project site from the southwest is projected to range from about 700 to 2,850 afy (acre-feet per year) with TDS and nitrate concentrations of about 200 mg/l (milligrams per liter) and 0.2 mg/l, respectively.
- Without the Project, there is about 300 mg/l of assimilative capacity for TDS and 9.8 mg/l of assimilative capacity for nitrate.
- Under the Approved Project scenario, after receiving about 21.6 afy of wastewater:
  - ♦ The TDS concentration in groundwater will increase and range between 202 and 208 mg/l, using between approximately 0.63 to 2.57 percent of the pre-Project assimilative capacity for TDS; and
  - ♦ The nitrate concentration in groundwater will increase and range between 0.43 and 1.12 mg/l, using between approximately 2.30 to 9.37 percent of the pre-Project assimilative capacity for nitrate.
- Under the Proposed Project scenario, after receiving about 37 afy of wastewater:
  - ♦ The TDS concentration in groundwater will increase and range between 203 and 213 mg/l, using between approximately 1.08 to 4.40 percent of the pre-Project assimilative capacity for TDS; and
  - ♦ The nitrate concentration in groundwater will increase and range between 0.33 and 0.72 mg/l, using between approximately 1.30 to 5.28 percent of the pre-Project assimilative capacity for nitrate.

The Wildermuth Report stated that the baseline TDS concentration is about 200 mg/l, and the TDS concentration is projected to increase 2 to 8 mg/l under the Approved Project and 3 to 13 mg/l under the Proposed Project. The baseline nitrate nitrogen concentration is about 0.2 mg/l, and the nitrate nitrogen concentration is projected to increase 0.23 to 0.92 mg/l under the Approved Project and 0.13 to 0.52 mg/l under the Proposed Project. The report concluded that the wastewater impact to groundwater for TDS and nitrate for the Approved and Proposed Projects will utilize a small fraction of the available assimilative capacity, the absolute impacts are small, and beneficial uses are fully protected. With the Proposed Project, less than ten percent of the total assimilative capacity for TDS and nitrate will be used by the Project. The nitrate impacts to groundwater with the Proposed Project will be less than the Approved Project because the existing septic tank system will be replaced with a treatment plant that will limit the nitrogen concentration in the discharge to groundwater to 10 mg/l.

Several project elements will minimize future increases in salinity associated with onsite use of recycled water. The groundwater basin that underlies the project site is located below a confining layer that will slow infiltration and facilitate evapotranspiration. Additionally, treated effluent from the wastewater treatment plant will be directed into a subsurface irrigation system during the months from April through October; during these months, nutrients will be taken up by onsite landscaping. As noted above, groundwater monitoring wells will be installed upgradient and downgradient of the wastewater discharge points. In the event monitoring data indicate that groundwater salinity levels are increasing, nitrogen removal systems will be added to the package treatment plant as outlined in new Mitigation Measure HYDRO 5.2(b-6) below:

**NEW** MITIGATION 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.

Additionally, Mono County is a participating agency in the comprehensive Inyo-Mono Integrated Regional Water Management Plan, and has incorporated IRWMP plan objectives and management strategies. These strategies include specific actions to be implemented by project developers. The Tioga Community Housing Project will comply with all applicable policies, as outlined in Table 5-5.

**TABLE 5-5. Inyo-Mono Integrated Regional Water Management Plan  
Strategies Applicable to the Proposed Project**

Applicable Policies	Project Compliance
<u>Policy 1</u> : Future development projects shall avoid potential significant impacts to water quality in Mono Co., or mitigate impacts to a level of non-significance unless a statement of overriding considerations is made through the EIR process.	Project impacts on water quality will be less than significant, given implementation of the mitigation measures contained in DSEIR §5.2, as amended in this FSEIR
<u>Policy 4</u> : Establish buffer zones where recharge occurs, including adjacent to surface waters and riparian areas.	The project incorporates buffer zones to protect surface water and riparian areas.
<u>Policy 5</u> : Control the release of storm water so that runoff from sites in recharge zones does not increase in volume or leave the site more rapidly than it would under natural conditions.	Stormwater discharges will be controlled in accordance with the Mono County standard, which requires that drainage collection, retention, and infiltration facilities shall be constructed and maintained to prevent transport of the runoff from a 20-year, 1-hour design storm from the project site (i.e., equal to 1.0 inch (2.5 cm) of rainfall).
<u>Policy 6</u> : Drill holes, such as those that are used for mining, geothermal development & water development,	All drill holes shall be abandoned & plugged in conformity to state requirements for the protection of groundwater resources and public health and safety.



# #8

## Lee Vining Fire Protection District

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

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

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

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

- 2. COMMENT (Fire Infrastructure Review, Permitting & Phasing):** *As discussed at our August 20<sup>th</sup> project visit, we request the County require experienced professional review of any and all project components prior to issuance of any subsequent project documents and permits<sup>51</sup>.*

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

*As noted in 3.15.13, "project elements are required to have an operational water system before building permits are granted...[and] new project elements will be required to meet all current CalFire and LVFPD standards." For LVFPD, Mono County, other agencies and the general public to be assured that a legally-compliant operational water system and other*

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<sup>51</sup> Language requiring experienced professional review and regular (at least annual) compliance monitoring of fire and public safety related infrastructure paid for through a mitigation fund should be added to Policies 2b(1) and 2b(2),(3) and (4) in section 4.4.4.2

*project public safety and fire elements are constructed as envisioned and approved a project condition should be included requiring construction of these fire and safety elements, as approved by a licensed professional funded via a public-safety mitigation fund, as the initial Phase 1 of any new construction. While the document states at 3.8 that "infrastructure will be constructed to meet the development sequence of approved uses," given the project's history of deviation from approved phasing in past iterations, requiring public-safety and fire related compliance elements to be constructed first, prior to any additional building, will provide assurance that these elements will be constructed as envisioned.*

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

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

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

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

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

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

LVFPD has several options: (1) rely on Mono County for building plan check and inspection services, which the County is willing to provide and the cost is covered by permit fees for California Building Code and Title 14 compliance (the project will also be sent to CalFire for review); (2) contract for an external plan check (Long Valley FPD has done this in the past, and Mammoth does it now). Cost would have to be covered by current mitigation fees unless provided for in another adopted fee schedule; and (3) conduct a review using existing staff and resources. If the latter option is be infeasible, LVFPD has discretion to choose another of the available options. Mono County will defer to the jurisdictional authority of LVFPD, but the County's existing system can assist in meeting LVFPD needs.

No significant fire safety impacts have been identified, and the cost of ensuring that project design meets required standards is covered by permit fees. There is thus no justification to require the developer to undertake a nexus study to establish a

public safety mitigation fund, which would essentially be another development impact fee imposed on top of the existing fire mitigation fee.

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

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

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

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

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

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

*sustained public safety and medical response at least at the level enjoyed now across today's developed landscape in the Mono Basin.*

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

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

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

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

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

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

# #9

## McFarland, Paul

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1. **COMMENT (Project Objectives):** *An initial concern is that the project objectives appear to be inconsistent with the project description. At 3-5 the project's objective is reported "to provide sufficient workforce housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses." However in much of the remainder of the document and, in fact as repeatedly described by the proponent in numerous public appearances and statements, it is made clear that the project's proposed housing element is not directly tied to the remainder of the Tioga Inn development at all, but rather intended to be constructed and operated as standalone "workforce housing" for workers employed in other communities.*

*The proponent has regularly stated his intention to have this housing filled by employees of Mammoth Mountain – 37 miles and over Deadman Pass away from the project site – not as housing for employees at the hotel/restaurant complex approved over 25 years ago but still unbuilt today.*

*Given this clear discrepancy between the document's foundational logic and the working reality of the project, the DSEIR either needs to potentially include project restrictions to ensure people working on site live in the 'workforce housing' or the DSEIR should be modified and rewritten to address the reality that this project is a standalone multi-unit housing development. If, for example and as has been disclosed by the proponent, this is to be a housing facility for workers in Mammoth, the document needs to address the resulting increase in vehicle miles traveled and attendant impacts created by the construction of a new commuter community. These impacts include increased greenhouse gas emissions, increased pressure on highway infrastructure, increased accidents and resultant impacts on emergency services, etc.*

*No one disputes or disregards the very real need for attainable housing in Mono County, but the question posed by this development is if we, as a community, wish to address this housing crisis through sustainable developments consisting of a mix of deed-restricted ownership and rental opportunities integrated into our communities or through a company town approach designed to maximize commuting, limit upward mobility and unfairly tie people's housing to their service industry jobs. How this project is handled will set the stage for these discussions for years to come. We should get it right, but this project hasn't included the level of consideration and community involvement to ensure we do.*

**RESPONSE:** The DSEIR discussions are consistent in stating that the fundamental project purpose is to provide housing for staff employed on project site. At the same time the project goals and DSEIR discussions recognize that employment opportunities in Mono County are dominated by tourism (62% of total employment, well above rates found elsewhere), which has unique implications for housing need. Please see Topical Response #8, which discusses the issues associated with housing need for this project and for tourism-based economies in general.

Notwithstanding the above, occupancy of project housing will be subject to state laws that may override objectives stated throughout the DSEIR, and the project will comply with applicable housing laws as a first priority. Also note that Mono County cannot require and enforce eligibility requirements beyond the income criteria set forth in FEHA. The applicant intends to prioritize housing for onsite employees and local LVFPD volunteers consistent with state and federal law.

2. **COMMENT (Mitigations):** *A troubling theme in the document's attempt to articulate mitigations for the significant impacts posed by this development is the displacement of the burden to fund and construct mitigations off of the project proponent and onto the public. The repeated notion that grants would be applied for to address significant impacts such as wildlife migration and pedestrian and vehicular safety does not rise to the level of a meaningful mitigation as required by our County's General Plan. This 'wish and prayer' approach not only attempts to address real problems with intangible solutions but does not articulate who would be required to identify, apply for, manage and implement these potential grant funded projects. Grants are not free money; they represent a very real capacity burden to the organization/agency administering them. Additionally, these 'grants' are, in reality, public funds not intended to solve problems created by a*

*private development. Solving problems created by private developments is what mitigations are for. The private party – in this case, the proponent – must not offload costs associated with mitigating their impacts onto the public, but rather be required to fund them as part of the cost of the development.*

*Project implementation conditions requiring real, tangible mitigations with timelines and private funding amounts need to be articulated for the significant impacts identified and disclosed in the document. The potential impacts generated by creating a new town and resort as large or larger than Lee Vining at the entrance to Yosemite National Park are very real; the mitigations required should be very real, as well.*

**RESPONSE:** The intent to seek future grant funds was not stated in the DSEIR as a basis for lessening the significance of identified adverse project impacts. Grant funds were discussed because effective mitigation for many of the significant adverse effects identified in the DSEIR would require multi-agency approval, funding and support. And while it is true that grant funding in the past was largely confined to public project activities, some of the existing grant programs are available to private developers for housing projects that meet identified needs and criteria.

Grant funding is no longer envisioned as a potential means to address project goals or mitigate significant adverse impacts. The applicant does still intend to seek grant funding, if the project is approved, to offset infrastructure improvement costs. Grant applications would be in partnership with Mono County, and the county would administer the funds. Please see Topical Response #12 for discussion of the significant adverse impacts associated with the project proposal.

**3. COMMENT (Off-Road Vehicles):** *Policy 4d: Prohibit unauthorized off-road vehicle activity was a welcome inclusion [but] does not ... address the ongoing problem which is the current 'Mobil Mart' has created an attractive nuisance as it has become a destination for illegal off-highway vehicle use. Already, off-highway vehicle users regularly illegally travel up and down Highway 120 or along and across Highway 395 to access the Mobil Mart for food or fuel. Additionally, use of the state highway adjacent to the development for staging these non-highway legal vehicles is an increasing hazard.*

*Use of off-highway vehicles on the property itself is a minor concern and one that can be easily addressed by the property owner themselves. The real issue is the increased off-highway vehicle use this project is creating as an attractive nuisance destination, as well as the potential increase in off-highway vehicles being staged on the property by residents and tourists which then illegally access public lands via state and interstate highways (on which off-highway vehicle use is illegal).*

*This policy should be re-written to address... use of the facility as a staging area and destination that facilitates illegal use onto public roadways. This could be addressed by modifying the Policy to ensure that no dirt access roads or trails leave the property other than the main paved access on 120 and an additional Emergency Access Route and a proponent-funded pedestrian/bike path to town. Further, signage should be required noting ingress and egress from this [site] onto state- and county-maintained roadways is illegal under the California Vehicle Code and not allowed by residents or visitors.*

**RESPONSE:** The project owner is unaware of any dirt roads that enter or exit the project site at locations other than at the SCE easement road. However, if the Commenter is willing to identify relevant locations, the owner is willing to post signage indicating that off-highway vehicle use is prohibited on state- and county-maintained roadways. Please also see Topical Response #4 regarding a pedestrian/bike path into Lee Vining.

# #10

Miller, Sally

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1. **COMMENT (DSEIR inconsistencies and inaccuracies):** *The draft SEIR is confusing & contradictory in many places. For example, the document, however unintentionally, obscures or minimizes project impacts and what is being proposed. This is especially true with regard to three issues: 1) the hotel/restaurant - will these essential components of the original SP be built or not be built?; 2) the actual number of projected housing units (a moving target) & number of projected residents; 3) who the housing is really intended for: Tioga Inn employees, to meet general County workforce requirements, Mammoth-June ski area and/or Yosemite workers? Lee Vining locals at low income "affordable housing" rates or general workforce housing at market rates? (All of the above were mentioned at the July 30 meeting.)*

*The County illogically says the impacts to the community of Lee Vining, while potentially doubling, tripling or quadrupling the population, are insignificant (p.5.6-14) because it compares the impact of project-related growth to growth expected to occur in Lee Vining over the long-term based on general plan population projections (see DSEIR, sec. 5.6.6). The Community Development Director tried to explain the rationale for projected growth to a confused public at the July 30 meeting, the rationale is described in this section and is based on so-called "theoretical maximums." See DSEIR, p. 5.6-11. These numbers are irrational and are not based in reality. The town is land-locked by federal land so there is no real possibility of significant population growth, unless buildings in town were razed to construct dense multi-family and multi-level housing or land exchanges were made with LADWP and the Forest Service to allow the orderly progression of development adjacent to Lee Vining, as has been discussed by the community for years. Given the land ownership patterns in and around town (and throughout the Mono Basin), significant growth is not likely to happen.*

*These and other deficiencies in factual information (more of which I expect will be raised by other commenters) should be remedied, especially as they may influence consideration of project alternatives, identification of suitable mitigation and, ultimately, the decision that is made.*

**RESPONSE:** Topical Response #8 provides discussion that is relevant to the issues cited above. As discussed therein, there is a demonstrated shortage of housing in the Mono Basin and surrounding areas that could meet the needs of future onsite employees. And although it is outside the scope of this SEIR analysis to determine whether the hotel and restaurant will be built, a phasing plan has been developed (as described in Topical Response #7) that establishes direct links between housing construction and the construction of previously-approved uses. Both the DSEIR and the Phasing Plan recognize that the number of units will depend on future demand, but in no event may the number of units exceed 100, nor may the number of bedrooms exceed 150.

To the extent allowed by housing laws, available housing will be made available to onsite project employees as a first priority (with an added priority for those who serve as LVFPD volunteers), and to other (i.e., nonemployee) candidates when housing units are available; the latter group would include Lee Vining locals. As discussed in Topical Response #8, it is expected that many of the residents (onsite employees and others) will have more than one job. Of that group, many are expected to have their secondary employment in Mono County's larger employment sector (i.e., winter skiing). Community Housing

As discussed in Topical Response #8, Mono County CDD has outlined 3 potential options for the project to comply with HMO requirements. The options include (1) compliance with the Multi-Family Residential Inclusionary requirement of one low-income unit for every 30, (2) voluntary designation of units for Extremely Low Income households as a qualifying factor in for grant applications under the Affordable Housing Sustainable Communities grant program (the applicant plans to submit a grant application), or (3) submittal of a Housing Mitigation Agreement demonstrating that the project as proposed meets the intent of the HMO. The applicant has tentatively indicated his intention to pursue HMO compliance through voluntary designation of units for ELI households in tandem with the grant application process. In the event the grant application is not successful, the project applicant plans to comply with the HMO through the Multi-Family Inclusionary requirement by

constructing 4 low-income units, or 3 low-income units with payment of fees for the fractional 10 units. A final decision will be made prior to issuance of a building permit.

Please see Topical Response #8 for additional discussion of project compliance with the newly adopted HMO, including a new mitigation measure that requires determination of the HMO option prior to issuance of the first building permit.

Topical Response #8 also discusses the General Plan basis for the DSEIR conclusion that the project population would be well within the range of General Plan population forecasts for the Mono Basin, which are part of the project baseline per the certified 2015 General Plan update EIR, and based on a parcel-by-parcel analysis. The General Plan update and associated population forecasts were adopted in 2015 following extensive participation by Lee Vining and other Mono County communities.

- 2. COMMENT (Specific Plan is outdated):** *Since the specific plan (SP) and accompanying EIR were adopted in 1993 much has changed. Visitation to Mono County, the Mono Basin, Lee Vining Canyon and Yosemite have skyrocketed, causing impacts to wildlife, town services (e.g., parking) and more, impacts which this project will only exacerbate. Traffic congestion has dramatically increased at the 395-120 junction, leading to many more accidents (note that much of the congestion on highway 120 since 1993 is because of the presence of the Mobil Mart, and turning into and out of the site has become a dangerous venture). Fire danger has dramatically increased, and we are now in the era of catastrophic wildfires which can flatten communities. Vegetation has changed, with the takeover of cheatgrass on the hills behind the project site, increasing fire risk. Lee Vining and Mono County suffered through the Great Recession, and Lee Vining, like many rural communities throughout the country, has yet to fully recover.*

*When the SP/EIR was adopted in 1993, we were in an economic boom. Even then many people questioned the wisdom of proposing a year-round resort since Tioga Pass is closed for at least 6 months each year. Perhaps that's why the hotel has never been built. Given the changes that have occurred since 1993 it makes sense for the County and the proponent to revisit the original specific plan. Does the hotel in an area with a six-month tourist season make sense? How much housing is actually needed to house workers? Does it make sense to construct 100 units of workforce housing which appears to substantially exceed the amount of housing needed to assist Lee Vining businesses and residents? What are the impacts of many workers commuting to Mammoth for their jobs – greenhouse gas emissions, safety in winter, etc.?*

*What's more, how does the proposed workforce housing fit with the project objectives from the 1993 SP which include: "Enhance(ing) visitor-oriented services in Lee Vining by allowing flexibility for multiple uses on Specific Plan parcels?" (DEIR, p. 3-3). The workforce housing project does not enhance visitor-oriented services in Lee Vining; rather it is an add-on element that it appears is at least partially geared to meeting County and regional housing needs and which I believe is inconsistent with the original SP, for which the hotel was the project-driver and which proposed only ten housing units. The County has added a project objective for this SP amendment: "To provide sufficient workforce housing on the project site to accommodate a majority of the employees of the hotel...and other onsite land uses." DSEIR, p. 7-2. But, as noted, the housing being proposed appears to be more than will be required to house all employees on site, which must be why the proponent and County staff mentioned at the July 30 meeting that the housing could also be made available to ski area employees, Yosemite employees and the general County workforce. Similar mention of availability to an outside workforce is also made in the DSEIR, e.g., p. 5.6-13 ("such as ski area employees"); DSEIR, p. 5.6-7 ("any units not needed for project employees would be available for occupancy by other Mono County employees."). Basically, it remains unclear if this housing will truly be meant for employees who may work at relatively low wages in the hotel and restaurant and who may require legally "affordable" housing, or, instead, will be market-rate housing rented to the highest bidder, such as Mammoth-June Ski Area (which could help subsidize housing for its seasonal employees), higher paid members of the County workforce, etc. If the original project description and, indeed, the primary project objectives, have changed then I believe the original SP needs to be revised to reflect that change and to fully consider the impacts.*

*The proposed workforce housing also increases the intensity of use beyond that which was contemplated in the SP. There will be more people, more cars, more dogs, greater potential for traffic accidents, increased fire-risk & fire safety issues, more conflicts with wildlife especially deer and an overall more intensive use of the project site than was ever contemplated by the original SP and EIR. The impacts due to the increased intensity of use on the site need to be cumulatively considered*



*as part of the whole SP – and include future impacts from construction of the approved hotel, restaurant, etc. – rather than piecemealed as has been done in the DSEIR.*

*A revised SP/EIR should not only reconsider elements such as the hotel and a sensible number of housing units, it should also clearly explain how the individual components fit together and discuss project phasing so that the project is not piecemealed, cumulative impacts are fully accounted for and mitigation addresses the whole project, not simply one piece of it. For example, a substantial number of “workforce” or employee housing units should not be constructed before the hotel is built. If the hotel will not be built, then it should be excised from the SP and the number of housing units should be greatly reduced and possibly relocated to a less impactful site within the project area than on the bluff. As noted, the workforce housing project appears to exceed that needed for on-site employee or nearby “workforce” housing associated with the hotel and restaurant (plus additional housing to accommodate needs in Lee Vining).*

*My other key concern with project phasing is mitigation. Mitigation developed phase by phase is a moving target; it could result in project mitigations being insufficient in toto, it could lead to mitigation being insignificant at the parcel-phase but cumulatively significant at the whole-project phase and, importantly, it could also result in appropriate mitigation options being foreclosed. For example, mitigations may be required now, for this “phase” of the project (or project parcel), but what happens if/when the hotel and restaurant are built? Shouldn’t all the mitigation be approved on a whole-project basis? Traffic and visual impacts are but two examples. What if Caltrans determines that certain traffic calming measures are appropriate now due to a “mid-range” level of traffic disturbance anticipating 200-397 new residents, and adopts mitigation measures to address the current swath of issues? What happens when, in two or three or five years, the hotel is proposed to be built, further increasing traffic and requiring new or additional mitigation measures such as a stoplight at the turn-lane into the project site on highway 120? Regarding visual impacts, how can the County and the public fully assess the cumulative visual impacts of this project and identify appropriate mitigation measures when the SP – workforce housing, hotel, restaurant – is being piecemealed into individual sub-projects? What if the hotel is not built and it makes more sense to locate workforce housing elsewhere? Shouldn’t that be assessed in a revised specific plan? Because this is a specific plan – which is 26 years old and for which the addition of 100 units of workforce housing is significant enough that it should necessitate a revised SP and EIR – it should not be permissible for the County to piecemeal impacts by “parceling” the development, nor to piecemeal the required mitigation for those impacts. Yet that is precisely what is occurring.*

*Moreover, what if other components of the SP, such as the hotel, the restaurant or appurtenant facilities, are proposed to be modified yet again? The County has already been subject to two SP amendments and one Director’s Review. This is the third SP amendment being considered. It is not unreasonable to expect that the developer may come back in a year or two to amend other parts of the SP – the hotel, the restaurant. Maybe the workforce housing is so successful the developer decides that the hotel, as a discrete parcel, will have to provide its own “employee” housing on the hotel parcel. When do the SP amendments become so many that the County is obligated to revise the SP in order to assess and mitigate for project impacts? It seems that now – with this extremely significant plan amendment that has a questionable relationship to the original specific plan – is the time when the County must revise the plan.*

**RESPONSE:** With respect to the prior approvals granted in 1993, and as discussed in Topical Response #13 and in response to Letter 15 Comment 1, CEQA does not require that a previously approved project be reopened to consider a new project proposal. Moreover, the current proposal is specifically intended to address the need for housing associated with the earlier approvals, through the lens of current housing needs in Mono County. Onsite employment at build-out is estimated at 187 positions. The proposed 100 housing units would have capacity to house roughly two-thirds of the onsite employees (assuming each employee occupied a separate unit, potentially with their families). As discussed in Topical Response #8 and noted in response to Comment 6 below, jobs in the tourism sector fluctuate seasonally, and employment at the Tioga hotel and restaurant will be highest in the summer season. During winter, when onsite job opportunities are reduced, it is anticipated that some portion of the project residents will seek employment in other sectors, particularly the ski industry which is the largest winter employer in Mono County. These are reasonable expectations given that seasonal workers in Mono County on average hold 1.4 jobs, and 30% of the existing site employees currently hold winter jobs in the ski industry. The intent is to provide year-round housing for all employees at the Tioga site, including those who work seasonally at the Tioga site, and seasonally at offsite locations, without the requirement to find a seasonal change of housing.

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

Additionally, a phasing plan has been developed, as detailed in Topical Response #7, to more clearly articulate how the approved and proposed project elements fit together. The Phasing Plan calls for initial construction of 30 units, to house construction workers during hotel and restaurant development. Construction of the second phase of 40 units would begin when the hotel building permit application is submitted. The final phase of 30 units would be constructed when the phase 1 and phase 2 units reach a combined occupancy rate of 80%.

Cumulative impacts were addressed in DSEIR §6.o. The analysis considered impacts associated with the increased intensity of onsite uses, including future impacts associated with construction and operation of approved uses including the hotel and full service restaurant. Project mitigation measures also address cumulative impacts to the extent feasible. A revised EIR has been prepared in the format required by CEQA (i.e. a Subsequent EIR), as well as a revised Specific Plan as presented in DSEIR §4.4. In the original DSEIR text version, the Specific Plan text was fully retyped to allow modifications to be shown with the 'Track Changes' tool, and to enable text searches and facilitate other document accessibility tools. This formatting was lost in the online version, but is shown in the text submitted with this FSEIR. Future modifications to the Tioga Inn Specific Plan would require a fourth amendment to the Specific Plan and compliance with all applicable CEQA and permitting requirements.

Future proposed changes in the Specific Plan will be subject to permitting processes and CEQA evaluation as needed to properly evaluate the proposal at hand. There is no legal limitation that would govern the number of Specific Plan amendments, but all proposals would be subject to CEQA and other applicable requirements.

**3a. COMMENT (Community Concerns/Mitigations-Fire Safety):** *I defer to those with expertise, but common-sense dictates that having hundreds of people on site and just one ingress/egress road onto two-lane highway 120 is a recipe for a Paradise-like fire catastrophe to occur in Mono County. The County should not allow conditions that could result in a fire-trap situation to happen on its watch. This issue should be resolved to the satisfaction of local firefighters and CalFire.*

**RESPONSE:** CalFire confirms in Comment Letter #2 that the project as proposed would meet applicable fire safe standards without a secondary access. CalFire nonetheless recommended that an emergency access be provided, even if informal, and the applicant has initiated plans to provide a secondary route for use during emergencies. The secondary access would be taken from the existing SCE easement road that follows close to the southern Tioga property boundary and exits onto SR 120 about 500 feet west of the existing hilltop housing. Please see additional discussion of this issue in Topical Response #6.

**3b. COMMENT (Community Concerns/Mitigations-Pedestrian Safety):** *Pedestrian safety and connectivity to Lee Vining. Of paramount importance to me personally is the issue of pedestrian safety and connectivity between the project (which, if approved, will essentially create a new village) and town. Be it workforce housing residents or visitors, people need a way to be able to walk into town to visit the post office, have dinner in town, get groceries or see friends. Creating this connectivity will not only greatly increase pedestrian safety, it should help to foster social and physical connectivity between Lee Vining proper and the new "village," perhaps helping to diminish the angst and even anguish many town residents feel about this project.*

*The County acknowledges the problem of pedestrian safety in the DSEIR yet, incredibly, does not require that this significant risk to public health and safety be mitigated prior to project approval. Rather than require this essential mitigation component to be worked out before construction can begin or require the developer to pay into a mitigation fund, the DSEIR states that the County will apply for a HUD grant; only if funds are awarded will "a safe pedestrian route between the project site and the community of Lee Vining" be developed. DSEIR at p. 5.8-10.*

**RESPONSE:** The applicant shares with Lee Vining residents the goal to provide for pedestrian safety and connectivity between the project site and Lee Vining. Please see Topical Response #4 for information and discussion regarding pedestrian safety and the proposal to amend Mitigation Measure SVCS 5.8 (Pedestrian Safety).

**3c. COMMENT (Community Concerns/Mitigations-LV Parking & traffic congestion):** *The DSEIR does not adequately address the issue of how doubling, tripling or quadrupling the population of Lee Vining will affect community facilities and services. There is already wholly inadequate parking in town. In summer, residents often cannot even park in front of our own homes, and illegal parking is rampant (particularly near the market, town visitor center and local coffee house: wrong-way parking, parking on corners, parking in no-parking zones, parking in lots allocated for certain businesses in order to do general errands). Lacking pedestrian access from the project site to town via a walking/biking trail will further exacerbate the problem. The Post Office parking lot does not have enough parking to accommodate needs to service an additional 200-390 residents, nor do the Community Center, the school or other facilities. Businesses such as the market, the visitor center/bookstore, the sporting goods store and local restaurants also do not have enough parking to accommodate the additional vehicular traffic expected as a result of local population increases due to the workforce housing project. The DEIR should require mitigation as a condition of development of the project for these direct impacts, including both construction of the pedestrian walking/biking path and a new park-and-walk lot in a suitable location adjacent to town (one possible location for town-based parking could be expanding the paved parking surface area around the community center; while not ideal due to distance from the town core it might help to blunt this significant impact).*

**RESPONSE:** The estimated future Community Housing population of 300 is a conservative estimate and at the top end of the forecast, which ranges from 194 to 300 residents. Although the high-end project population of 300 would represent a four-fold increase in the town's 2016 population, it would represent a 135% increase over the Town's 2010 population of 222; Lee Vining has experienced wide population fluctuations over time, particularly in recent years. To minimize impacts of rapid growth, the project now incorporates a phasing plan where 30 units would be built in the initial phase, followed by 40 additional units when the hotel grading permit application is submitted. The final phase (up to 30 units) would occur when the phase 1 and 2 units reach a combined 80% occupancy rate.

With respect to the shortage of parking in Lee Vining, please note that offsite parking adequacy is not cited as an environmental issue in the CEQA Checklist, and also not directly relevant to the project as proposed. Commercial properties in Lee Vining have the obligation to comply with standards that ensure adequate onsite parking and, as noted elsewhere, the population of Lee Vining has been much higher in the past than it is at present. The lack of adequate parking in other locations is not an impact that can be attributed to this project, nor is it the responsibility of this project applicant to provide solutions for these offsite concerns. However, forthcoming traffic calming improvements by Caltrans will include additional parking facilities in Lee Vining, since parking improvements are included in all of the alternatives under review by Caltrans. Caltrans anticipates that the Traffic Calming elements will be completed by October of 2026. Topical Response #4 provides information regarding prospects for the establishment of pedestrian access between the project site and Lee Vining.

**3d. COMMENT (Night Skies & Visual Impacts):** *Those who live in Lee Vining and the Mono Basin cherish our dark skies. Moreover, Mono Lake is an internationally recognized natural and wildland destination that draws visitors from around the world, including for special nighttime programs at South Tufa. Yet the DSEIR acknowledges that impacts to visual resources and night skies are significant and unmitigable. The impacts could be partially reduced by the County designing and choosing a less impactful alternative, e.g., by reducing the number of units or berming housing units to better shield them from impacting night skies.*

**RESPONSE:** Topical Response #2 provides detailed information about the Mono County General Plan Chapter 23 Dark Sky Regulations. These comprehensive regulations were developed to maintain dark skies. As noted in that discussion, a new mitigation measure AES 5.12(a-2) has been incorporated to (a) require preparation of a detailed Outdoor Lighting Plan, (b) require landscaping to shield offsite views of lighting, and (c) prohibit seasonal displays including use of multiple low-wattage bulbs except on the housing structure walls that are not visible to the public viewshed.

Additional modifications have been incorporated to better screen the proposed housing units from offsite viewpoints. The additional modifications are described and illustrated in detail as part of Topical Response #1.

- 3e. COMMENT (Physically Divide the Community, §5.5(a)):** *Table 2-5 (Summary of Tioga Workforce Housing Project Impacts & Mitigations)... wrongfully concluded that [a number of] impacts will be less than significant, including:*
- *5.5(a) Will "physically divide an established community." As was voiced at the County's project meeting held on July 30, this issue is extremely significant. It could be partially mitigated by requiring the pedestrian access as part of project approval, thereby connecting Tioga Inn with Lee Vining.*

**RESPONSE:** The project will not physically divide the community of Lee Vining; it is located near the south side of town, and separated from the main townsite by natural landforms and transportation improvements that are not part of the Tioga project. The goal to establish safe pedestrian access between the site and central Lee Vining reflects a desire to unify and support both elements, and also provide for increased safety and recreational opportunities that will benefit all parties. Please see additional discussion of pedestrian safety in Topical Response #4, and also please consider the discussion provided in Topical Response #14 to address the proposed project in terms of Lee Vining Community Character.

- 3f. COMMENT (Population Growth, §5.6(a)):** *The year-round population of Lee Vining has declined in recent years due to various factors, from 222 in 2010 to 89 in 2016 (DSEIR, p.5.6-11). The DSEIR says that "approval and implementation of the proposed Tioga Workforce Housing project would increase the population in the Lee Vining CDP by more than 400% from approximately 90 residents at present to 390 residents with the project." DSEIR, p. (p. 5.6-14). The DSEIR then goes on to say: "This represents a significant increase over current population levels but well within the range of planned General Plan population forecasts for the Mono Basin." Ibid. The DSEIR, incredibly, concludes that impacts to projected population growth are "less than significant and no mitigation is required." To the contrary, the quadrupling (in this portion of the EIR) of the Lee Vining population is extremely significant and will forever and irreversibly alter the small-town character and charm of Lee Vining. I did not have time to dig into this portion of the DSEIR but, as noted above, the County appears to be relying on pie-in-the-sky population projections (the "theoretical maximums") to improperly diminish this unacceptable community impact. This issue could be partially mitigated by reducing the size of the project by half or more, thereby attenuating somewhat the impacts of increased population on the town, and by requiring the construction of housing to be phased in sync with other project elements (i.e., the hotel and restaurant). Other mitigation should be developed with input from community members. This impact to community character is so significant and so adverse that I think it needs to be included as a seventh item in the Statement of Overriding Considerations as a significant, unmitigable and cumulative impact of the project.*

**RESPONSE:** As noted above in response to Comment 3c, and as discussed in Topical Response #8, Lee Vining has experienced wide population fluctuations over many years. Compared with the 2010 population of 222, the Community Housing project with 300 residents (the high end of the projection range) would represent an increase of 135%. If the housing project population is at the low end of the projection range (i.e., 194 residents), the increase over Lee Vining's 2010 population would be 87% (i.e. less than doubling the town population). Note that the low end of the forecast range was based on Lee Vining CDP averages for the number of persons per unit, and the percentages of family and non-family households. The higher population forecast estimates were based on averages for Mono County as a whole (which resulted in a forecast of 293 residents), and for an average of Mono County and Lee Vining combined (254 residents). The highest estimate (300 future residents) was not based on any local data, but rather was based on an occupancy standard used by the U.S. Department of Housing and Urban Development (HUD); this highest estimate was correctly cited throughout the DSEIR as a 'worst case' estimate, but it is the least likely to occur due to its origin in national rather than local data sources.

The General Plan build-out populations were adopted less than 5 years ago, and represent the level of growth that each Mono County community considered reasonable as determined through a parcel-by-parcel analysis of buildout potential based on land use designations and a minimum set of assumptions. Notwithstanding the varying individual opinions as to whether economic factors will ever allow for buildout, this is the density permitted by existing land use standards. As noted in the DSEIR, the General Plan shows a Mono Basin buildout population (under the 'practical' buildout scenario) of 2,478. The General Plan also identified a buildout estimate of 2,574 residents for the 'theoretical maximum.' As with the estimated 300 maximum residents of the Community Housing project, the theoretical maximum was provided as a worst case for overall Mono Basin development under the General Plan.

Notably, the difference between the Practical and Theoretical Maximum population of Mono Basin amounted to only 96 residents (a difference of 3.8%), whereas the difference between the Practical and Theoretical Maximum population on a countywide basis was 11,045 residents – a difference of 29.3%. This reflects a lower degree of uncertainty regarding future development in the Mono Basin than in other Mono County locations. Also notable is that the 2015 General Plan population forecast for the Mono Basin was 41.1% lower than in the 2001 General Plan, when Mono Basin buildout was anticipated to be 4,371 residents. Even in the most conservative of these growth scenarios (i.e., 300 housing residents, and a Mono Basin buildout population of 2,478), the population increase associated with the Tioga Community Housing Project would represent only 12.1% of the adopted growth forecast -- well within the range of planned General Plan population forecasts for the Mono Basin.

**39. COMMENT (Fire Risk, §5.7(e)):** *This is noted as less than significant with mitigation. Yet the addition of 200-300 people in a dense housing development will inherently increase fire risk. And, absent an alternative requiring a second ingress/egress route in the event of a fire starting on-site or threatening the project area from off-site, this is an extremely significant public safety issue. It appears this issue could be partially mitigated by constructing a new paved road to allow emergency access to and from highway 395 (or elsewhere and as determined by CalFire) and providing other mitigation to aid the local fire department in fighting fire, whether they are initiated from on-site or threaten the project area from off-site. Again, with only one paved ingress/egress route it is incomprehensible that emergency access is considered "less than significant." This impact is potentially highly significant and could be mitigated by construction of an additional, paved emergency access road that links to highway 395 and other mitigations as determined to be prudent and necessary by emergency services professionals.*

**RESPONSE:** In response to comments on the DSEIR, the applicant is voluntarily seeking to provide a secondary route for use during emergencies. The secondary access would be taken from the existing SCE easement road that follows close to the southern Tioga property boundary and exits onto SR 120 about 500 feet west of the existing hilltop housing. Additionally, DSEIR Mitigation Measure SFTY 5.7(d) (Emergency Evacuation) has been incorporated directly into the Specific Plan as Implementation Measure 2b(5) with added requirements; DSEIR Mitigation Measure SFTY 5.7(d) has been deleted from the Mitigation Monitoring and Reporting Program. Please see Topical Response #6, and the response to Letter #8, Comment 2, which outlines options available to LVFPD to ensure that it has the resources required to provide service to the Tioga project (including approved and proposed elements). As noted therein, Mono County will defer to the jurisdictional authority of LVFPD, but the County's existing system can assist in meeting LVFPD needs.

**4a. COMMENT (Mitigation is Inadequate):** *Proposed mitigation is inadequate and in some cases is unfairly passed on to others, including taxpayers. As noted above, some community-level concerns have not been adequately addressed nor has sufficient mitigation for these impacts been proposed in the DSEIR; while other concerns were dismissed as insignificant (e.g., dividing the community and inducing substantial population growth). Mitigation should be strengthened and/or required for all the issues listed in section 3 above.*

*For other project issues, such as wildlife and visual impacts from South Tufta, mitigation is also inadequate. First, wildlife: The DSEIR notes that impacts to deer are a "significant potentially unavoidable cumulative impact." DSEIR p. 2-4, 5.3(d). The mitigation specified for this impact is for the County and the developer to apply to HUD for a sustainable communities grant to be used – it appears - for both pedestrian passage and deer passage: "A priority use of program funds, if awarded, will be to develop a safe pedestrian and cycling access route between the project area and the community of Lee Vining. The access route will be designed to incorporate a deer passage along the US 395 culvert at Lee Vining Creek." DSEIR, p. 5.3-24. Given how fearful deer are of not only cars but also people and bikes it is hard to envision this mitigation measure, if the grant is even awarded, being at all effective. What's more this is a speculative mitigation measure given it's completely dependent on funding. And, this is an example of where the costs of the project are unfairly being passed on to the taxpayer, in this case the federal taxpayer. To remedy this issue I request that the County consult with the CA Department of Fish and Wildlife to design a safe and effective passage for deer and other wildlife. I also request that – rather than say the developer can't be on the hook for this mitigation measure since it relies on consultation with other agencies and a HUD grant – the County require that 1) ideally, the pedestrian and deer safety issues be addressed, resolved and funding secured prior to issuing a building/grading permit; and/or 2) the developer be required to pay into a mitigation fund that will fund this and other project-related mitigations, including a paved park-and-walk lot in Lee Vining, any*

*project-level mitigation measures that Caltrans might request to help alleviate traffic safety issues on highway 120 as a result of project construction, etc.*

**RESPONSE:** The intent to seek future grant funds was not stated in the DSEIR as a basis for lessening the significance of identified adverse project impacts. Grant funds were discussed because effective mitigation for many of the significant adverse effects identified in the DSEIR would require multi-agency approval, funding and support.

The intent to seek grant funding remains, but the funding is no longer envisioned as a potential means to address project goals or mitigate significant adverse impacts. Please see Topical Response #1 for discussion of newly proposed modifications to lessen aesthetic impacts, Topical Response #4 for discussion of the goal to facilitate pedestrian linkage, and Topical Response #5 for discussion of issues pertaining to a wildlife crossing. Mono County staff have clarified that the project cannot be required to mitigate existing deficiencies (such as the current pedestrian traffic to the Mobil Mart, as cited above). The FSEIR can only require mitigation (where feasible) for impacts resulting from the proposed project.

**4b. COMMENT (Aesthetic Mitigation):** *Regarding project-related visual impacts both to the South Tufa visitor and to the resident or visitor from points around the Mono Basin, the mitigation measures proposed by the County are inadequate and unacceptable. Mono Lake is the first Congressionally-designated National Forest Scenic Area in the country and, as we all know, one of the world's spectacular natural landscapes. Yet rather than work hard to mitigate the impacts both to the Mono Basin visitor and our precious night skies I feel that the County is taking the easy way out by simply declaring visual impacts significant and unmitigable and proposing to adopt a Statement of Overriding Considerations for them. Certainly there is more the County can do to lessen somewhat the significant visual impacts. First, the fewer units approved the lesser the visual impact (while still significant) will be. The County could require that cut and fill be used to design an alternative that "sinks" the housing or which requires berms around it. Regarding night sky pollution, the glare of the Mobil sign can already be seen from throughout the Mono Basin. In addition to requiring shielded exterior lighting the County could also require that project design guidelines require the use of "low light" fixtures throughout the interior of all the apartment units.*

*At the County meeting of July 30 in Lee Vining, when people asked about mitigation such as that for pedestrian safety (i.e., a trail), traffic safety on highways 120 and 395 and deer passage, County staff replied that these mitigations are not requirements for project approval because they will require cooperation with other agencies, the timeframe for approval may be different than that of this project and staff also made the comment that not all the impacts to pedestrian safety can be attributed to the Tioga project which is in fact untrue. The entire reason there is currently a pedestrian safety problem, which will be greatly exacerbated by this development and even more so if or when the hotel and restaurant are developed, is due to the success and attraction of the Mobil Mart. (If mitigation measures were never previously identified for impacts resulting from development of the Mobil Mart, perhaps they could be now.) Acknowledging these impacts and yet not requiring mitigation for them as a condition of project approval means that we as taxpayers will be saddled with the costs of developing these various mitigation projects – be it via state taxes to fund Caltrans' highway mitigations or federal taxes to fund the HUD grant. County taxpayer dollars might also need to be used to help mitigate for project impacts, e.g., paving additional area around the Community Center to increase parking at the site in order to accommodate the increased local population.*

**RESPONSE:** Project design features have been further revised in response to DSEIR comment letters in order to lessen potential impacts on scenic resources. The revised features are detailed in Topical Response #1, and include both a detailed discussion and plan illustrations to show the plan modifications that are now proposed to further minimize project impacts on visual and aesthetic resources. Topical Response #2 discusses provisions that will be taken to ensure project compliance with Chapter 23 regulations pertaining to Dark Skies. With respect to pedestrian connectivity between the site and Lee Vining, please see Topical Response #4, which describes information gained during FSEIR preparation and a proposed amendment to Mitigation Measure SVCS 5.8(a) (Pedestrian Safety). Also note that the project legally cannot be compelled to mitigate existing deficiencies, such as the existing pedestrian safety concerns noted above, but is responsible for mitigation of significant direct and cumulative project impacts, where feasible.

- 5. COMMENT (Alternatives):** *Other alternatives that could help mitigate project impacts and which might be preferred by the public are not seriously considered....For example, no schematic, visually explicit layouts of the various alternatives such as Exhibit 3.3 on p. 3-4 (the Tioga Workforce Housing Project Plan and Site Context Map) are included for the other alternatives which – for this particular EIR in this particularly visually sensitive location – should have been developed without question. Certainly the County knew this project would be controversial given its sensitive location, the growth-inducing impacts to Lee Vining and the scope of the project. Similarly, professional-level visual simulations that accurately depict the visual impacts of the various alternatives, and which would allow the reader to compare and contrast the alternatives, are lacking (there are merely a few photos in section 5.12 which do not compare and contrast the visual impact of the alternatives). The County must do a better job in order to give the decision-makers a clear basis for choice among the project alternatives.*

*In the alternatives analysis, one or more alternatives (#4 and #4 modified) are superficially considered but rejected because they "would require significant more grading (and jeopardize the goal to balance cut and fill onsite)...;" and "would increase impacts on geology due to the anticipated imbalance between cut and fill and the resulting potentially (sic) need to import or export fill materials. DSEIR, p. 7-6. While the proponent might prefer not to have to import cut and fill, or to need to do extensive additional grading at the site, such concerns should not influence the County's analysis nor its selection of an environmentally preferable alternative to the one currently being considered. Given the location of this parcel at the gateway to Mono County (and Yosemite), the visual sensitivity of the location within the Mono Basin and the fact it would double-triple-quadruple the population of adjacent Lee Vining, the County should revise the DSEIR to include a detailed and meaningful alternatives analysis for other alternatives – including modified versions of the ones described in the DSEIR – that can help meet most of the original project objectives including the primary project objective as stated in the 1993 SP to: "provide central Mono County with an inclusive resort facility that can draw upon north-south traffic traveling through Mono County as well as Yosemite-oriented visitor traffic traveling over Tioga Pass. The facility is to provide a complete range of services for the Mono Basin visitor...". DSEIR, p. 3-3.*

*The analysis should include plan and site context maps for each alternative as depicted in Exhibit 3-3 on p. 3-4 of the DSEIR. This will help the public and decision-makers compare the various alternatives and determine the location and relationship of the component parts to one another, including the original hotel, restaurant, etc. The analysis should include alternatives that 1) reduce the number of workforce housing units, and 2) look at other locations or siting schemes for the units to better shield them from view. As examples, the reduced project alternative and the modified cluster alternative could be tweaked, or other alternatives could be developed that help meet the primary 1993 SP objective. In sum, CEQA guidelines require that an EIR "should provide sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project." The DSEIR does not do the job.*

**RESPONSE:** Please see Topical Response #1, which outlines proposed plan modifications to further reduce project impacts on aesthetic resources. As noted therein, a new Alternative 6 has been developed with multiple design changes (including changes to the orientation and layout of units, replacement of identified 2-story structures with 1-story design, additional grading to lower the profile of units, landscaping and many other design modifications that will collectively all but eliminate views of the project from US 395, and substantially lessen project visibility from South Tufts Beach and other locations.

Topical Response #3 has been prepared to provide additional background information about the Alternatives considered in the DSEIR. Included in Topical Response #3 is a copy of the concept plan that was developed for the Cluster Alternative, but not presented in the DSEIR.

Additionally, a Phasing Plan has been developed to clarify the relationship between development of the approved hotel and restaurant uses and the proposed housing units. The Phasing Plan is described in Topical Response #7.

- 6. COMMENT (Housing Need):** *Mono County has a housing shortage, but Tioga Inn should not be expected to meet a substantial portion of the County's needs. I appreciate that Mono County, like so many counties in the state, faces a serious workforce housing shortage and is on the hook to meet state mandates to provide affordable housing. And I understand why the developer might want to propose workforce housing at the site. I believe some amount of workforce housing at the project site makes good sense (both for employees of the Mobil Mart now, and subsequently adding housing as appropriate*

*if/when the hotel and restaurant are built, plus a small number of additional units to house local employees). However, Lee Vining and this project site should not be looked to by the County or the Town of Mammoth Lakes to provide housing for workers in places like Mammoth, including the ski area(s). The stated project objective should be to provide workforce housing for nearby workers; it should not be to provide catch-all housing for the greater Mammoth Lakes area and Mono County. The winter commute is dangerous, and while a handful of local residents do it daily what would be the added traffic and safety impacts of an additional couple hundred employees commuting to the ski area in winter driving conditions? Also, any gains from the purported reduction of greenhouse gas emissions by housing workers on site would be erased with long-distance commutes by residents to communities outside of Lee Vining.*

*While California faces a housing shortage the solution is not to build housing at all costs, anywhere, without regard to the environment or communities. It should be to find the best sites for potential housing – preferably in and directly adjacent to towns where people work – work on land adjustments as necessary with the federal agencies and construct workforce housing that minimizes the danger of mountain commutes and greenhouse gas emissions. What California, and Mono County, should not do is sacrifice its most precious landscapes solely for the sake of workforce housing. To quote former Mono County Supervisor Andrea Mead Lawrence, "God did not make the eastern Sierra Nevada as a lot-and-block subdivision." (See <https://www.nytimes.com/2009/04/02/sports/othersports/02lawrence.html>.)*

**RESPONSE:** As detailed in Topical Response #8, the 2017 Mono County Housing Needs Assessment<sup>52</sup> identified a need for 120-170 new housing units in the unincorporated area by 2022, noting that future housing needs are "largely determined by employment growth."

Following construction of the hotel and restaurant, the Tioga site will add 150 new employment positions to the 37 employment positions currently filled on the site. The new positions will create significant added demand for housing in an area that lacks housing opportunities. The project is needed not in order provide housing for Mammoth Lakes or other communities, but to provide housing for staff on this project site. Availability of onsite housing will enable staff to minimize the lost time and challenges to family life that are associated with long commutes.

In several places, the DSEIR notes that project housing may help to address shortages experienced by employees of the Mammoth and June Mountain ski areas. Employment at the Tioga hotel and restaurant will be highest in the summer season. During winter, when onsite job opportunities are reduced, it is anticipated that some portion of the residents will seek employment in other sectors, particularly the ski industry which is the largest winter employer in Mono County. This expectation reflects current employment patterns at the Tioga site: of the 37 existing onsite employees, 30% are employed by the ski industry during winter months. Please see Topical Response #8 for additional discussion.

**7. COMMENT (Requests and Conclusion):** *To remedy the problems I see with the DSEIR and help address community concerns I request the following:*

- 1. That the County not certify the SEIR and not adopt a Statement of Overriding Considerations at this time.*
- 2. That the County remand the DSEIR to staff to correct the deficiencies in the EIR and recirculate it for another round of public comment. Most importantly:*
  - a. Include a sufficient description and range of reasonable alternatives – including visual displays of them – that will lessen the overall impact of the project while still meeting the original SP project objective. Include a viable reduced project alternative and one or more alternatives that allow cut and fill to blunt the visual impacts of the project.*
  - b. Include a plan for phasing the component parts of the development so it's clear how they work together as part of the same specific plan. Tie construction of workforce housing to construction of the hotel and restaurant. To meet local housing needs in the interim – including for the existing MobilMart and Lee Vining workforce needs - build a small number of units as part of phase I.*
  - c. Acknowledge significant impacts that were ignored in the DSEIR, e.g., parking in Lee Vining and strain on local facilities (school, post office, community center); doubling of population. Design improved mitigation measures that will lessen*

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<sup>52</sup> 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](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5732/mono_county_housing_needs_assessment_bos_f.pdf)



*effects on human and environmental resources, including pedestrian safety, traffic safety, fire safety, wildlife and visual impacts. Issue a grading/building permit contingent upon concrete mitigation items being developed collaboratively with other agencies (e.g., County/developer, Caltrans, SCE, CDFW) or require the developer to pay into a mitigation fund established for the purpose of constructing the pedestrian path, wildlife crossing and other unresolved issues.*

*3. Ideally, the County and the proponent will revisit the original specific plan, assess the current economic landscape and assumptions made in 1993, and modify or revise the entire specific plan as appropriate to create a whole-plan model, rather than the piecemealed plan that exists today. Questions that should be addressed include how viable is the 1993 project? Do the whole-project objectives need to be revised? The project should be phased in logical order, with needed housing built to meet the demand for the on-site workforce plus a modest number of additional units to serve local workers, if desired.*

**RESPONSE:** Mono County appreciates the constructive criticism and suggestions that have resulted in numerous modifications being incorporated into the project. Please see Topical Response #3 for additional discussion of project alternatives. Topical Response #4 provides information concerning pedestrian linkage between the site and Lee Vining. Topical Response #6 discusses the newly proposed secondary emergency access route, as well as revisions that incorporate DSEIR Mitigation Measure SFTY 5.7(d) (Emergency Evacuation) directly into the Specific Plan as Implementation Measure 2b(5), with added requirements. Mitigation Measure SFTY 5.7(d) has been deleted from the MMRP.

Details regarding the newly developed Phasing Plan are provided in Topical Response #7. The updated discussion of significant adverse project impacts is provided in Topical Response #12, and discussion of the EIR scope of analysis as provided in Topical Response #13. FSEIR §1,4 provides information about the conditions outlined in CEQA for recirculation of environmental documents. These supplemental discussions provide additional information in response to the comments offered above.

# #11

## Mono City Fire Protection District

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- 1. COMMENT (Secondary Access):** *Based on the current plans. There is only one entrance and exit for the public and emergency vehicles to use efficiently...While the road width, surface and length might meet requirements, this single route is highly vulnerable and insufficient considering the proposed scope of the development...We urge the project proponent to consider an emergency escape route to Highway 395.*

**RESPONSE:** As noted in the comments from Mono City Fire Protection District, the Tioga Project road system (including existing and proposed roads) meets all applicable CalFire requirements for emergency ingress and egress (please see the comments submitted by CalFire in Letter #8). However, in response to DSEIR comments the applicant is voluntarily seeking to provide a secondary route for use during emergencies. The secondary access would be taken from the existing SCE easement road that follows close to the southern Tioga property boundary and exits onto SR 120 about 500 feet west of the existing hilltop housing. Please see additional discussion of this issue in Topical Response #6.

# #12

## Mono Lake Committee

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**I. COMMENT (Introduction):** ... Scoping for the expansion of the Tioga Inn specific plan took place in 2016 and, along with many others, MLC provided a detailed comment letter dated November 21, 2016. During the subsequent two and half years the Project expansion was reshaped in response to concerns; for example, the proposed third story of the hotel was abandoned, presumably in response to fire safety concerns and visual impacts identified during scoping. Unfortunately, proposal modifications were not made to address the visual impacts of the proposed expansion of the site development footprint onto the highly visible ridgeline at the east side of the property, 40+ feet higher than the existing development and located prominently above Highway 395 and boldly within scenic views from South Tufa and other popular visitor destinations at the Mono Lake Tufa State Natural Reserve and Mono Basin National Forest Scenic Area. As a result the Project studied in the DSEIR continues to create major visual, aesthetic, and wildlife problems—larger, in fact, than those identified during scoping. The DSEIR concludes they are significant and, as proposed, unmitigable....

**RESPONSE:** As acknowledged in the comment by MLC, the project applicant incorporated numerous changes into the project proposal as a direct result of comments received on the 2016 Notice of EIR Preparation and at the October 2016 Scoping Meeting. Significant changes included deletion of proposed modifications to the hotel and restaurant, additional housing amenities including a staffed daycare facility that will be available for use by Lee Vining residents, a near-doubling of Open Space-Preserve acreage, modifications to incorporate subsurface irrigation into the package sanitation treatment plant, and expanded conservation features.

The Community Housing area is not and has never been proposed to be located on the prominent restaurant ridgeline, but rather east of and below the ridgeline. Boundaries of the visibility zone from Mono Lake are determined by site topography, including a 'visibility blocking' 6,940' ridgeline along the northwestern side of the housing, and another blocking ridgeline (6,940' and higher) to the east. Visibility is also shaped by distance. Thus views of the housing as seen from the stretch of US 395 within the visibility zone (based on the DSEIR Concept Plan) are very clearly defined and cumulatively significant (see DSEIR discussion on page 5.12-22). As stated in the DSEIR, views from South Tufa (also in the visibility zone) would be substantially attenuated by distance and by the dominant Sierra Nevada backdrop, but would contrast with rather than complement visual character (page 5.12-22). Similar conclusions would apply to areas of the Lake surface within the visibility zone, but scaled for distance (the Lake surface at its closest point within the line of sight would be about 1.2 miles from the housing, whereas US 395 is less than ¼ mile from the housing).

Additional project modifications have been developed as part of the current FSEIR, including a new Alternative 6 that incorporates a wide range of design elements specifically for the purpose of avoiding and lessening project impacts on aesthetic resources. Modifications incorporated into the design of Alternative 6 include (1) changes in the form, number and orientation of the housing structures, (2) development of additional details regarding landscape screening of project elements, (3) replacement of 6 of the 11 two-story housing structures (in the initial concept plan) with 1-story structures, (4) lowering of graded pad elevations to more fully "sink" the units into the hillside, and (5) additional specifications regarding building colors and materials. The changes proposed with Alternative 6 would wholly eliminate views of the project from the South Tufa parking lot, largely eliminate views of the housing from US 395, and substantially lessen the visual impact of project views from Navy Beach. Please see the detailed discussion provided in Topical Response #1, including exhibits that describe and illustrate the proposed changes.

**I.A.1. COMMENT (Visual, Aesthetic and Scenic Impacts):** As noted in the 1993 Final Environmental Impact Report (FEIR), the only unavoidable significant adverse impact identified was the impact on visual resources. The proposed Tioga Inn specific plan amendment expands and intensifies visual impacts outlined in that FEIR and seeks, again, for Mono County to waive consideration of these impacts.

*The DSEIR notes that, despite landscaping, construction, and design mitigation to minimize offsite views, the impact to Scenic Resources and Visual Character are a "Significant and Unavoidable Adverse Impact" and that Light and Glare Effects are a "Significant and Unavoidable Adverse Impact." MLC concurs with this analysis; however, the analysis should contain more information and analysis in order to describe the full extent of the project's visual impacts. Finally, the DSEIR does not adequately consider siting and design mitigation or alternatives that could significantly reduce visual impacts.*

**RESPONSE:** The issues and concerns raised in comment I.A.1 above parallel the concerns raised in Comment I. Please see the response provided above to Comment 1, as well as discussions provided in Topical Response #1 (Aesthetics, Project Design and New Preferred Alternative 6) and Topical Response #2 (Light and Glare).

**I.A.2 COMMENT (Scenic Resources and Analysis):** *The proposed Tioga Inn Project is located at the eastern gateway to Yosemite National Park, adjacent to world-renowned Mono Lake, the congressionally-designated Mono Basin National Forest Scenic Area, Mono Lake Tufa State Natural Reserve, and neighboring the small, rural, community of Lee Vining. This project, as proposed, has the potential to propagate "Significant and Unavoidable Adverse Impacts" well beyond the Mono Basin when considering the economic connection with Mono County and the nationally significant profile of this Mono Lake and Yosemite gateway community.... Mono Lake is now the overall #1 attraction in Mono County with the largest share of "Total Visitors" at 43.2% and Mono County enjoys "high visitor satisfaction" mostly due to "scenic beauty perception" ... There is no mention of the Mono Lake Tufa State Natural Reserve within the context of the Scenic Resources. The Mono Lake Tufa State Natural Reserve is a State Park unit as listed in Section 5.5.3.2 under California Department of Parks and Recreation, encompasses the entire surface of Mono Lake, and water-based recreation (kayaking, paddleboarding, etc.) will be affected by the visual impacts, as well as from key locations on State Park land adjacent to Mono Lake. The DSEIR should specifically consider the visual impacts the Project will create within the State Reserve and mitigations...*

**RESPONSE:** As noted in the comments provided by MLC, Mono Lake Tufa State Natural Reserve encompasses the entire surface of Mono Lake. The reserve was established in 1981 to protect the surface and recreational uses of Mono Lake, to preserve the tufa towers, and protect the Mono Lake wetlands and other sensitive bird habitat. The Tufa State Natural Reserve is surrounded by the Mono Basin National Forest Scenic Area, operated by the Forest Service.

Under the DSEIR Concept Plan, project visibility from Mono Lake would be restricted to the southern portion of the Lake; the blocking ridgeline would prevent views of the housing from most of the lake surface.

As detailed in Topical Response #1, the newly proposed Alternative 6 would further minimize site views from Mono Lake and other points within the Reserve due to key design modifications including (1) changes in the form, number and orientation of the housing structures, (2) additional landscape screening elements, (3) replacement of 6 of the 11 2-story housing structures with 1-story structures, (4) lowering of graded pad elevations to more fully "sink" the units into the hillside, and additional specifications regarding building colors and materials that will minimize contrast between the housing and surrounding landforms and plant materials.

**I.A.3 COMMENT (Visual Simulations do not convey Depth of Impacts):** *Photographic exhibits in the DSEIR fail to sufficiently analyze existing site views. As stated in MLC's Notice of Preparation letter dated November 21, 2016, "Visual simulations should be a major component of the DSEIR so that the true visual impacts can be represented to the public."*

*The exhibit images do show various site views of the project, but they do not include a view from the amphitheater porch of the Mono Basin National Forest Scenic Area Visitor Center looking south toward the project area. These exhibits also do not include the view from the Mono Lake Tufa State Natural Reserve at the end of the boardwalk below Mono Lake County Park. Further, neither a representative view from Panum Crater, Lee Vining Canyon, or Mono City were included in the analysis.*

*Further, these images do not fully represent or include primary views that visitors will focus on when they first encounter the Project. For example, visitors to South Tufa do not take photographs or appreciate the view west in the middle of the day at the northeast corner of the South Tufa parking lot, as the DSEIR image does. Visitors typically are drawn down the path to*

*the tufa and the lake where they focus on specific views and photography. The images taken from South Tufa (Mono Lake, tufa, and the Sierra Nevada crest are, by the greatest volume in media, taken from South Tufa near the water's edge. Image Exhibit 5.12-5 in the DSEIR does not faithfully capture this.*

*Visual simulations should include three-dimensional models placed in the landscape to accurately portray the views from along the north and south-bound lanes of Highway 395 approaching and exiting Lee Vining. The simulations should also accurately communicate the scope and scale of the project from a wide range of perspectives (hiker and climber views from the Tioga Crest, flights into Lee Vining, etc.) and varied lighting conditions. The simulations should also convey valuable information about the relative height of buildings and the reach of roads and associated development fixtures.*

**RESPONSE:** Under the original Concept Plan, simulation views of the Community Housing project would be substantially the same from the water's edge at South Tufa beach as in the simulation provided from the South Tufa Beach parking lot. The project site is about 4.5 miles west-southwest of South Tufa Beach -- sufficiently close to be clearly visible, but not close enough to convey the relative height of buildings and the reach of roads and development fixtures without aid of magnification.

Due to the intervening ridgeline that defines the western edge of the housing area, the housing would not be at all visible from the Scenic Area Visitor Center, the Tufa State Natural Reserve, Mono Lake County Park, Mono City, or Lee Vining Canyon, or other Mono Basin points located northwest of the housing. The site would be visible from the air and from vista points at higher elevations, such as the Tioga Crest, provided the views are not blocked by intervening landforms. Project views from all of these locations would benefit from the design modifications incorporated into Alternative 6 (as discussed in Topical Response #1).

Modifications discussed in Topical Response #1 would entirely eliminate project views from the South Tufa parking lot, and lessen views from the South Tufa Beach and Navy Beach. Even with the design modifications outlined in Alternative 6, however, it is the conclusion of this FSEIR that project impact on aesthetic resources (including light and glare) would be significant and adverse. This conservative determination would not change with additional simulations, since it is based on the recognition that some portions of the project site will remain visible from offsite locations. The design alternatives included with Alternative 6 do take account of the relative height of buildings, and the reach and extent of parking, roads and associated development fixtures. Please see Topical Response #1 for additional discussion of the newly proposed Alternative 6 design changes, and Topical Response #2 for additional discussion pertaining to the mitigation of impacts associated with light and glare.

**I.A.4 COMMENT (Extent of Impact on South Tufa):** *South Tufa is the most heavily-visited day-use site at Mono Lake....The DSEIR does not faithfully analyze the value of this site as a world-class... flagship Mono County visual resource. Countless visitors and photographers converge....to experience a nearly completely undisturbed landscape in a wide range of lighting conditions and weather phenomena. There is no doubt, regardless of the distance of the proposed project, that grading scars, a wastewater disposal field and wastewater treatment plant effluent irrigation area, two-story project lighting, solar panels, and nighttime vehicle travel in and out of the proposed project area will all contribute adversely and significantly to alter the experience of visitors at South Tufa. While the DSEIR acknowledges a "Significant and Unavoidable Adverse Impact" relating to Scenic Resources, Visual Character, and Lighting and Glare effects, the DSEIR does not go far enough in describing the extent [of] these impacts... The diminished value of South Tufa is not easily calculated in the context of the tourism economy, but the DSEIR might consider evaluating the adverse impact here since this location is integral to the identity of Mono County to past and future visitors.*

**RESPONSE:** MLC comments regarding the world-class visual character of South Tufa Beach are acknowledged, and information provided by MLC in an earlier comment indicating that "Mono Lake is now the overall #1 attraction in Mono County..." is hereby incorporated by reference. The discussion provided in DSEIR §5.12 and elsewhere fully acknowledges the unique world class quality of this basin, and seeks to accurately characterize the impact of the project on these resources. The determination that the project would have a significant and unavoidable adverse impact – despite the proposed project modifications and mitigation measures, the limited zone of visibility, and the immense scale of the surrounding backdrop - was based on the understanding that project elements would not complement Mono Basin visual resources, would be a source of sensitivity to local viewers, and would contribute to significant controversy within the local community.

As detailed in Topical Response #1, new design modifications have been developed during FSEIR preparation with the intent to further minimize project impacts on scenic resources, visual character, and light and glare. The new focus on design features includes landscaping elements to achieve maximum visual screening, additional grading to lower housing pad elevations, a slight shift of placement to create added separation between units, redesign of buildings to minimize massing on east-facing walls and maximize roof area on south facing exposures (for improved solar access), replacement of two-story units with single-story units, and relocation of parking lots to the downslope side of the units to minimize overall profile from offsite vantage points. All grading for the Community Housing units will be accomplished during the initial phase; this will allow added time for landscaping plant materials to mature and minimize the time during which the scars associated with grading are visible.

As part of the analysis conducted for Alternative 6, consideration was given to a suggestion by MLC that the overall footprint could be reduced by using a parking standard lower than 2 spaces per unit, potentially allowing a reduced parking requirement for the studio and 1 bedroom units. Since the requirement for 2 spaces per unit is a countywide standard, a determination was made to retain the requirement for 2 spaces per unit, recognizing that the standard can be modified through future General Plan and Specific Plan amendments if results of a parking study show that parking need can be met with a standard lower than 2 spaces per unit.

**I.A.5 COMMENT (Extent of impact on Mono Basin dark skies):** *The Mono Basin and the Eastern Sierra region is one of the remaining dark sky locations in California where visitors can appreciate stars and night-sky phenomena as they were seen hundreds of years ago. Dark skies are a known asset that attract visitors and contribute to the economic success of Lee Vining. The Mono Basin is particularly vulnerable to new sources of light pollution due to the unspoiled natural light landscape that has no major development projects... The Tioga Inn development, and the cumulative impact of the Project will, due to its topographic prominence, size, scope, and position in front of and along the east-facing moraine above Highway 395, produce a more obvious visual distraction, and even cast shadows that a dark-sky adapted recreation observer could perceive at a distance. The project cascades down an elevated, east-facing promontory, extending south-southeast from the current viewpoint flagpole. This siting makes Mono County's dark sky lighting ordinance largely ineffective as shielded light will scatter out and below the development out across the Mono Basin, adding significant distraction where none was present before. Light pollution will be considerably greater than if the project was sited at the same elevation as Lee Vining. The elevated, east-facing position of the housing units, the number of lights necessary for a development of this size, and the night vehicle traffic with headlights that will move in and out of the development will dramatically alter the night sky environment across the entire Mono Basin.... While there is no doubt that there will be a "Significant and Unavoidable Adverse Impact" on Light and Glare Effects, the DSEIR fails to examine the extent these impacts will have on the visitor experience, tourism, and residents.*

**RESPONSE:** As described in Topical Response #2 and in response to Letter 1, Comment 1, all lighting on the project site will be subject to requirements of the Mono County General Plan Chapter 23 Dark Sky Regulations as well as additional requirements to further mitigate light impacts. The Dark Sky Regulations are both comprehensive and adaptive. Chapter 23 requires use of lighting that minimizes contrasts in lighting levels between a project site and adjacent properties which are in this case undeveloped and thus subject to higher levels of contrast. All lighting must be aimed downward or toward structures, and retrofits are required where needed to prevent glare/light trespass/light pollution.

Chapter 23 also requires that an outdoor lighting plan be submitted in conjunction with design review, CUP applications, subdivision approvals, and building permits for any new structures. However, to ensure that the significant concerns pertaining to project lighting are fully addressed, requirements beyond Chapter 23 standards have been incorporated into a new mitigation measure as shown below:

**NEW MITIGATION AES 5.12(c-2) (Outdoor Lighting Plan):** An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with 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;

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

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

Chapter 23 gives the CDD discretion to require additional information following the initial Outdoor Lighting Plan review.

Additional information requirements may include, but not limited to:

(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 and shall be prohibited from allowing seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.

As outlined in Mitigation AES 5.12(c-2), the Tioga project will be required to submit an Outdoor Lighting Plan and Mono County has authority to require additional information. The nature of the required additional information would be identified when and as needed to ensure that project lighting achieves the dark sky objectives, as applied to the exceptional circumstances of this site and this region.

Implementation of the Chapter 23 Dark Sky Regulations, requirements of the Scenic Combining District, and new Mitigation Measure AES 5.12(co2) will not reduce potential project impacts on light and glare to a less than significant level, but will ensure that light and glare from the Tioga Community Housing Project (and all other project elements, approved and/or constructed) is reduced to the maximum feasible extent.

**I.A.6 COMMENT (Scenic Combining District Conflict):** *The Project is located within the Mono County Scenic Combining District and is subject to the County's requirements (5.12-7). The Project is in conflict with these requirements, and new alternatives and mitigations must be explored to resolve this conflict. Specifically, in regard to the County's Scenic Combining District Standards for State Scenic Highway 395, the Project is in conflict with Sections B, C, and F.*

- *Section B states: "New structures shall be situated on the property where, to the extent feasible, they will be least visible from the state scenic highway. Structures shall be clustered when possible, leaving remaining areas in a natural state, or landscaped to be compatible with the scenic quality of the area." The proposed Project will be highly visible from [US] 395 in south and northbound directions and will break the ridgeline view of the Tioga Crest, in particular, for northbound traffic. New proposed structures are two-story and are not clustered, but instead are designed in a cascading, amphitheater-like siting arrangement that appears to maximize views from the site across the Mono Basin while maximizing the views of the structures from various points in the Mono Basin including [US] 395.*
- *Section C states: "To the extent feasible new subdivisions shall not create parcels with ridgeline building pad locations." The proposed Project creates building pad locations both along the restaurant ridgeline and in an adjacent natural, prominent swale above the highway facing east. This area will be fully built out and graded into the hillside from the ridgeline to the north, and will be situated with sweeping views to and from the project area across the Mono Basin and directly over Highway 395.*
- *Section F states: "Light sources in exterior lighting fixtures shall be shielded, downdirected and not visible from State Scenic Highway 395." Despite planned compliance with Mono County Dark Sky lighting regulations, the elevated, exposed siting of the project will contribute light pollution downward and across the Mono Basin. Project light sources, including exterior and interior lighting, will be highly visible from US 395. The [project] ridgeline location makes impacts worse, as downward-facing lighting regulations do little to shield compliant lights placed 100' above the highway.*

**RESPONSE:** The proposed housing is not proposed to be located on the prominent restaurant ridgeline, but rather east of and below the ridgeline. The below-ridgeline location was chosen because the ridgeline topography will serve to block views of the housing from most of the Mono Basin including the Tufa State Natural Reserve, the Visitor Center, the State Reserve Boardwalk, Black Point Fissures Trail and other important Basin sites located north and west of the ridgeline.

Despite natural screening afforded by the ridgeline, the project impacts on aesthetic resources is recognized to be significant and adverse. Design modifications developed during FSEIR preparation (described more fully in Topical Response #1), have focused on lessening these project impacts. The modifications incorporate multiple elements that will virtually eliminate views of the housing from US 395, and further reduce site visibility from the South Tufa Loop. As stated in response to Comment I.4.A above, and detailed in Topical Response #1, these redesigned elements include a reduced overall housing footprint as well as redesign to use one-story structures in the most visible downslope locations.

The Scenic Combining District does mandate, as stated, that "exterior lighting shall be shielded and indirect and shall be minimized to that necessary for security and safety" and also "down-directed and not visible from State Scenic Highway 395." These and many additional requirements, as detailed in the Dark Sky Regulations, will pose a challenge for this project due to its location at elevations higher than US 395 and most features in the Mono Basin. Compliance with these regulations is nonetheless mandatory ("all outdoor lighting fixtures installed after the effective date of this chapter shall conform to the requirements..."). The outdoor lighting plan required by new Mitigation Measure AES 5.12(c-2) will provide specific details for how dark sky objectives will be met including fixtures (requirements include diagrams, location, mounting heights, aiming points), and illumination (building elevations depicted the fixtures and portions of the elevations to be illuminated, illuminance levels, and aiming points) and other elements including screening landscaping and prohibition of seasonal lighting. Please see the additional discussion provided in Topical Response #2 and the response above to Comment I.A.5.

**I.A.7 COMMENT (Scenic Highway Visual Impact Scoring):** *The DSEIR conducts a Caltrans Visual Impact Assessment to determine the visual impacts of the project on State Scenic Highway 395 and State Highway 120, the Tioga Road, which Caltrans has highlighted as eligible for Scenic designation and Mono County has designated as a County scenic highway. After review of the Questionnaire and Response in Table 5.12-3 MLC believes the Project was inaccurately evaluated and scored.*

*Item 1 ("Will the project result in a noticeable change in the physical characteristics of the existing environment?") should be scored as a "3" instead of a "2" given that "Significant and Unavoidable Adverse Impacts" are attributed to Scenic Resources and Visual Character, Light and Glare Effects. While the discussion mentions low-visibility project items like subsurface irrigation and road alignment, these in no way moderate the "High" score that should be given here due to the proposed construction of two-story buildings on the currently undeveloped ridgeline adjacent to the highway.*

*Based on community meetings, numerous requests for a comment period extension, the high volume of public comments on the DSEIR, and the significant local concern regarding the proposed Project, item 3 ("What level of local concern is there for the types of project features") should be scored as "High Concern," which results in a score of "3."*

*Item 6 ("What is the potential that the project ... will be controversial within the community, or opposed by any organized group?") should be scored a "3" "Hi Potential." The high volume of public comments on the DSEIR support this scoring.*

*Item 8 ("To what degree does the project's aesthetic approach appear to be consistent with applicable laws, ordinances, regulations, policies or standards?") should be scored as "3," "Low Consistency." The project's major visual impacts are not consistent with applicable laws, ordinances, regulations or policy standards, and are in fact in conflict with several of them as noted elsewhere in this comment letter.*

*This revised scoring results in 25 total points for the Visual Assessment. Twenty five points places the Project scoring in the 25-30 point range, indicating "Noticeable visual changes to the environment are proposed. A fully developed VIA is appropriate that includes photo simulations. It is appropriate to alert the Project Development Team to the potential for highly adverse impacts and to consider project alternatives to avoid those impacts. See Directions for the Advanced/Complex VIA Annotated Outline." Appendix O, which currently provides a "Minor Level Visual Impact Assessment" should be revised and a "fully developed" Visual Impact Assessment prepared. In addition to addressing the scoring above, this revision will address an apparent problem that the existing Assessment was prepared in June 2018 before the visual analysis of Section 5.12 was completed and the finding of "Significant and Unavoidable Adverse Impacts" was established for Scenic Resources and Visual Character.*



*As emphasized above, the revised scoring means that the DSEIR should consider project alternatives that avoid these visual impacts. MLC agrees. The DSEIR must be revised to include alternatives that do not impose visual impacts on South Tufa, Mono Lake, and Highway 395.*

**RESPONSE:** Scoring provided in the *Visual Impact Assessment* ('VIA,' a tool developed by Caltrans) represented a good faith effort to fairly assess project impacts according to standardized criteria. With respect to Item 1, it is again noted that the proposed Community Housing would not be located on the currently undeveloped ridgeline. It would be located directly below and south of the ridgeline. This placement was selected so that the ridgeline would block views of the housing from the north, northeast, and northwest. The new Alternative 6, discussed in Topical Response #1, provides improved screening

With respect to Item 3, comments on the NOP or the DSEIR have generally been in support of the type of use proposed (i.e., employee housing). With respect to housing, objections raised in NOP comment letters focused on the number of units, with additional comments regarding the proposed density of units, unit size, winterizing features, and affordability. Since this VIA question is specifically directed to 'type of use,' the relative support expressed for employee housing as a type of use is a sound basis for the moderate score of "2."

The score of "2" that was given to Item 6 ("What is the potential that the project proposal will be controversial within the community, or opposed by any organized group?") was necessarily applied on the basis of the areas of controversy expressed in the NOP comment letters, at a stage much earlier than the DSEIR comments. Controversies expressed in the NOP comments focused on the scale of the proposed development, concerns pertaining to the 1993 entitlements, potential aesthetic impacts, incorporation of water and energy conservation features, and other aspects of how the project would be implemented. "Two" was the second highest of 4 scores allowed for this question (indicating a moderate level of controversy). On the basis of subsequent DSEIR comments indicating a high degree of controversy, this question would (if answered in retrospectively) be given a score of "3."

Item 8 ("To what degree does the project's aesthetic approach appear to be consistent with applicable laws, ordinances, regulations, policies or standards?"), was assigned a score of "1," High Consistency, in the DSEIR. This score acknowledged that the Tioga Specific Plan is the primary framework for policies and standards, comprising both zoning and general plan regulations. The score further recognized that the Specific Plan requires project compliance with Mono County Land Use Element Chapter 23 (Dark Sky Lighting Requirements), Chapter 8 (Scenic Combining District and State Scenic Highway 395), Chapter 6 (Parking), and with policies in the Mono Basin Community Plan. These comprise the full range of 'applicable' policies. Many of the additional policies cited in the comment letter from Mono Lake Committee are implemented in this project, with a resultant lessening of potential impacts.

The DSEIR combined score of 19 is described in the VIA as follows: *"15-19 Points: Noticeable visual changes are proposed. An abbreviated VIA is appropriate in this case. The assessment would briefly describe project features, impacts and any avoidance and minimization measures. Visual simulations would be optional. See the Direction for using and accessing the Minor VIA Annotated Outline."* As noted above, if the questionnaire was prepared on the basis of DSEIR comments, Item 6 would be given a score of "3," which would increase the total to 20 points, described in the VIA review as *"20-24 POINTS: Noticeable visual changes to the environment are proposed. A fully developed VIA is appropriate. This technical study will likely receive public review."* Retroactive scoring would not change the outcome, since the DSEIR did provide visual simulations, did provide for public review, and did conclude that the project would have a significant, unavoidable adverse impact on aesthetic resources, light and glare. Please note that new exhibits are provided in Topical Response #1 to show the line of sight between the proposed housing and three key offsite locations (US 395, South Tufa, and Navy Beach).

This FSEIR acknowledges that MLC believes the Project was inaccurately evaluated and scored, and also acknowledges the view of Caltrans, in its comments on the DSEIR, that the VIA assessment provided in the EIR may have overstated visual impacts. This FSEIR reaffirms the conclusion that project impacts on aesthetic resources would be significant, unavoidable and adverse, and focuses on the identification and incorporation of additional elements to mitigate adverse impacts to scenic resources and light and glare. Added aesthetic design elements are discussed more fully in Topical Response #1.

**I.A.8 COMMENT (Mitigation of Aesthetic/Visual Impacts):** *The DSEIR concludes that the aesthetic and visual impacts of the project are significant, and our comments above show that the impacts are even greater than shown in the DSEIR. Due to these impacts and others the DESIR concludes that the No Project alternative is environmentally superior.*

*Surprisingly, the DSEIR does not contain well-developed alternatives and mitigations to solve these impact problems. This is a serious failing, as CEQA requires the document to contain feasible mitigation measures and alternatives to lessen or avoid such impacts, a topic covered in the accompanying letter from Shute, Mihaly & Weinberger. This poses a serious practical problem as well for Mono County: how are decision makers supposed to do their job when no alternatives that mitigate these visual impacts are provided for their consideration? The purpose of CEQA is to provide for informed decision making. The Project analysis should be redone and recirculated to include new alternatives and mitigations that solve these impacts. To assist in this effort MLC provides suggested measures later in this letter.*

**RESPONSE:** Please see Topical Response #3 for additional discussion of Alternatives analyzed in the DSEIR, and corrections incorporated into this Final SEIR. Based on comments received during the public review period, efforts during preparation of this FSEIR have focused on developing a modified plan that more fully responds to the concerns and suggestions provided in the DSEIR comment letters. The resulting changes are contained in a new Alternative 6 that is described in Topical Response #1 with exhibits to show proposed changes in the design of the housing project.

**I.B.1 COMMENT (Project water demands):** *Total annual water demand for the Project and the FEIR approval is not clearly delineated, and the "worst case" maximum daily demand further clouds the water consumption projected in the DSEIR. Two different figures are offered—40,800 gpd and 60,000 gpd. The analysis should consider the total annual "worst case" or maximum potential use annually for both the FEIR and the Project. It is unclear as written at 5.2-20 how the Waste Water Treatment Package will simultaneously create an additional 50% demand while at the same time assuaging irrigation demand through subsurface irrigation. ....A LEED-certified design alternative would greatly assist with water efficiency and distribution on the property. This approach, adjacent to Mono Lake, and at the north end of the L.A. Aqueduct, would make a strong and thoughtful statement about how the landowner, Mono County, and California thinks about water efficiency. While the Project as a whole will be "efficient" in terms of recent building code and design standards, this is merely the baseline required for a development of this size in a situation where it is not connected to an urban supply or wastewater system. LEED certification, or at the very least, a design alternative that goes out of its way to demonstrate water efficiency, on-site treatment, and groundwater recharge at a higher design standard... would enhance the value of this Project for Mono County, the Mono Basin National Forest Scenic Area, and the Eastern Sierra.*

**RESPONSE:** The narrative DSEIR discussion of water demands (provided on DSEIR page 5.2-20) is summarized in Table 5-6 below. As discussed in Topical Response #11, the demands shown in Table 5-6 are "worst case" estimates; application of existing consumption rates at the project site would result in lower estimates.

<b>TABLE 5-6. Water Demands of Approved and Proposed Project Elements</b>				
<b>LAND USE</b>	<b>DAILY DEMAND ESTIMATE November - March</b>	<b>DAILY DEMAND ESTIMATE April - October</b>	<b>ANNUAL DEMAND ESTIMATE</b>	<b>MAXIMUM DAY DEMAND ESTIMATE</b>
1993 Entitlements	5.9 AF	15.6 AF	21.5 AF	
Proposed Project Elements	10.2 AF	26.7 AF	15.5 AF	
All Onsite Uses (1993 & Proposed)			37 AF	40,800 gpd + 50% irrigation demand factor <sup>53</sup> = 60,000 gpd

<sup>3</sup> NOTE: The 50% irrigation demand factor would occur during the peak season (April through October) when treated wastewater flows would be sufficient to meet only half of irrigation demand. During these months, the volume of treated wastewater flows would be supplemented by an equal volume of potable water supplies to meet 100% of irrigation demand.

The proposal to incorporate a wastewater treatment plant with subsurface distribution for irrigation will result in the summer season conservation of an estimated 19,200 gpd of water that would otherwise be met with potable supplies pumped from the onsite wells. Over the peak use period (April into October) this feature will conserve up to 4 million gallons of potable water (that will remain in the groundwater basin). The reuse capability represents a significant commitment to the goal of water use efficiency in the manner encouraged by MLC. The project complies with Conservation/Open Space Element actions that encourage the installation of water conservation measures, including recycled water projects where feasible, in new and existing homes and county facilities. The proposed project is consistent with these goals and actions. Please note that LEED certification is not specifically mentioned in either the Land Use Element or the Conservation/Open Space Element, although green building practices are generally encouraged.

**I.B.2 COMMENT (Groundwater impacts on Lee Vining Ck. & Downslope Springs):** *New California State Water Resources Control Board-mandated Stream Ecosystem Flows (SEFs) for Lee Vining Creek began in 2019 in order to better mimic the natural hydrograph in accordance with State Water Board-mandated stream restoration. These flows are supported by Mono Lake Committee, Los Angeles Department of Water & Power, California Department of Fish and Wildlife, and California Trout. The new flows are part of a larger settlement agreement, under the guidance of the State Water Board. In conjunction with the SEFs, winter base flows are reduced compared to previous flow regimes in Lee Vining Creek. The relevance of the DSEIR calculations converting the 0.23 cubic feet per second (cfs) daily effect on Lee Vining Creek into an annual percentage based on a 25 cfs flow are now obsolete. Pump test analysis and peer review should be reconsidered in light of this change. Lee Vining Creek can now fall between 10cfs and 16 cfs for six months of the year from October through March (note the 25 cfs daily required minimum flow in Table 5.2-6), depending on year-type and Southern California Edison operations upstream. Consequently, the estimated potential effect on Lee Vining Creek is flawed. The study needs to take the decades-long efforts to restore the creek into consideration and be recalculated and analyzed for potential mitigation.*

*The lower reach of Lee Vining Creek is a transition zone between a gaining stream and a losing stream. Groundwater pumping could convert the reach from gaining to losing depending on pumping and season. This has implications for water temperatures (loss of gaining cooler groundwater) if the gaining/losing boundary moves significantly upstream. Studies of the Walker River have used fiber optic cables to measure water temperatures linearly along the river and determine gaining/losing reaches. A similar study should be initiated because water temperature influences water quality (e.g. dissolved oxygen) and fishery conditions.*

*The actual impact to Lee Vining Creek would be determined by the change in the gradient of the groundwater surface elevation adjacent to the creek. Additional monitoring wells are needed to determine what the effect would be. The cone of depression created by the wells is along the path between subsurface flow from the creek and the spring-fed tufa towers of Lee Vining Tufa. There is no discussion or analysis of the potential effect on down-gradient and wetlands at Mono Lake within the Mono Lake Tufa State Natural Reserve.*

*In summary, a more thorough and detailed area hydrologic analysis, beyond the pump test, is necessary to determine the impacts to winter flows in Lee Vining Creek and any downslope impacts on spring production, wetlands, and tufa formation at Lee Vining Tufa.*

**RESPONSE:** Please see Topical Response #11 for detailed discussion of potential project impacts on area water resources. As discussed therein, SGSI (the project hydrologist) has concluded that the potential for stream depletion on Lee Vining Creek from pumping of the Tioga well would be less than 1% based on conservative factors. For several reasons, the project hydrologist does not concur with the MLC comment that DSEIR calculations would be rendered obsolete by new flows that are part of a larger settlement agreement under State Water Board guidance: countervailing factors include (1) the 3000'+ distance between the Tioga wells and Lee Vining Creek, (2) the fact that that Tioga wells are not located between Lee Vining Creek and the spring-fed Tufa towers, (3) the comparatively low volume of pumping at the Tioga wells (current and forecast), and (4) the fact that Lee Vining Creek is armored in the section between the range-front faults and areas where

the Tioga wells might otherwise have influenced creek flows. Fishery conditions in Lee Vining Creek are similarly altered under existing management conditions.

The conclusion that project-related groundwater pumping will not adversely impact Lee Vining Creek, nearby wells or Mono Lake is substantially supported by information previously offered in the DSEIR. Please see Topical Response #11. .

**I.B.3 COMMENT (Groundwater impacts on neighboring properties):** *MLC is aware of concern in the community regarding impacts on wells on neighboring properties, in particular parcels 021130043 and 021130044. The existing Mobil Mart has reportedly had such impacts, and the significant proposed expansion could potentially cause serious problems with water supply at these residences. The document does not analyze this situation; an analysis should be conducted and possible mitigation, such as improving wells on neighboring property, presented if necessary.*

**RESPONSE:** Please see the response provided to the Mono Lake Kutzadika'a Tribe (Letter #13, Comment #2), which concludes that the failure of the initial Andrews well resulted from insufficient well depth, and that the low groundwater production rate of the second Andrews well was due to the well intake location at the minimum depth where groundwater can be produced. Based on these data, the project hydrologist has indicated a 90-95% confidence level in the conclusion that there is no interaction between production at the Tioga and the Andrews wells. Please also see discussion provided in Topical Response #11 regarding water supply issues.

**I.B.4 COMMENT (Drainage and Erosion):** *Page 5.2-18 states the design storm for stormwater facilities is 1 inch in 1 hour (20-year rainstorm). What happens to the stormwater from storms that exceed this rain rate? Page 5.2-18 goes on to say "all other flows will be allowed to enter drainages that flow to Mono Lake." The paths of these flows must be disclosed. When the stormwater exceeds the systems' capacity (especially the retention system on the steeper slope), does it erode the slopes below and flow across highways? An acceptable method of conveying water from larger events must be incorporated into the plan/design. These extreme events are becoming more common, they will happen, and must be planned for. Page 5.2-19 states, "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 preproject drainage patterns, and will not cause the design capacities of any downstream drainage facilities to be exceeded," however, those designs and calculations are not disclosed.*

**RESPONSE:** Discussion in this response is based on a detailed Drainage Analysis that was conducted by Triad Holmes Associates during November 2019; the analysis is provided in FSEIR Appendix C. Retention facilities are based on the Town of Mammoth Lakes' 1984 *Stormdrain Design Manual*,<sup>54</sup> which requires retention of a 20-year 1-hour storm event or 1 inch of precipitation from the impervious surfaces. The precipitation depth for the 20-year 1-hour event on the project site is 0.84 inches. Based on this factor, the hotel requires a retention volume of 9,947 cf (cubic feet), and the Community Housing and restaurant require a combined retention volume of 11,246 cf.

Sizing of the retention facility was based on storm water volume less storm water infiltration. A conservative infiltration rate of 5 minutes per inch was used to calculate retention volume. Calculations indicate that the housing site and hotel will require three 48" perforated storm drain pipes with a total basin length of 188 feet to retain the required stormwater volume. The hotel site will also require three 48" pipes with the total basin length of 167 feet. The proposed location for the retention systems are shown on Exhibit 5-1 (the Conceptual Drainage Plan for preferred Alternative 6). Treatment will be provided by the 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.

Three primary categories of hydrologic data (surface water runoff, precipitation, and drainage basin characteristics) were evaluated to determine the capacity of area culverts. The housing project improvements fall in the tributary areas of two culverts (Culverts A and B) that are located under US 395 northeast of the project site. Culvert A is a 30" corrugated metal pipe located north of the hotel and restaurant sites. Culvert B is a 36" corrugated metal pipe located northwest of the Community Housing site. Approximately 65 acres is tributary to Culvert A and 100 acres is tributary to Culvert B. The hotel

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<sup>54</sup> The manual was developed to meet requirements of LRWQCB and Mono County as well as the Town of Mammoth Lakes.

and restaurant sites are located in Area A, which total 3.7 acres of impervious area. The Community Housing site is located in Area B, and encompasses 3.8 ac of impervious surface.

Since retention systems are proposed to attenuate flow from the housing site, hotel and restaurant, a dimensionless hydrograph was used to determine whether the future project would contribute additional flows to the culverts. As noted above, the planned housing/restaurant retention system would be capable of storing 11,246 cf, and the hotel retention system would be sized to store 9,947 cf. Stormwater volumes at the time of concentration for the peak 100-year flow (the Tc of 33 min) are calculated to be 3,465 cf tributary to Culvert A (hotel and restaurant) and 3,765 cf tributary to Culvert B (Community Housing). These volumes are significantly less than the capacity of the future retention system as described in the first paragraph above. Therefore, there will be no increase in flow during a design 100-year event from the future development. Installation of the retention system will result in a decrease in the 100-year storm event flows at the two culverts. The existing and future project flows at each culvert are shown in Table 5-7. The revised drainage analysis for the Tioga project is provided in FSEIR Appendix C.

<b>TABLE 5-7. Existing and Post-Project Stormwater Flows on the Tioga Site</b>		
	Q100 (Existing)	Q100 (with Project)
Culvert A (hotel and restaurant)	47 cfs	36 cfs
Culvert B (Community Housing)	61 cfs	49 cfs





**I.C COMMENT (Biological Resources):** *The proposed siting and scope of the Project will be detrimental to the Casa Diablo Mule Deer herd. This herd is already impacted and constrained by the existing Mobil Mart, deli, and projected hotel and restaurant development. While deer regularly visit the Mobil Mart lawn and can often be observed nibbling aspen leaves next to the building and grazing on lawns and landscape around the existing residential housing, these animals can currently safely retreat into surrounding sagebrush scrub and navigate substantial open space to the south. The original 1993 approval process found that there would be significant unmitigated impacts on the deer and the Specific Plan was allowed to proceed. Here the Project asks for more and proposes to add new, significant and unmitigated impacts on deer.*

**RESPONSE:** The DSEIR identified cumulative impacts to deer movement in the project area as a significant unavoidable adverse impact, but indicated that it may be feasible to reduce the impact through grant funding of a wildlife crossing (if the grant funds were awarded).

The potential for future construction of a wildlife crossing in this area no longer appears feasible, even with grant funding. Based on results of a 2016 study by Caltrans (*Wildlife Vehicle Collision Reduction - Feasibility Study Report*), the project area is not identified as a priority for wildlife crossings in Mono County. Additionally, Caltrans has indicated that the Lee Vining Creek corridor would not likely provide a suitable wildlife crossing location (even if identified as a priority location) due to difficult US 395 roadway geometrics, and ongoing SCE expansion plans along Utility Road. However, the project incorporates a protected corridor (shown in Specific Plan Exhibit 8-2) to redirect deer movements to the east and south of the new housing area (rather than back across highways) and thereby reduce the potential direct project impacts on wildlife movement to less than significant levels. Please see the detailed discussion provided in Topical Response #5 concerning project impacts on deer and deer migration.

**I.C.1 COMMENT (Extent of Impacts on Mule Deer):** *Future development will further fragment and restrict mule deer habitat with additional roads and parking. Visitors' and residents' vehicles and pets, and residents traveling to and from workforce housing will force deer to scatter more readily, increasing vehicle impacts with deer on-site, despite the designation of "Open Space—Preserve" as shown in Exhibit 5.3-6. The designation of roadways as "Open Space—Facilities" appears to be an empty designation in regard to the protection of deer. While not a vertical obstacle to deer, paved roadways do create an open, unnatural barrier that deer are more hesitant to cross, and the traffic along these roads poses a significant hazard for the animals, even at lower speeds.*

*The deer issue at Convict Lake Resort poses an interesting comparison that should be analyzed for the Tioga Inn. At the Convict Lake Resort restaurant, lodging, and employee housing site deer encounter roads, buildings, and other human-constructed obstacles, but also find artificially placed lawns, aspen trees, and other landscaping forage. Deer linger, grow habituated to humans, and are occasionally hand-fed and encouraged by human activity. Deer become increasingly docile, lose fear of motor vehicles, and are easily hit on roads when surprised by evening traffic/headlights or chased into roadways by the occasional off-leash dog.*

*Deer will be increasingly constrained by the current proposed Project, yet it is also likely they will encounter additional forage opportunities. This difficult and unnatural situation may benefit some deer, but the overall effect could potentially lead to additional vehicle impacts with these animals along Highway 120, Highway 395, and within the project area as deer loiter unnaturally close to human activity and on roads. As the DSEIR states in Section 5.3.5, "Operation of the new workforce housing facilities could have impacts that will reach beyond the construction footprint, mainly due to expected changes and increases in human activity." A reasonable attempt to anticipate and analyze these impacts must be made.*

**RESPONSE:** The concerns noted above by MLC were also anticipated by the project biologist, and formed the basis for the recommendation to create the protected corridor that was ultimately incorporated into the project design (as discussed in Topical Response #5, and illustrated in Specific Plan Exhibit 8-2). The protected corridor would provide a darkened and unimpeded zone adjacent to US 395, as shown in the DSEIR Biological Assessment Exhibit 5.3-5. The zone is a nocturnal habitat designed to reduce the number of crossings, specifically re-crossings, and thereby reduce the amount of hazard. As an example, consider a migratory deer that crosses the highway in the area of the project in order to enter Lee Vining Canyon. In the absence of the proffered mitigations including the open space corridor, this animal may encounter lighting, pets, and physical obstructions that lead to it deciding to (attempt to) re-cross the highway almost immediately. This animal will then continue on its migratory path by making a third crossing somewhere down the highway. If re-crossings are

mitigated, the hazard is reduced by at least one-half (likely more) for every animal that encounters the project. The degree to which this habitat may function as an “attractive nuisance” is believed to be tempered in the project setting due to the local wildfire and development history; the entire area has been since 2000 an isolated fragment of cover and browse resource that once was connected and accessible. Animals approaching from the west now are blocked from entry into the questioned open space due to lack of connecting suitable habitat, and will be further blocked given the intensity of the within-project habitat alteration for human use. The project biologist has further indicated that habitat to the east of US395 is by inspection far more “attractive” (*i.e.*, likely to retain wildlife rather than stimulate highway crossings), being connected to one off the best remaining (unburned) habitat expanses in the Mono Basin, and that wildlife passing through the Lee Vining community tend to move along the undeveloped corridor between US 395 and the edge of Mono Lake.

The biologist reaffirms the conclusions that direct project impacts on deer movement would be less than significant, and that cumulative impacts would be significant, adverse and unavoidable.

**1.C.2 COMMENT (Mitigation BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance):**

*This mitigation measure is impractical to enforce unless the lead agency can enforce or intervene directly. Both visitors and residents will have pets that occasionally escape. The site manager will not have eyes on up to 294 residents and their pets at all times. Concurrently, visitors and residents will be unable to be vigilant 100% of the time regarding pet restraint. There is no way to monitor compliance by the proponent in terms of effective pet restraint, nor is there any specific monitoring or oversight by the lead agency that would ensure compliance with this mitigation. The DSEIR states in 5.3.5, “Domestic pets, especially dogs and cats, are expected with the new housing tenancy. It is unrealistic to expect that these animals will be restrained, and wandering pets potentially will be an important new predatory limitation that is imposed on the environment stretching for some distance beyond the project footprint... Dogs could harass terrestrial wildlife including American badger and mule deer, and cause increased crossings and potential for collision at US 395.”*

**RESPONSE:** The housing manager would be responsible for enforcement of Mitigation Measure 5.3(a-5) (a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance) and associated Specific Plan requirements. However, Mono County Animal Control has full jurisdiction over the enforcement of state and local animal control regulations<sup>55</sup> that require all dogs over the age of 4 months to have and wear a Mono County dog license tag; the tag includes owner contact information. The license must be renewed annually, and fees and penalties are applied for noncompliance. In combination, the Specific Plan provisions and Animal Control licensing requirements will provide both regulations and enforcement to ensure that the pets of future project residents are not allowed to roam freely.

**1.C.3 COMMENT (Mitigation BIO 5.3(d-3) (Protected Corridor along US 395):** *This is deferred mitigation with no performance standards to evaluate its success. There is no monitoring or evaluation plan for the “Open Space-Preserve.” This mitigation states, “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 Inn Project elements (including the hotel, full-service restaurant, and 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.” This is purely speculative mitigation, as there are no clear objectives and no baseline data to determine whether future monitoring (not described) will make this mitigation effective at all. It is possible that this proposed mitigation may have the opposite of the intended effect—exacerbating deer mortality by inviting deer to use open space in greater proximity to Highway 395, consequently increasing vehicle collisions with deer and other wildlife.*

**RESPONSE:** The protected corridor is part of the Specific Plan land use plan, and enforceable in the same manner as other zoning. Success of the protected corridor will be measured in the manner of other areas along US 395, for which data are collected to identify deer-vehicle collisions. Moreover, the protected corridor is not a mitigation measure, but rather an integral part of project design that was specifically identified by Dr. James Paulus (project biologist) to redirect deer

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<sup>55</sup>Mono County Animal Control Dept., Dog Licensing Requirements: <https://monocounty.ca.gov/animal/page/dog-licensing-requirements>



movements to the east and south of the new housing area (rather than back across highways) and thereby reduce the potential direct project impacts on wildlife movement to less than significant levels). Even if the protected corridor had remained a mitigation measure as originally proposed (see Topical Response #5 for background information), it would not be deferred mitigation because it is feasible, specific, and enforceable. Baseline information regarding deer collisions would be available from Caltrans' *Wildlife Vehicle Collision Reduction – Feasibility Study Report*, which provides data sets including 2003-2013 collision data provided by the California Highway Patrol, and records obtained by Caltrans Maintenance crew for the period 2002-2015. Regarding the concern that the protected corridor *may have the opposite of the intended effect (i.e. exacerbating deer mortality)*, the project biologist responds that deer collisions result when deer cross the highway. The protected corridor will reduce the number of deer that will cross the highway by providing an option to continue migrating up-canyon along the path that typifies the spring migration. Please see the more detailed discussion of project impacts on deer provided in Topical Response #5.

**I.C.4 COMMENT (Mitigation BIO 5.3(d-4) (Waste Receptacles):** *This mitigation is passive, and does not specifically state who will design waste receptacles, and how this design will be evaluated so that they are successful in preventing the bears and ravens from accessing them. Rental agreements are mentioned as a means to mitigate against unsecured food items outside residences and vehicles, but again there is no substantive description of how this will be enforced, who will enforce it, how the mitigation can be ensured to be successful through meeting specific objectives and monitoring.*

**RESPONSE:** Bears do frequent the Tioga project area, and bear-resistant receptacles have been found to be effective. The project will provide bear-resistant trash and recycling facilities near the entry to the Day Care Center parking lot, and a new Specific Plan requirement has been added to require that residents make proper use of waste receptacles or face eviction, as shown below:

**NEW** provision to be added to Specific Plan Implementation measure 1f(1): *"Residents shall be required to use the bear-resistant receptacles and dumpsters that will be provided onsite for trash disposal; enforcement of this regulation shall include eviction following two advisory noncompliance notices by the housing manager."*

**I.C.5 COMMENT (Mitigation BIO 5.3(d-5), Deer Passage; Cumulative Impact Mitigation):** *This deferred mitigation does not consider the increased development footprint of the new Southern California Edison (SCE) substation. There is no natural corridor immediately adjacent to Lee Vining Creek north of Highway 395 along the SCE property. The current culvert has no room for any deer movement unless the deer are capable of crossing long distances along a submerged creekbed composed of large granite rocks. Further, the culvert, if extensively modified and widened, would also require cooperation, concessions, and financial commitment from SCE to extensively augment the creekbed corridor through their substation development. This mitigation, while in the Project area, is widely separated by Highway 120. The expectation that deer would travel south and east of the Tioga Inn Project area, follow the "Open Space- Preserve" northwest, cross Highway 120 at the intersection of Highway 395, and then efficiently traverse beneath Highway 395 through a Deer Passage is unrealistic.*

*Finally, this deferred mitigation is potentially cost-prohibitive. The "applicant intends to collaborate with Mono County CDD to submit a Sustainable Communities grant application under the Rural Innovation Project Area (RIPA) program. A priority use of program funds, if awarded, will be to develop a safe pedestrian and cycling access route between the project area and the community of Lee Vining. This access route will be designed to incorporate a deer passage along the US 395 culvert at Lee Vining Creek." While it is clear that this is deferred mitigation, the fact that it is linked with pedestrian and cycling access could complicate implementation.*

*If the Project proponent and lead agency are sincere with this potential mitigation, the Project proponent should be required to contribute to a mitigation fund that will cover the cost of this project (with at least potential matching funds of 50% of projected cost in 2019 dollars). Further, additional crossing locations should be analyzed for effectiveness, for example, an undercross location beneath Highway 395, ¼-mile south of the junction of Highway 395 and Highway 120.*

**RESPONSE:** As discussed in Topical Response #5, Caltrans has indicated that there is no prospect and no need for a deer passageway in the project area due to low deer-vehicle collisions in this area, and the priority to construct a passageway over

US 395 in the vicinity of the Mammoth-Yosemite Airport where deer-vehicle collisions are highest. Caltrans also indicated that it would not support construction of a deer passageway in the vicinity of Lee Vining Creek, even if grant funds were available, due to conflicts with SCE utilities and roadway design factors. Based on the input obtained from Caltrans, this FSEIR concludes that the cumulative impacts on deer movement would be significant, adverse and unavoidable. The intent to seek grant funding for construction of a wildlife crossing (among other uses) is no longer part of the project proposal.

Please also note that when Mitigation BIO 5.3(d-5) was proposed, it was considered feasible and specific, and it would have (if successful) provided for a safe passageway for deer to cross the highway. It was subsequently determined to be infeasible and thus eliminated from further consideration (for some of the reasons identified by MLC above), but it was not deferred mitigation when initially proposed. The DSEIR recognized that grant funding was not assured, and grant funding was therefore not cited in the DSEIR as a basis for finding that any of the potentially significant impacts would be reduced to less than significant levels. Additional discussion of this topic is provided in Topical Response #5.

***I.C.6 COMMENT (Significance after mitigation):*** *The DSEIR states, "However, only Caltrans has authority to create a deer passage along US 395. There is no assurance that that Caltrans would undertake this measure, nor can it be assured that a grant application will be successful. The potential for increased deer mortality due to a project related increase in unsafe highway deer crossings is therefore considered to be a significant and unavoidable adverse project impact". MLC agrees with this finding, and this is a much larger impact than just on the deer. The potential for additional highway impacts would likely result in even further impacts to traveler safety and place further strain on the resources of the Lee Vining Volunteer Fire Department. This potential adverse project impact feedback loop is a hidden and unanalyzed project impact.*

*The conclusion here is flawed: "Implementation and enforcement of mitigation measures recommended above would reduce all other potential project impacts on biological resources to less than significant levels." A number of these mitigation measures, as outlined above, have incomplete descriptions of implementation and vague references to who would enforce them and how they would be enforced. The mitigation measures lack clear objectives and monitoring. Consequently, as written, the DSEIR does not sufficiently reduce all other potential project impacts on biological resources to "less than significant levels."*

**RESPONSE:** The DSEIR reference to possible mitigation (of cumulative impacts to deer movement) through grant funding was identified as having an uncertain outcome. Because the grant could not be guaranteed, the DSEIR found that the cumulative project impact on deer movement would be significant, adverse and potentially unavoidable. The intent to seek grant funding for construction of a wildlife crossing is no longer part of the project proposal (described in response to Comment C5 and elsewhere), and this FSEIR confirms that cumulative impacts on deer movement would be significant and unavoidable. As discussed in Topical Response #5, Caltrans has completed a long-term study of wildlife -vehicle collisions in Mono, Inyo and eastern Kern counties. The findings identify 6 locations with a high incidence of vehicle wildlife collisions; the stretch of US 395 near the Mammoth Yosemite Airport has the highest rate of such collisions. Report data indicate a comparatively low incidence of collisions in the project area, and thus a comparatively low demand on service agencies (such as LVFPD) that respond to incidents in the project area. Because the project is not located in an area of identified high wildlife-vehicle collision rates, it would not be a priority for funding of a wildlife crossing. Please also see Topical Response #6 regarding an Evacuation Plan and new secondary access road.

***I.D.1 COMMENT (Land use planning, Mono Basin National Forest Scenic Area):*** *While the proposed Project is not located within the Mono Basin National Forest Scenic Area (Scenic Area), it is located 1,000 feet from its boundary, and the scope and overlooking scale of the project has a number of direct visual impacts within this congressionally-designated, first of its kind, National Forest Scenic Area. As a result the development is in conflict with management goals and elements of the Scenic Area Management Plan. Consideration of Scenic Area goals, given the Project's proximity to the Scenic Area, would show an intent to make the Project compatible with the scenic values of the Mono Basin and help mitigate direct impacts to visual character. The Scenic Area Management Plan contains specific management direction that supports the overall legislative goals. Consultation with the US Forest Service would allow for discussion of these goals. Here MLC highlights that protection of visual resources is at the core of the Scenic Area Plan, as captured in the goal "Manage the Scenic Area to maintain and enhance the visual resource."*

*The Inyo National Forest assigns Visual Quality Objectives (VQOs) for various areas in the Scenic Area. These are so important to the integrity of the Scenic Area that any action that deviates from a previously assigned value must obtain the Forest Supervisor's approval. If a visual resource at any time fails to meet its originally-assigned VQO, it must be rehabilitated.*

*Special emphasis is given to foregrounds and middle-grounds of scenic corridors of travel routes, including highways officially designated by the State as California State and County Scenic Highways, which include State Highway 120 (West of 395), and US 395. The DSEIR should include new mitigations and alternatives that eliminate permanent visual impacts, and the Scenic Area Plan should be used as part of the method to evaluate their effectiveness.*

**RESPONSE:** The proposed project is located outside of the Inyo National Forest Scenic Area Comprehensive Plan boundaries. However, Plan prescriptions were highlighted in DSEIR Table 5.5-1, and the project incorporates features consistent with many of the management prescriptions contained therein. Relevant goals are noted and very briefly discussed below:

- **AIR QUALITY GOAL-** Manage land to comply with applicable air quality regulations: the project includes dust abatement measures for construction and prompt replanting to stabilize graded slopes
- **CULTURAL RESOURCES GOAL -** Identify, evaluate, protect and interpret the cultural and historic resources of the Scenic Area: Several consultations have been held with Indian Tribal representatives, and with SHPO, during the project review
- **FACILITIES GOAL-**Maintain suitable transportation and access while protecting Scenic Area values: Project facilities have and will continue to be well maintained and easily accessible to the public, including day care facilities in the proposed Community Housing development.
- **RECREATION AND INTERPRETATION GOAL-**Provide for low levels of overnight and day use facilities: the existing project and future elements include facilities for the physically limited, as well as interpretive components (including the E. Clampus Vitus memorial), and limited allowance for overnight use of parking areas.
- **GEOLOGICAL FEATURES GOAL-**Protect & maintain the integrity of geological features; provide opportunities for interpretation: The project is located near an active fault and will be designed to withstand seismic impacts.
- **SOILS GOAL-**Manage lands to maintain or improve soil productivity: The project incorporates multiple Low Impact Development features to reduce water runoff and soil erosion (please see new Mitigation Measure HYDRO 5.2(a-6)), as well as best management practices to be used in the event of spills and leaks (please see new Mitigation Measure HYDRO 5.2(a-7)).
- **VISUAL RESOURCES GOAL-**Manage the Scenic Area to maintain and enhance the visual resource: Exposed slopes will be quickly replanted to accelerate restoration of construction scars, landscaping will be provided to create visual variety and provide screening of proposed housing structures buildings, and the housing has been located to optimize visual screening from natural ridgelines.

In response to DSEIR comments, additional elements have been added in this FSEIR, as described in response to Topical Response #1, Letter #1, and elsewhere, to eliminate housing visibility from the South Tufa parking lot, largely eliminate views from US 395, and substantially lessen views from other key locations in the southwestern Scenic Corridor including the South Tufa Beach and Navy Beach.

**I.D.2 COMMENT (Physically Divide a Community):** *The DSEIR states in §5.5.5: "The Tioga Mart development is located about one-half mile south of the community of Lee Vining. The site is physically separated from Lee Vining and from Mono Lake by US 395 (which defines most of the northern property boundary) and by SR 120 (which defines most of the western property boundary). Proposed uses would be integrated into the layout of existing and approved onsite uses and none of the proposed uses would have the potential to physically divide established community areas in other locations. No impacts have been identified, and no mitigation is required."*

*The DSEIR correctly identifies the separation of the site from Lee Vining and yet reaches a perplexing and incorrect conclusion. The DSEIR is incorrect to conclude that there are no significant impacts associated with LU 5.5(a). Instead, the document should identify that the project produces significant impacts and be revised to explore new Project alternatives and mitigations to reduce those impacts.*

*The existing Tioga Gas Station and ...Deli ... demonstrate the physical divide already created by the project in Lee Vining. Social gatherings for live music and ...dining at the Whoa Nellie Deli necessitate driving out of Lee Vining to the ... site (or walking/biking at peril to unsafe traffic exposure). The addition of a hotel, restaurant, and now workforce housing, and the resulting quadrupling of Lee Vining population will magnify this division and essentially create an entirely new, separate, and self-contained development with a high density of people and services separated by .63 miles of highway travel and no coherent physical relation or connection to the town of Lee Vining except those assigned by political construct.*

*For all practical, common-sense description, the development site is "down the road" and not physically a part of the small, rural, town of Lee Vining. The project proposes to house the majority of the future community on its site, thus dividing the community by virtue of growing the community significantly on the other side of the existing divide.*

**RESPONSE:** The Tioga site is part of the Lee Vining community. It is not an isolated site; the Tioga property has long been identified for development (since 1993), and the Mono Basin Plan did not identify the project site as inappropriate for that planned development. The project site is located less than ½ mile south of Epic Cafe (noted above as one of the simulation points), and it is located north of several homes whose families have long been recognized as part of the Lee Vining community. The project site is included in the service area of the School District and the Lee Vining Fire Protection District, and pays taxes and assessments in accordance with local fees and initiatives. The project site has a Lee Vining postal address. The existing project entitlements were granted more than 25 years ago and most of the existing site uses have been in place for several decades.

**I.D.3 COMMENT (Mono Basin Community Plan):** Compatibility with Community Plan Goal 10: Maintain the spectacular natural values of the Mono Basin and rural, small-town character of communities by managing growth, ensuring high-quality aesthetics, and providing for community development to enhance the quality of life for residents. Plan Objective 10.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 DSEIR claims that "the project would be consistent with the objective to pursue orderly development in and around Lee Vining, as well as the policies to prioritize existing built uses over new lands." This claim is unsubstantiated and incorrect.

*Because the Project proposes to quadruple the current population of Lee Vining, create Significant Adverse Impacts to visual character, and does not address pedestrian connectivity impacts that threaten the safety of residents and visitors, the project clearly does not "maintain the spectacular natural values of the Mono Basin and rural small town character of communities by managing growth, ensuring high-quality aesthetics, and providing for community development to enhance the quality of life for residents."*

*In regard to Objective 10.A, the proposed Project is perhaps orderly in chronology, but it does not retain the small town character of Lee Vining. This proposed development is down the road and separate from the town of Lee Vining. The Significant Adverse Impact on pedestrian safety created by the Project's lack of foot and bicycle connection to town is evidence that the Project does not constitute orderly growth "in and adjacent to Lee Vining." The Project quadruples the population of Lee Vining—likely overwhelming school resources, fire protection, and emergency medical services—which is neither orderly nor consistent with small-town character.*

*And despite the DSEIR's claim to the contrary, the very purpose of the Project being studied is to convert ridgeline land placed off limits to development in 1993 into a housing project, which is clearly in contradiction to the Community Plan's interest in avoiding new land development.*

**RESPONSE:** As discussed in Topical Response #8, development approvals for the project site were granted more than twenty-five years ago (in 1993), and the Mono Basin Plan did not identify the Tioga development as an inappropriate location. Objective 10.A calls for 'orderly growth in a manner that retains the small town character by directing future development to occur in and adjacent to Lee Vining.' The project is literally located 'in and adjacent to Lee Vining' in that it is part of the community and also situated near the southern boundary of the community. The estimated future housing population of 300 is a conservative estimate and at the top end of the forecast range (194-300 residents). And while the forecast population of 300 would represent a quadrupling of the town's population based on the 2016 census estimate of 98 residents, the Town population has been much higher in recent history with a Census estimate of 222 residents in 2010. In

this broader context, the Lee Vining population has experienced significant fluctuations in recent decades, and the increased project population would not represent a significant departure from the numbers seen over that time. The project would also be well within General Plan growth forecasts for this area, representing approximately 12.1% of the total adopted population increases allowed in Mono Basin through buildout. Please see the discussion provided in Topical Response #14.

If this project is approved, future residents of the Community Housing will make use of town services, send their children to town schools, buy their groceries at town markets, recreate in Basin facilities, volunteer on the LVFPD and identify as residents of the small town of Lee Vining. The School District and Mono County EMS have indicated that the project will not adversely impact services. LVFPD has raised substantial concerns about their ability to provide service to this site, but this FSEIR outlines a range of options available to address the District's concerns. As discussed in the response to Letter #8 (LVFPD) Comment 2, Mono County will defer to the jurisdictional authority of LVFPD, but the County's existing system can assist in meeting LVFPD needs.

The project also includes changes to respond to LVFPD requests, including a voluntary commitment by the project applicant to give housing priority to future residents who agree to volunteer with the LVFPD. Please note, however, that the priority for LVFPD volunteers is not a county requirement, nor would it be enforced by Mono County in order to comply with FEHA.

The Community Housing project is not proposed to be located on the adjoining ridgeline, but rather on the east flank of the ridgeline where the housing will be screened from view of locations to the north, northeast and northwest. Additionally, although the housing will be located on land that the existing Specific Plan designates as Open Space-Preserve, the current project nearly doubles the total acreage of Open Space-Preserve (with no reduction in overall open space) in order to create the protected corridor along US 395 for safer deer movement.

Please see Topical Response #4 for a detailed discussion of the potential for future pedestrian linkage between the project site and Lee Vining.

***I.D.4.a COMMENT (Plan Objective 10.C: Encourage design compatible with scenic, natural attributes):*** *The DSEIR states regarding Objective 10.C, "New uses will incorporate the colors, materials and rustic design elements of the existing Tioga Mart development. The siting of new uses incorporates recommendations of the project biologist as well as visual perspectives gained from the schematic renderings. Green energy will be integral to project infrastructure. The workforce housing will be designed as a residential community located inside a commercial development. All project lighting will conform with dark sky regulations that were enacted after the original Specific Plan was approved."*

*While the proposed Project partially satisfies a few elements of Objective 10.C, it is in obvious conflict with the majority of the Policies and Actions listed under Objective 10.C. This is true for the current FEIR and the DSEIR. The following are notable Policy and Actions conflicts:*

- ***Policy 10.C.1 (Maintain clear edge between developed areas and open space by ensuring development outside existing communities is compatible with scenic & natural attributes of the area):*** *While there is a clear edge and division with Lee Vining, and the Project is partially enclosed by a thin margin of open space, the Project brings significant adverse visual impacts to visual character of the area.*
- ***Action 10.C.1.a ([Building] siting & design to complement natural environment, preserve open space:*** *The project dramatically expands existing footprint of FEIR and does not preserve open space in the true spirit of the intention.*

**RESPONSE:** With regard to Action 10.C.1.a, project approval would increase the acreage of designated open space on the Tioga property. The proposed reallocation of open space is a direct outgrowth of a recommendation contained in the draft Biological Assessment that was subsequently incorporated as a project feature. Overall there is a net 0.7-acre increase in open space, and the acreage of Open Space-Preserve (the most highly protected designation) has nearly doubled (increasing from 14.8 to 27.8 acres).

Siting of the proposed housing was selected to optimize visual screening provided by prominent ridgelines, and although the housing will be visible from areas to the east and southeast, it will not be within view of any land points to the northeast, north, northwest, west, southwest or south. This FSEIR incorporates a new Alternative 6 with substantial design modifications that eliminate or substantially screen views of the housing project from eastern and southeastern viewpoints

and from US 395. As discussed and illustrated in Topical Response #1, the modifications cover a wide range of design elements including lowered grading pads, reduced building heights, a reorientation and layout of structures, additional landscaping, and many other features.

The Tioga site is a part of the Lee Vining community, and has long been identified for development. The existing project entitlements were granted more than 25 years ago, and most of the existing site uses have been in place for several decades. Please also see Topical Response #14, which discusses project impacts on the Lee Vining community.

***I.D.4.b COMMENT (Action 10.C.1.b: Higher-intensity uses may be permitted [under some conditions]):***  
*Project is a high intensity use and it clearly adversely impacts the area's scenic resources and natural (mule deer) resources as per the Significant Unavoidable Adverse Impacts outline in the DSEIR.*

**RESPONSE:** Most onsite commercial uses that qualify as higher intensity were approved in 1993, and are not part of the current proposal. Of the proposed uses, only the third gas pump island would fall under this category and it would be located within the existing footprint of the Tioga Mobile Station and generally not visible from offsite locations.

***I.D.4.c COMMENT (Action 10.C.2: Higher-intensity uses; Policy 10.C.2: Support design practices that protect scenic vistas, energy efficiency, and "green" building practices):***  
*While the DSEIR states that green energy will be integral to the Project infrastructure, the Project is, in no way, as proposed, protective of scenic vistas. The Project does not follow Mono County's ridgeline design guidelines and the Project has Significant Unavoidable Adverse Impacts to visual character in large part related to its prominent siting exposure on the moraine facing east across the Mono Basin.*

**RESPONSE:** The Housing is not proposed to be located on the ridgeline, but rather on the east flank below the ridgeline. In this location, the housing would be screened from view of most to the north, northeast and northwest. Nonetheless, the project does incorporate many of the County's Ridgeline Development Guidelines, including five key provisions discussed below.

- a. *Natural ridgelines and mountain views should be preserved to the greatest extent possible. Structures should not be situated so they appear silhouetted against the sky from any street or viewpoints:* The proposed project does preserve natural ridgelines and mountain views; there is no location from which project elements would be silhouetted against the sky.
- b. *Structures should not be located on or near visually prominent areas, exposed grassy hillsides, or ridgelines. Structures should be sited in the least visually prominent locations to prevent visual scarring:* the housing location was selected because of the screening ridgelines, and the long and shallow slope of the hillside location; there is no alternative location on the project site where the housing would be less visually prominent than the selected location and, as discussed in Topical Response #1, additional design elements have been developed in a new Alternative 6 to further minimize the visibility of project elements.
- c. *There should be a vertical separation of at least 50 feet between the top of the structure and the top of a ridge. If no other location is available, the structure should not stand greater than 16 feet above the highest point on the hilltop.* The ridgeline west of the proposed housing structures has a maximum elevation of 7,020' which is more than 50 feet higher than the highest housing roofline elevation of 6,969.'
- d. *Buildings constructed on hillsides should step to follow the natural terrain. Level building pads on slopes are discouraged. Projects that significantly alter the natural slope can have a great visual impact and are not recommended:* Buildings on the Community Housing hillside step down to create two separate pads that are located below the ridgeline.
- e. *Manufactured slopes (cut and fill) are to appear natural, with varied contours and vegetation, avoiding sharp angles. The planting of native plants along manufactured slopes is also recommended to reduce runoff:* The housing pads will require significant excavation to lower building heights; cut materials that are not used for the housing will be used as fill during construction of the hotel. Slopes exposed during grading of the housing area will be promptly replanted to reduce runoff and provide screening vegetation to minimize housing visibility from offsite locations.

***I.D.4.d COMMENT (Action 10.C.2.a: Encourage [building] siting & design to preserve scenic vistas):***  
*Project does not preserve scenic vistas with its current siting and visual impacts.*

**RESPONSE:** The Community Housing location was selected because of the screening ridgelines and the long and shallow slope of the hillside location. As discussed in Topical Response #3, as well as the response to Letter #12 (MLC) Comment II.C below, there is no alternative location in the project boundary site where the housing would be less visually prominent than the selected location. Visual impacts have been further reduced through design modifications associated with the new preferred Alternative 6, as discussed in Topical Response #1.

**I.D.4.e COMMENT (Action 10.C.2.b: Designate public view corridors that visually connect the community to the natural environment and establish development standards to avoid impacts):** *Project is not visually connected to the community from any perspective, and while there is no known "public view corridor" designated, the project creates adverse visual impacts along the Highway 395 Scenic Byway.*

**RESPONSE:** This policy was intended to define important public view corridors for the community, and is not applicable to a specific development proposal. However, important viewpoints have been considered, including project views from South Tufa and US 395. Please see the discussion provided in Topical Response #1.

**I.D.4.f COMMENT (Action 10.C.2.d: Support the expansion and promotion of recycling programs, and encourage the inclusion of recycling services in new commercial facilities):** *The current business does not promote recycling, and there is no mention of expanding recycling in the DSEIR.*

**RESPONSE:** Waste receptacles designated for recycling will be provided near the Day Care Center, as now shown on the revised Concept Site Plan for Alternative 6 (see Exhibit 4-1 in Topical Response #1). It is anticipated that the project owner will contract with a recycling service provider. However, the project is a residential housing proposal (not a new commercial facility) and is not proposing a recycling business or service, and therefore this policy is not directly applicable.

**I.D.4.g COMMENT (Policy 10.C.3, Action 10.C.3.a: Retrofit existing lights ... to conform to Dark Sky Regulations):** *While the Project ... is required to comply with Dark Sky Regulations, the siting of the project high on the ridgeline, facing east, creates a Significant Unavoidable Adverse Impact to Light and Glare. Dark Sky compliant lighting is not sufficient to overcome the aggregate, additional light pollution that the Project will bring from a prominent site over the Mono Basin.*

**RESPONSE:** The housing will be located below the ridgeline, so that the ridgeline can serve as a backdrop (when viewed from the east and southeast) and as a view barrier from other viewpoints (i.e., northeast, north, northwest, west and southwest). The project applicant is current retrofitting the overhead canopy lights at the gas station with shielded lights to minimize impacts to lower-elevation viewpoints. The potentially significant impacts of the project on light and glare are acknowledged herein, despite efforts to reduce the impacts to the maximum feasible extent. Please also see the discussion provided in Topical Response #2.

**I.D.4.h COMMENT (Policy 10.C.4, Action 10.C.4.a: Use Mono County Design Guidelines to promote architecture, site planning, and uses compatible with the surrounding visual and scenic environment within the communities of Lee Vining and Mono City):** *Project does not improve the visual appearance of Lee Vining and it brings Significant Unavoidable Adverse Impact to Visual Character and Light and Glare. Mono County guidelines, including Mono County Ridgeline Design Guidelines and the County's Scenic Combining District, are not followed.*

**RESPONSE:** The proposed project elements will utilize the architectural styles and color themes established by the Tioga Inn Specific Plan (and evident in the Deli and other existing elements), with the addition of a new paint color (Shaker Gray) for all new building surfaces facing to east-northeast, and a new specification that all roofs will be constructed of materials with a dull finish and dark, muted colors. Both added elements have been recommended by Mono County to further minimize contrast with surrounding natural vegetation and landforms. As noted previously in response to MLC comment I.D.4.c, the County's ridgeline guidelines have influenced the siting of proposed elements, and the placement of the housing

component was selected to optimize screening by natural landforms. The project does follow standards in the Scenic Combining District as described below:

- A. The natural topography of a site will be maintained to the fullest extent possible, and earthwork, grading and vegetative removals will be minimized. Existing access roads will also be used where whenever possible, although new roads are provided for access to the housing, and to provide safer winter access to the hilltop residential units. Existing trees and native ground cover will be protected outside of graded areas, and site disturbance areas will be promptly revegetated with native plants that provide optimal screening and habitat.
- B. Consistent with the Modified Concept Plan, new structures will be situated so as to be largely screened from view from the state scenic highway. Details for the Modified Plan are provided in Topical Response #1.
- C. All of the proposed project structures will be located below the ridgelines; no new development parcels are proposed on ridgeline pads.
- D. All roofs will conform to requirements of the Specific Plan, which calls for materials with a dull finish and in dark muted colors. South-facing roof exposures (only) will incorporate solar panels (note that Mono County is prohibited by the Solar Rights Act from regulating solar panels, except insofar as panels may impact public health and safety).
- E. Vertical surfaces of structures will blend with natural surroundings, using dark or neutral colors found in the immediate surroundings. The project proposal incorporates Shaker Gray in the color palette and requires use of this color on all new vertical building surfaces facing to the east-northeast.
- F. Light sources in exterior lighting fixtures shall conform to requirements of the Dark Sky Ordinance, which requires that exterior lighting fixtures be shielded, down-directed and not visible from US 395.
- G. Fencing and screening will complement and not contrast with the colors, shape and materials found in the natural surroundings. Landscaping will be used to screen new structures, utility areas and trash containers: Fencing and screening will utilize colors, shapes and materials that harmonize with the natural surroundings, and landscaping will be used to screen utility areas and trash containers to the maximum possible extent.
- H. Specific Plan §4.4.5 sets forth requirements that will apply to all signage in the Tioga development. The provisions do not include signage for the proposed Community Housing development, except as required by local, state and federal agencies.

**I.D.5 COMMENT (Objective 10.D: Maintain, protect and enhance the natural, historical and recreational attributes of the Mono Basin):** *The DSEIR states in regard to Objective 10.D, "Onsite trails will be provided, and the applicant and county have indicated they will jointly seek grant funding for safe trail linkage from the project vicinity to the Lee Vining Community." While onsite trails might be specifically valuable to the Project, they are private land amenities that do not contribute to the overall recreational attributes of the Mono Basin, and currently, there are no trails indicated on the DSEIR site plans. The DSEIR does not guarantee any safe pedestrian or bicycle interconnectivity with Lee Vining, thus reducing the current recreational assets of the Mono Basin, and the current analysis indicates Mono County will be asked to accept an unmitigated Significant and Potentially Unavoidable Impact regarding this deficiency.*

**RESPONSE:** Please see the discussion provided in Topical Response #4 regarding the potential for providing safe pedestrian interconnectivity with Lee Vining.

**I.D.6 COMMENT (Policy 10.D.3, Action 10.D.3.(a, b, c):** *The project is self-contained and has no convenient or accessible connection with the town of Lee Vining and its associated trails except by motor vehicle travel. While there could be the possibility of implementing new connectivity, there is no current coordination with any land management or transportation agencies to plan and execute mitigation for pedestrian and bike travel. Currently the project poses an increasing volume of use with existing barriers to connectivity with Lee Vining. As a result, the local recreational choices with the increased population will be up Lee Vining Canyon and along the Lee Vining Creek Trail. The Project does not analyze use at these specific sites relative to clearly articulated thresholds of significance for these locations.*

**RESPONSE:** Please see the detailed discussion provided in Topical Response #4 regarding the potential for providing safe pedestrian interconnectivity with Lee Vining. Project demands on recreational resources were evaluated in DSEIR §5.5 (Impact 5.5(c)) and found to be less than significant.



**I.D.7 COMMENT (Objective 10.E: Promote well-planned and functional community uses that retain small-town character and increase the quality of life):** *The DSEIR discussion incorrectly implies the project is compatible with Community Plan Objective 10.E. By proposing to add three more Lee Vinings to Lee Vining, the Project scale would decidedly not retain the small town character of Lee Vining. While the town would remain small relative to much larger towns, any project that suddenly triples a small community population is not retaining small-town character. The DSEIR claims that "the project would increase the housing supply available to local workers, and occupancy would be linked to eligibility criteria." MLC has heard this claim made in public meetings but the DSEIR document itself is quite clear that the project purpose is to provide housing to on-site employees at the Tioga Inn (3-5) and the DSEIR anticipates the housing to be full with Tioga Inn workers in the summer, the key time when Community Housing is needed in Lee Vining. The Project contains no binding restrictions that are enforceable regarding reservation of space or priority placement for workers in Lee Vining, thus this cannot be considered a benefit to Lee Vining.*

*The Community Plan specifically calls out requirements for workforce housing which include "establish tenant eligibility criteria, including a time requirement as a local resident and/or local employee, for workforce housing units, and identify the entity that applies, manages, and enforces the criteria." The Community Plan also directs proponents to "promote workforce housing opportunities that connect the community with housing programs." The Project does not satisfy these plan components.*

*The DSEIR states that "Trails would be provided onsite for walking and bicycles, and efforts will be made to obtain grant funds for development of a walking/biking trail that would safely link the project site to the Lee Vining community." This statement is not concrete and does not prioritize pedestrian safety and travel to and from activity centers, including connectivity of project area to the town of Lee Vining. The Project does not offer substantive antidotes to conflicts with the Mono Basin Community Plan, specifically "providing safe and convenient pedestrian and biking facilities, working with Caltrans when applicable, to reduce vehicular traffic, increase local livability, and encourage visitors to explore town." The Project falls short in this regard as proposed mitigations are linked to the possibility only of a future grant with the onus on Mono County and not the project proponent.*

*The DSEIR discussion concludes with an entirely incorrect claim that "The 1993 project design was developed to optimize public access to the scenic resources and views around the US 395/SR 120 junction, and the newly proposed uses will be largely screened from offsite views." As discussed throughout this letter, newly proposed uses actually create tremendous visual impacts, a point the DSEIR supports in numerous places in direct contradiction to the DSEIR discussion here.*

*In fact, the visually intrusive design of the Project is directly at odds with the Community Plan which, when considering a different project, clearly states as Policy 3 "recognize the junction of Highways 395 and 120 as an important viewshed for the community and its visitors, and therefore, a project should avoid potential impacts to that viewshed."*

**RESPONSE:** As discussed in Topical Responses #8 and #14, and as noted above in response to MLC Comment 1.D.3, the estimated future housing population of 300 is at the top end of the forecast range (194-300 residents). The actual resident population is likely to fluctuate over time as demographic factors influence workforce composition and family size; these factors also impact the population of Lee Vining. Although the forecast maximum population of 300 would represent a quadrupling of the town's population based on the 2016 census estimate of 98 residents, the Town population has been much higher as recently as 2010, when the Census estimate indicated 222 residents (250% higher than the 2016 estimate). In any scenario, the project would be consistent with adopted General Plan growth forecasts for the Mono Basin.

Topical Response #8 (Housing Need) documents the substantial basis for providing housing onsite to meet the needs of future employees. As stated therein, the project applicant intends to prioritize the occupancy of this housing for onsite employees to the extent allowed by law, with an added priority for LVFPD volunteers.

Although it is not feasible at this time to provide connectivity between the project site and Lee Vining, the project does incorporate an amended mitigation measure (SVCS 5.8(a)) requiring that a meandering, ADA-compliant pathway be constructed between Vista Point Drive and the WWTP, and right-of-way reserved to extend the path to the property boundary closest to the US 395/SR 120 junction. Construction of the path in the reserved right-of-way would be triggered if and when Caltrans approves plans to implement a non-motorized connectivity project between Lee Vining and the SR120/US

395 intersection. Thus the project provides a tangible first link for what will ideally become a fully realized connection between the site and Lee Vining.

Topical Response #1 provides information and exhibits depicting the new Alternative 6 which has been developed with a wide range of design modifications in order to more fully screen the project from view of offsite locations. Further, the proposed project elements would be fully screened from view of the important viewshed junction of US 395 and SR 120, due to intervening ridgelines. Despite efforts made in this FSEIR to avoid aesthetic impacts where possible, and to minimize impacts where avoidance is not feasible, the FSEIR identifies project impacts on aesthetic resources as significant and unavoidable. Please see discussion provided in Topical Response #14 (project impacts on Lee Vining community).

**I.D.8 COMMENT (Objective 10.F: Provide appropriate public infrastructure and service capability expansion to support development, public safety, and quality of life):** *The DSEIR discussion states that "the project incorporates partnership opportunities including increased airport utilization (through rental car availability)," which apparently is a reference to hotel expansion amendment concepts proposed during scoping and dropped from the current proposed project. This suggests other elements of the discussion of Community Plan compatibility, for example visual impacts which we note here, may also be outdated and incorrect due to being developed too early in the document process prior to full project analysis.*

*The DSEIR discussion further claims that "the site serves as a staging area during emergencies, and provides space adequate for helicopter landings." MLC could not locate any DSEIR discussion of the site serving as a formal staging area during an emergency, and with the Lee Vining Airport just across the highway it seems of limited use as a helicopter landing site. While the discussion may be referring to the ability of the private development to handle its own private on-site emergencies, the Community Plan is focused on providing public infrastructure to meet shared needs of the public community.*

*The Community Plan Policy 1 directs that "future development should coincide with infrastructure and service capability expansion." The Project as proposed stands to quadruple the population of Lee Vining, yet there is no discussion or plan on how local community services such as volunteer fire departments, post office capacity, or public parking will be able to accommodate the sudden surge in community population.*

**RESPONSE:** Aspects of the previously approved hotel and restaurant are occasionally mentioned in the DSEIR, as noted, but these elements are not a part of the current project proposal (please see discussion of the EIR scope in Topical Response #13). The site has served as a staging area for various public purposes over the years. During the Bohler Canyon fire, the majority of firefighting water supplies were provided from the Tioga wells, and the Tioga Deli served meals (breakfast, lunch and dinner) for the firefighters throughout that effort. SCE used the Tioga site for equipment storage and distribution during reconstruction of the Ellery Lake power plant. The site also regularly hosts group meetings, including E. Clampus Vitus (members meet at the site every year on the first Saturday following Labor Day), Mono Lake Committee meetings, and many of the group tours organized through the annual Mono Lake Chautauqua.

With respect to community services and infrastructure, this FSEIR outlines a series of concrete steps to enable LVFPD to expand its service capability to meet requirements associated with the earlier 1993 approvals and the proposed Community Housing. For information about these options, please see the discussion provided in response to Letter #8, Comment 2. Additionally, provision has been made for a secondary access road, and DSEIR Mitigation Measure 5.7(d) (Evacuation Plan) has been incorporated directly into the Specific Plan as Implementation Measure 2b(5), with added requirements, and deleted from the MMRP (see Topical Response #6).

With the exception of LVFPD, service providers (including Mono County EMS, the U.S. Post Office branch in Lee Vining, the Eastern Sierra Unified School District, Mono County Public Health and Mono County Behavioral Health) have stated that the project can be served with existing resources. The project site provides ample onsite parking for residents, as well as bus stops to accommodate ESTA and ESUSD (both of which provide service to offsite locations). Please see Topical Response #10 for additional discussion of bus services.

Please see Topical Responses #8 and #14, and the information provided in response to Letter #12 (MLC) Comment D3 concerning the ability of Lee Vining to accommodate potential population increases associated with the Tioga Community Housing.

**I.D.9 COMMENT (Compatibility with Community Plan Goal 11: 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 11.A: Plan for a diversified, sustainable economy):** *The DSEIR discussion claims "the proposed workforce housing will support continued development of a diversified, sustainable economy in the Mono Basin" but provides no support for this single sentence of analysis. As explained throughout this letter, the visual and aesthetic impacts of this project will be far reaching and will undermine the sustainable economy of the Mono Basin which is based on natural area tourism and driven by the exceptional scenic assets that the Project will impair.*

**RESPONSE:** As discussed in response to MLC Comments 6, 7 and 9 above, the statement concerning a 'diversified, sustainable economy' referred primarily to the economic growth and development that will be supported by the Tioga project through both the 1993 approvals, and the availability of reasonably priced housing, with services and facilities, in proximity to the onsite jobs. More recent definitions of sustainability generally also incorporate conservation features and elements that will contribute to lowered emissions. The proposed Tioga project incorporates conservation goals through solar energy, water recycling, energy-efficient appliances and high insulation construction, onsite housing to reduce the requirement for long commutes, EV-charging stations for use by residents and, as part of the FSEIR, provision of a right-of-way for future construction of an ADA sidewalk on the project site, to link the site to Lee Vining if and when Caltrans approves plans to implement a non-motorized connectivity project between Lee Vining and the SR120/US 395 intersection. Please see discussion in Topical Response #1 (and elsewhere) regarding plan modifications that have been proposed as part the FSEIR to further reduce the project impact on aesthetic resources.

**I.D.10 COMMENT (Objective 11.B: Enhance and support the existing tourism-related economy):** *The DSEIR discussion states "The applicant has communicated with USFS regarding the potential availability of housing for Yosemite employees, and has communicated with Mono County regarding the possibility of providing rental cars to airport customers." Again, this discussion appears to be an attempt to imply Community Plan compatibility using incomplete and dated information. MLC's understanding is that the Tuolumne River Plan approved in 2014 addressed the bulk of Yosemite National Park's housing need through a reconfiguration of their existing facilities in Tuolumne Meadows, thus removing significant need for seasonal Park housing in Lee Vining. Communicating with the US Forest Service about this, as stated in the discussion, may be the problem since the National Park Service is a different agency in a different department of government. The discussion again references "providing rental cars to airport customers," raising the concern that multiple project activities and objectives are planned that are not included or analyzed in the DSEIR.*

**RESPONSE:** In accordance with the proposed project objectives, onsite employees at the Tioga hotel, restaurant, deli and other onsite facilities will have the highest priority for occupancy of the housing, consistent with applicable housing laws. Housing that is not required for onsite employees will be made available to employees of other Mono County businesses, as well as Yosemite National Park employees, in accordance with demand and California housing laws. Yosemite was called out specifically because it is the only non-Mono County employee group that was envisioned as potential occupants of the project housing, but only if it is needed (see Topical Response #7, phasing), and only if units are available. Please also see discussion under Topical Response #8.

**I.D.11 COMMENT (Objective 11.C: Diversify the existing economic base & employment opportunities to achieve a more sustainable economy):** *The DSEIR discussion glosses over the finer points of this objective. The Project proposes redundant businesses and services and does not contribute to a mix of uses and services, nor are there additional employment opportunities beyond the range of those that already exist. This conflicts with Policy 11.C.2. The Project does not contribute to Policies 11.C.3 and 11.C.5, which seek development within the existing town area and Main street revitalization.*

**RESPONSE:** The proposed Community Housing project will strengthen existing Lee Vining businesses through creation of an expanded customer base. The housing project has ample parking for residents' vehicles which will provide for reliable transportation into town. As with existing residents on the Tioga property, residents of the future Community Housing complex will identify as part of the Lee Vining community. Even those residents whose jobs are in other areas of Mono County (or Yosemite) will to varying degrees patronize local businesses, attend local schools and churches, establish

relationships with existing community members, and participate in community events. Without doubt, the new residents will spend some portion of their disposal income outside of Lee Vining, but they just as certainly spend a portion of their income in Lee Vining. Future residents' spending patterns will most likely resemble the spending patterns of current Lee Vining residents.

**I.D.12 COMMENT (Compatibility with Community Plan Goal 12: Build a safe, friendly community where people feel connected, work together to resolve community issues and are involved in community activities & events, Objective 12.A: Build healthy social connections & interactions that contribute to a sense of Community):** Policy 12.A.1 of the Community Plan is to "Improve interactions and support between community and the schools." The Project would impose major school impacts and the DSEIR discussion is misleading, claiming "Eastern Sierra Unified School District notes that the project would enrich the school community and that developer fees would cover the cost of new facilities for children in the workforce housing area." Additional analysis should be done as here the DSEIR misrepresents the small amount of information requested of the school district and reported elsewhere in the DSEIR, notably the ESUSD opinion that "the District anticipates that the additional student population would result in a shortage of classroom space at Lee Vining Elementary" (5.8-8) and the ESUSD calculation that developer fees would only cover "part of the cost of a new portable classroom" (5.8-9), rather than fully mitigate impacts at the two school sites. The DSEIR does not discuss the fact that ESUSD is a Basic Aid district and thus would receive no additional per-student funding to support the large new student population resulting from the project. Because the Project would increase the student population by 30% at the elementary level and 50% at the high school level there are many impacts that should be disclosed and analyzed. The conclusion that the Project's impacts on schools would be less than significant (5.8-9) is incorrect. Significant consultation should be conducted with the school district, school principal, and any school community members they recommend to understand and evaluate these impacts and identify necessary mitigations.

**RESPONSE:** The statements concerning project impacts on ESUSD were drawn from correspondence with Mollie Nugent, ESUSD Business Manager (now retired). After reviewing information about the project, in which we estimated that the 300 residents would generate 34 future elementary students and 28 future high school students, Ms. Nugent responded that the actual student impact would likely be lower than estimated but, if as estimated, the elementary school could experience a classroom space shortage that would need to be addressed; the high school would be able to accommodate the full estimated student population. The correspondence to Ms. Nugent also estimated that the project would have level 1 developer fees of approximately \$562,250. In response, Ms. Nugent indicated that ESUSD charges significantly below the maximum allowed in CA, and that her estimate indicated student generation fees of \$231,426 at the current rate. Even at the lower rate provided in her estimate, she noted that the fees would be close to enough to add one portable classroom, should that be needed, and concluded that no additional mitigation would be necessary at Lee Vining Elementary. The responses were received from the ESUSD Business Manager, and did address the issues of concern.

**I.D.13 COMMENT (Objective 12.C: Encourage people to volunteer in the community and participate in events):** The DSEIR discussion is again disappointing in attempting to show Community Plan compliance, offering only that the project's 300 new residents will have "A community poster board ... provided outside of the convenience store." From the fire department to the schools, historical society, churches, and many more, the Lee Vining community thrives due to dedicated community members who volunteer their time and energy. Community functionality is hinged on volunteer participation. The project intends to house 75% of the population of Lee Vining and must meet a high standard of community responsibility, including volunteerism and community participation.

**RESPONSE:** Volunteerism by its very nature is done willingly by individuals for the benefit of other people, and generally not tied to financial gain; it also refers to methods and tools used by employers to support employees who want to volunteer. As with the existing site residents, future residents of the Tioga project will be part of the Lee Vining community. They will inevitably patronize local services, attend local schools and churches, establish relationships with existing community members, and participate in community events. These activities are often the source of the desire to volunteer. As a state, California ranks 34 of 50 for volunteer activities, with a 23.9% participation rate.<sup>56</sup> The rate for future residents of the Tioga

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<sup>56</sup> Americorps: <https://www.nationalservice.gov/vcla/state-rankings-volunteer-rate>

site cannot be known, but the statewide average may provide some indication of likely participation rates. The project owner, in response to comments on the DSEIR, has modified the priorities for housing eligibility to give first priority to onsite employees who agree to volunteer with the LVFPD (to the extent allowed by law).

**II. COMMENT (Mitigations and Alternatives):** *The DSEIR does not offer alternatives or mitigation to avoid significant and unavoidable adverse impacts to the visual character or dark sky resource of the Mono Basin. While Mono County's dark-sky ordinance, downward pointing lights, and landscape design could shield a portion of the visual disturbance, no alternatives or mitigations are fully analyzed nor advanced in the DSEIR that could potentially hide the development from the most visually impactful perspectives. This is an area where the Project, curiously, fails to recognize and consider its location adjacent to the Mono Basin National Forest Scenic Area, the Highway 395 Scenic Byway, the nationally significant eastern gateway to Yosemite National Park, or that Mono County is a valuable scenic resource for millions of visitors. The Project, as designed, instead, appears to monopolize these assets from its location, for the exclusive economic benefit of the Project and the maximum expense to visual character. The current siting location is placed on top of a bluff, 30 feet above the existing Mobil development. The cascading placement from this position opens the entire village development to view from Highway 395 and out across the Mono Basin.*

**RESPONSE:** As discussed in Topical Response #1, and in response to comments offered by MLC and others), the project design has been substantially modified to further reduce impacts on visual and aesthetic resources. Please see the discussion provided in Topical Response #1 which describes the proposed changes in detail. Please again note, however, that the housing is not situated atop a bluff; the bluff ridgeline (west of the housing units) is at an elevation of 7,020' whereas the elevation of the highest rooftops would be just under 6,970.' The unmodified ridgeline will provide a natural visual backdrop to housing, thereby avoiding a silhouette skyline and reducing visual contrast from offsite vantage points. The cascading effect has been minimized in the modified plan, but is consistent with Mono County ridgeline development guidelines that state, "The layout of proposed elements maintains natural topography to the fullest extent feasible including step-down placement of housing units on the slope."

**II.A COMMENT (Principles for solving visual and scenic impacts):** *MLC offers the following simple principles for evaluating the effectiveness of any new alternatives and mitigations in resolving the visual and aesthetic concerns that we and many others have raised.*

- 1. The proposed housing and other Specific Plan amendments should not be visible from South Tufa, Navy Beach, Panum Crater, and the surface waters of Mono Lake in this vicinity. This means all elements of the physical structures, up to the roof peaks, and associated development infrastructure should be entirely hidden from view of a careful observer looking for the Project from these locations.*
- 2. The proposed housing and other Specific Plan amendments should not be visible from Highway 395 or Highway 120 anywhere that the existing Mobil station is not visible. On Highway 395 this is generally the stretch south of the Highway 120 junction. On Highway 120 this is generally the stretch west of the existing development. This means all elements of the physical structures, up to the roof peaks, and associated development infrastructure should be entirely hidden from view of a careful observer looking for the Project from these locations.*
- 3. The proposed housing and other Specific Plan amendments should have extremely low visibility from the Mono Basin National Forest Scenic Area Visitor Center and Mono Lake Tufa State Natural Reserve boardwalk below County Park. Although the Project site is unavoidably visible from these locations, all visual impacts must be mitigated significantly.*
- 4. The proposed housing and other Specific Plan amendments should not increase night sky light pollution in excess of the amount already approved in the existing Specific Plan.*

**RESPONSE:** Proposed Alternative 6 design modifications (see Topical Response #1) would entirely eliminate project views from the parking lot at South Tufa Beach, and largely eliminate views from US 395. The housing units will continue to be visible from Navy Beach and other areas in the southern portion of the Scenic Area, but views will be minimized by the proposed new design modifications, and highly attenuated by distance (all are several miles from the site) and by the scale of the Sierra range in the background. The design modifications are a direct response to the suggestions offered by MLC (and other commenters) for resolving the visual and aesthetic concerns that have been raised in the DSEIR comments.

**II.B COMMENT (Project Placement):** *The placement of the Project on a high-profile, highly-visible bluff and ridgeline is the main cause of its Significant and Unavoidable Adverse Impacts to visual, aesthetic, and wildlife resources ... The decision to separate the housing from the rest of the Project (deli, hotel, etc.) results in a sprawling design that is the substantial source of detrimental unmitigated visual impacts. It appears that consideration was given to shielding the view of the housing from hotel guests and deli customers rather than the hundreds of thousands of Mono Lake visitors and highway travelers. The DSEIR does not consider, or dismisses out of hand, multiple alternatives and mitigations that could screen all of the Project from Highway 395 and the Mono Basin National Forest Scenic Area, South Tufa, Panum Crater, and Navy Beach. Creative solutions that involve additional grading, contouring, and underground parking could offer sensible siting solutions that would reduce significant adverse impacts. Workforce housing does not have to be two-story and maintain a 30' height in all cases. A design approach suitable for achieving LEED certification would provide helpful detailed guidance suitable for mitigating many impacts.*

**RESPONSE:** The housing will be located below the ridgeline, so that the ridgeline can serve as a backdrop (when viewed from the east and southeast) and as a view barrier from other viewpoints (i.e., northeast, north, northwest, west and southwest).

If the proposed housing units were placed in the vicinity of the existing hilltop access road, the resulting view would be of densely packed structures in a key viewshed (i.e., the SR 120/US 395 gateway into Yosemite National Park). Thus the effort has focused on modifications to eliminate views of the project from South Tufa, largely eliminate views from US 395, and minimize project views from other important areas in the southern portion of the Mono Basin National Forest Scenic Area. The project modifications incorporate most of the screening suggestions offered by MLC. Please see discussion of the design changes as provided in Topical Response #1.

**II.C COMMENT (Alternatives, and Modified design to lower Project below ridgeline):** *New Project alternatives should be developed that address the issues described here by MLC and in response to public comments. MLC suggests several concepts here for alternatives. Due to time constraints these are brief overviews focused on resolving the visual and aesthetic impacts of the Project. Each of these can easily be expanded to include elements, such as phasing, that are responsive to comments from others the community and general public. All new alternatives that are developed should be presented in greater depth than those contained in the DSEIR. To be viable for the public and decision-makers alternatives must have enough detail to determine if they truly resolve public concerns. Each alternative should have a site map equivalent to Exhibit 3-3 and a grading plan. Photo simulations of each alternative should also be included.*

*II.C.1. Alternative: Modified design that lowers the Project below the ridgeline. This alternative would reduce visual impacts significantly by redesigning the Project so that housing units are not perched on the ridgeline and east slope of the bluff. Instead of the proposed two-tiered grading that maximizes visibility from the east, this alternative would develop a grading plan to place units with an orientation toward the interior of the project site (nearer the deli and hotel) with the specific goal of fully shielding them from view from the highway and Mono Lake locations noted above. This alternative would use a combination of the mitigations described below to lower and adjust the Project such that the peak of the highest roof is not visible from the Mono Lake and highway evaluation points to the east. Grading to lower the ground elevation at the units, berming at the east of the units to shield the project from Mono Lake and highway views, structure height control, and structure siting can be combined in various ways to achieve the goal of this alternative. Lowering the Project to a consistent ground elevation could provide additional benefits. Clustering of units in the proposal is impaired by the 30-foot differential in ground level between the west and east units. A level ground elevation would allow units to be more easily clustered.*

*II.C.2 Alternative: Locate Project elsewhere on site. This alternative would significantly reduce visual impacts by leaving the bluff undisturbed as planned and approved in 1993. The housing units would be placed in other locations on the Tioga Inn site, primarily within the area already approved for development in the existing Specific Plan. This alternative would also avoid creating new impacts on migratory deer, likely reducing the need for new wildlife mitigations. This alternative could make resolving fire safety concerns easier since housing would not be at the far end of a single access road.*

*A combination of the mitigations below would be needed to accomplish this. Providing underground parking for the hotel and housing, for example, would free up two acres of land to work with and reduce the footprint needed for the housing. Separation of the housing units into non-adjacent clusters would allow for placement of units at several locations on the*

*site. Reduction of the total number of units could make siting easier. Thoughtful design of the units themselves and use of grading and berming would ensure integration with the character of the existing buildings and future hotel.*

**RESPONSE:** Although comment II.C.1 indicates that the housing units are 'perched on the ridgeline', the units are actually located below the ridgeline. Even the highest housing rooftop would be lower than the ridgeline – entirely beyond view from the northern part of Mono Basin, and visible from a limited segment of the southern portion of the Mono Basin. None of the units would be visible from Lee Vining, the Visitor Center, the SR 120-/US305 junction or other points north and west.

There are limited options for placement of the housing units elsewhere on the project site. The proposed siting is the only feasible location east of the prominent bluff. Potential options would thus be limited to the west side of the bluff, and nearer the deli and hotel. One potential alternative would be to place the units on Parcel 4, in the area of the existing hilltop access road. Housing placement in this location would leave the slope east of the bluff in its natural state, and thereby avoid visual impacts to South Tufa Beach and other areas impacted by the current proposed location. It may be possible to use the existing and proposed hilltop access roads to serve the housing units, thereby eliminating or reducing the need for a separate road system to serve the Community Housing. The units would be at least partially screened from Mono Lake vistas to the north by the intervening hotel, and fully screened from Mono Lake vistas to the east. Drawbacks are that (1) the area of the existing hilltop access road has a steep slope, and would require extensive grading to create buildable pads, and (2) units constructed on this slope would have potentially significant visibility from SR 120 and the Yosemite gateway intersection at SR 120/US 395.

A second potential alternative would be to place the housing units on Parcel 1, directly north of the hotel, on land that is currently proposed for the wastewater treatment plant and shallow wastewater disposal field. The suggestion to provide underground hotel parking could reduce the overall hotel/parking footprint by more than half, potentially freeing enough acreage on the northwest corner to accommodate both the shallow wastewater disposal field and the Community Housing. This analysis assumes that the underground parking would occupy two stories (replacing two thirds of the grade-level parking), each about 10' in height, and that the hotel pad would be shifted approximately 120' southward to create additional space for housing on the north. Natural grades on the hotel pad as currently planned fall roughly 40 feet from the access point to the northern hotel rooms. The shift southward would reduce the natural fall by half (roughly 20'), suggesting that it may be possible to construct the underground parking levels without significant excavation. The scenario would preserve as open space the acreage currently proposed for housing, and would have the significant benefit of eliminating the adverse aesthetic impacts of housing exposure to South Tufa and other areas to the east. The primary drawback to this alternative is that it would significantly increase the density of above-grade uses on Parcel 1 at a key viewpoint (the SR 120/US 395 intersection) and the housing would be visible from a larger area of the Mono Basin than the project as proposed, particularly with the new Concept Plan Modifications as described in Topical Response #1.

More significant excavation would be required to accommodate housing on the corner parcel directly southeast of SR 120/US 395, particularly as envisioned by MLC (i.e., where the units would be shielded from highway views). Natural grades at the northwest corner of Parcel 1 are about 6840-6850', and ground elevations are about the same as road elevations along SR 120 in this area. Use of the planned primarily 2-story housing design would require that ground surface be excavated in this area by about 40 feet in order to lower rooftops to the elevation of the adjoining highway. Lowering the housing units to this depth would require pumping to lift drainage and sewage to facilities, increasing the risk of failure in the event of a power outage. Access to natural light would be reduced, likely increasing power costs for heating and lighting. The housing area would be more prone to icing in winter, with higher snow drifts. Use of a 1-story housing design would reduce excavation requirements, but occupy more acreage on a parcel with limited building area. Any alternative that relocated housing to the northwest corner would also have potentially significant visual exposure from SR 120, US395, and the SR 120-US395 gateway, even with the combination of berms and grading suggested by MLC. Importantly, the roughly 10-acre parcel on the southeast corner of SR 120/US395 is owned by LADWP, and LADWP has indicated to the project proponent that this site is not available for purchase or for project use.

The proposed alternative would not substantively lessen impacts on deer movement, since the proposed project has less than significant direct impacts on deer movement as now proposed, and the significant adverse cumulative effects would remain significant and adverse even with the relocation. The alternative would eliminate the significant aesthetic impacts

on views from the southeast, but at the cost of new significant aesthetic impacts on views from the SR 120-US395 gateway and other locations to the northeast.

Comment II.C.2 also recommends an alternate location as a means to resolve fire safety concerns, due to the distance between the housing and the single Vista Point access road. This concern will be addressed through new and amended FSEIR and Specific Plan provisions including creation of a secondary access route, and preparation of a Public Safety Evacuation Plan (please see discussion in Topical Response #6).

As a whole, the alternatives suggested by MLC would not eliminate any of the significant impacts of the project as proposed, and are designed to lessen impacts that are addressed in this FSEIR through Alternative 6, and through the newly incorporated mitigations and requirements.

**II.C.3 COMMENT (Housing in Place of Hotel):** *After 26 years the approved hotel has never been built. This alternative would adjust the Specific Plan to recognize that local housing is more useful to the community and more economically viable than the hotel. The hotel element of the specific plan would be abandoned and the hotel site and its extensive parking would be repurposed for workforce housing. The bluff would be left undisturbed as planned and approved in 1993, substantially eliminating new visual, aesthetic, and wildlife impacts. While on-site worker housing needs (the purpose of this Project) would be significantly lower without the hotel, this alternative could include provision of more certain year-round housing for off-site workers in Lee Vining and surrounding communities, subject to clear and enforceable guarantees of community benefit. While this alternative represents a significant change to the site concept, it also solves a common community concern that the proposed bluff housing might be built without the hotel ever coming into existence. Creating permanent impacts by siting housing on the bluff while leaving empty the hotel area already approved for impacts would be a failure in planning. MLC is well aware that, as is often pointed out in the DSEIR, the hotel was approved in 1993. However, nothing about that approval is an obstacle to this alternative. The developer is free to voluntarily include changes to the hotel and hotel site in the current proposed amendment, and indeed was initially planning to do so (in other ways) during the scoping phase of this amendment.*

**RESPONSE:** As described in Topical Response #7, a Phasing Plan has been prepared for the project with 3 separate stages of housing development. Phase 1 (30 units) would be built following completion of grading. Construction of phase 2 (40 units) would begin when the hotel building permit application is submitted, and construction of phase 3 (30 units) would begin when the Phase 1 and Phase 2 units reach a combined 80% occupancy rate.

The hotel is a key reason for proposing the housing, since future hotel employees represent 120 of the anticipated 150 new employees that will work on this site. The project that was contemplated by the applicant at the time of the NOP would not have altered the number of hotel rooms or hotel uses, but would have allowed for the hotel to be constructed with 3 stories (instead of 2 stories as approved in 1993). Inasmuch as the hotel is an approved use, and inasmuch as the owner plans to move forward with hotel construction as soon as possible after the current project review is completed, there is no substantive basis for analyzing an alternative that would eliminate the hotel but retain the housing component. As described above, however, the new phasing plan does establish a direct link between housing construction and hotel development. Please also again note that the housing is located below (not on) the ridgeline.

**II.D. COMMENT (Mitigations for Grading):** *The DSEIR mentions up to 8 feet for grading at the housing site to reduce the ground level elevation. This amount of grading appears to have been selected solely based on the need to provide fill for the hotel site (5.12-10). Instead, site grading could be designed to mitigate the scenic impacts of the housing by lowering the ground level to the point that the peak of the housing roof could not be seen from South Tufa or Highway 395 south of the Highway 120 junction. Fill material could be used for the hotel as planned, berms as discussed below, or elsewhere on site. This alternative would expand on the planned 8 feet of site grading. The DSEIR notes that the Clustered Alternative was not selected "because it would require significantly more grading (and jeopardize the goal to balance cut and fill onsite), without significantly reducing visual effects or resident benefits." In contrast, this grading mitigation would be focused precisely on reducing visual impacts. Additionally, project goals and objectives do not mention balancing cut and fill on-site and, at any rate, grading is certainly a feasible option for mitigation that must be considered.*



**RESPONSE:** Among the design modifications proposed in Alternative 6 is additional grading to lower pad elevations and more fully “sink” the units into the hillside. All additional cut materials will be used onsite. Lowering of the pad elevations, along with other Alternative 6 design changes, will eliminate project views from South Tufa, virtually eliminate housing views from US 395, and minimize views from other Scenic Area locations. Please see Topical Response #3.

**II.D.2 Mitigation: Earthen berms.** *Earthen berms are discussed under Table 5.12-4 in the context of Compliance with Scenic Combining District Regulations. However, there is no substantive description of these berms, nor is there any clue to their existence in the site plan or grading plan. The best that can be deduced is that these are small landscaped berms for planting trees and shrubs. The sole exception to this is the one “landscaped berm” identified on the grading plan which appears to be designed to shield restaurant patrons in the parking area from views of the Project. Earthen berms could be constructed and contoured up to 30 feet in height to largely obscure the entire housing development from the east using grading fill from the Project site. While the approved hotel has yet to be built after 26 years, and there is reasonable uncertainty over where it will sit, the additional grading fill proposed for the hotel site might be better used to sculpt earthen berms. Revegetation with native species and additional grading, contouring, and stabilization strategies would be necessary. This simple mitigation measure is neither considered nor evaluated in the DSEIR; however, when combined with other mitigations, it could significantly help mitigate the visual impacts of the Project.*

**RESPONSE:** As discussed in Topical Response #1, an analysis was conducted to determine whether a landscaped berm on the downslope hillside east of the housing development, below the lower units, would provide for additional screening. It was determined from the line-of-sight drawings that a downslope berm would not eliminate either the 1-foot roofline view from US 395, or the view of the upper two-story units as seen from Navy Beach. Since the addition of berms in this location would require additional grading and earthwork, without additional lessening of visibility from offsite locations, this option was eliminated from further consideration. Alternative 6 proposes new landscaped berms directly below each of the housing area parking lots (to reduce offsite views of diffuse lighting) and retains the landscaped berm (also shown on the original plan) that provides visual screening between the housing area and the full-service restaurant.

**II.D.3 Mitigation: Setbacks and one-story housing.** *As a stand-alone mitigation or in combination with others ... adverse visual impacts might be mitigated with a greater setback from the east edge of the sloping moraine. The current proposal sites two-story buildings along the promontory ridge contour of the planned restaurant and extends them down and to the east onto a natural basin in the moraine where proposed units display conspicuously over [US] 395 and across Mono Basin to the east. This siting is in conflict with Mono County Ridgeline Design Guidelines, which “call for views to be preserved to the extent possible, structures to be situated away from visually prominent areas.” The Project is sited in such a way that it gives the impression of favoring the views for future occupants at the greatest impacts to visual character and dark sky resources. If the Project considered a 1-story height and modified building arrangement, [and] reasonable setback, additional grading, and contouring, it might be possible to more completely or perhaps fully screen the Project.*

**RESPONSE:** Many of the suggestions offered in MLC comments D1, D2 and D3 were used in developing a Modified Concept Plan to reduce visual impacts of the proposed housing. The proposed modifications are described in Topical Response #1. Topical Response #1 also provides a copy of the modified Concept Plan Map, with cross sections to show lines of sight between the housing and offsite locations. The modifications include additional grading to lower the base elevation (and thus the roof elevation) of the housing units, a reduction in the number of housing structures and a changed orientation and layout of the structures, redesign of the lower and more prominent 2-story structures to be 1-story structures, and reduction in the overall housing footprint. Please see the more detailed discussion provided in Topical Response #1.

**II.D.4 Mitigation: Reduced number of units.** *The Specific Plan amendment being proposed would leap from the ten approved residential housing units to 100 units and 150 bedrooms. This is an increase from scoping when 80 units were contemplated. Adjusting the number of units was considered in the DSEIR, but not in combination with other mitigations. As new alternatives and mitigations are considered it will be useful to consider adjusting the number of housing units to support feasible development of these new options.*

**RESPONSE:** As described in Topical Response #7, the updated plan incorporates three phases for development of the housing component. Phase I would include 30 units, with a goal of providing housing for construction workers during

development of the hotel and restaurant components. Once these elements are completed, the second phase of housing would be developed with 40 additional workforce units. Timing of the third and final phase, with the remaining 30 workforce units, would begin when units from phases 1 and 2 have reached 80% occupancy. All grading for the workforce housing pads would be completed during the first phase of construction, followed by landscaping, with the intent to maximize the growth of screening landscape elements.

**II.D.5 Mitigation: Underground parking.** *The Project dedicates approximately two acres of land to providing surface parking for the housing village. Underground parking would reduce the project footprint, create space for setbacks, and possibly lower the cost of other mitigations. The hotel site dedicates over two acres of land to surface parking. Here, too, underground parking would free up land and allow for significant siting adjustments to the housing. For example, the housing could be relocated to the vicinity of the hotel, which is 40 feet lower than the bluff, fully screening it from Mono Lake and the key evaluation points identified above.*

**RESPONSE:** It is recognized that underground parking would reduce the housing area footprint and create new opportunities for aesthetic mitigation. However, underground parking is costly, and would constrain the goal of maintaining housing affordability. Moreover, significant design modifications are incorporated into a new Alternative 6 that lessen project impacts on aesthetic resources. Please see the discussion provided in Topical Response #1 for additional information about the design changes that are included in the modified plan to limit the housing footprint and minimize overall visibility.

As part of the analysis conducted for Alternative 6, consideration was also given to the MLC suggestion that the overall footprint could be reduced by using a parking standard lower than 2 spaces per unit, potentially allowing a reduced parking requirement for the studio and 1 bedroom units. Since the requirement for 2 spaces per unit is a countywide standard, a determination was made to retain the requirement for 2 spaces per unit. At the same time, it is understood that the standard can be modified through a future Specific Plan amendment if results of a parking study show that parking need can be met with fewer than 2 spaces per unit.

**II.D.6 Mitigation: Separation of housing units.** *The proposed housing is designed as an isolated module set away from the deli, hotel, and rest of the site. Separating the housing into different, smaller clusters would allow for placement at multiple locations across the overall site. For example, the small parking area just east of the gas pump island could be used for one of the proposed housing units.*

**RESPONSE:** In response to MLC Comment II.C above, alternative potential housing locations on the project site were considered including the area of the existing hilltop units, north of the hotel (on the site currently proposed for the wastewater treatment plant), and on the corner parcel adjacent to SR120/US395. The analysis indicates that there are no areas on the site that would avoid the significant project impacts (aesthetics, US 395/SR120 intersection, deer, pedestrian safety, volcanic mud-flows), and most of the alternatives (including the dispersed alternative suggested above) would minimize project views from the east at the expense of project views from the 120/395 gateway and areas of the Mono Basin to the north. Efforts in the FSEIR have focused on the design modifications contained in the new Alternative 6. Please see the information provided in Topical Response #1 about the proposed design modifications including exhibits that show how the modifications will minimize project impacts on aesthetic resources.

**II.D.7 COMMENT (Mitigation-LEED certification):** *In six different scoping comments from 2016, LEED certification was suggested as an approach that would help mitigate a variety of environmental impacts. LEED (Leadership in Energy and Environmental Design) is the most widely used green building rating system in the world, according to the program website, and "provides a framework that project teams can apply to create healthy, highly efficient, and cost-saving green buildings. LEED certification is a globally recognized symbol of sustainability achievement." The DSEIR acknowledged and dismissed LEED in one sentence, stating, "The project is not expected to meet formal LEED standards because stringent adherence would reduce overall affordability of the workforce units." There is no analysis of LEED compatibility, nor is there any consideration of the various levels of LEED certification or design. Regardless, a design process that would produce a project able to gain LEED certification is certain to resolve, mitigate, or avoid many of the visual and environmental impacts that the current proposed project proposal creates. LEED certification is an increasingly common way for gateway community developments adjacent to world-renowned natural areas like Yosemite and Mono*

*Lake to show a commitment to environmental sustainability and to protecting the very resources that draw in business to the site. The following section of our comment provides reference projects, including from the western gateway to Yosemite, where LEED certification is part of a responsible development project.*

**RESPONSE:** The LEED (Leadership in Energy & Environmental Design) program focuses on ways to improve building design through energy savings, water efficiency, emissions reductions, improved indoor environmental quality, and sound management of resources to limit the impact of their use.<sup>57</sup> LEED is widely recognized, and well regarded.

However, both LEED and Title 24 are designed to ensure energy efficiency and green building practices in new construction. The discussion under DSEIR SVCS 5.8(b) focused on the wide range of conservation features to be provided with the project including wastewater reclamation and reuse, solar energy panels, high efficiency appliance and insulation in the residential units, and extensive onsite family resources (day care, storage/laundry facilities, bus stops, storage, meeting areas etc.). The discussion concluded with a statement that *"these voluntary project features will contribute to the same outcome as a formal LEED certification program, but without the added cost of certification."*

**II.D.8 COMMENT (Mitigation-Community connectivity):** Constructing a foot and bike path to ... Lee Vining is a mitigation that the Project developer could do more to explore. While it is true that sidewalks adjacent to the highway in the Caltrans right of way require agency actions independent of the Project, it is also true that better, more pedestrian friendly options exist that the Project developer can substantially advance. A feasible mitigation is for the developer to acquire an easement from SCE for such a pathway to cross SCE's land located north of the Project. A developer-funded pathway extending from approximately opposite the Mobil entrance across SCE land to the end of the existing sidewalk at the south end of Lee Vining, including a pedestrian and bike bridge crossing Lee Vining Creek would provide most of the connectivity necessary. Only the Highway 120 crossing from the site to the path would need to be worked out with Caltrans. The pathway easement and construction would be funded by the developer and the pathway would be public and administered by Mono County similar to sidewalks in Lee Vining.

**RESPONSE:** Please see the discussion provided in Topical Response #4 for additional information developed in this FSEIR regarding potential for future development of safe pedestrian and cycling connectivity between the project site and Lee Vining.

**II.D.9 COMMENT (Mitigation-Mitigation funds):** *The DSEIR identifies Deer Passage (BIO 5.3(d-5)) and Pedestrian Safety (SVCS 5.8(a-1)) mitigations that are contingent on Mono County securing public funding for their implementation. In both cases the Project is the cause of the significant impacts that trigger the need for mitigation. Further analysis in a revised DSEIR will likely identify additional situations where mitigation funding is required. While the DSEIR is correct that the developer cannot construct off-site mitigations independently, the DSEIR overlooks the common practice of establishing mitigation funding mechanisms. These allow the developer to pay their fair share toward mitigation projects that will necessarily be implemented by agencies or other entities. Mono County should establish such mechanisms to allow the Project to mitigate its significant impacts.*

**RESPONSE:** In its comments on the DSEIR, Caltrans suggested that three of the identified potentially significant impacts (including impacts on pedestrian safety, traffic conditions at the SR 120/US 395 intersection, and deer migration) could be addressed through fair share contributions. Additional information has been developed concerning all of these issues. Please see Topical Response #4 for information about pedestrian connectivity, Topical Response #5 for information about prospects for a deer passage, and Topical Response #9 for information about traffic conditions at the SR 120/US 395 intersection.

**III. COMMENT (Reference Projects):** *Lee Vining is the gateway to Mono Lake, Yosemite, and Mono County. These are popular, well-known, well-publicized, major visitor destinations. Throughout this letter we have emphasized that as a*

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<sup>57</sup> Project Management Institute, *Aspects of historical buildings conforming to LEED*, October 2011, Conference Paper. Adam Shankland.

*result the Project should do more than the average development to explore alternatives and implement mitigations to achieve thoughtful compatibility with the special protections and high visibility of the area.*

*This challenge is not unique to Lee Vining and Mono County. Across the West communities that are closely tied to high-profile, protected areas are demonstrating that, with thoughtful planning and environmental commitment, projects are being carefully developed from the ground up to avoid significant damage to the natural values that make their locations special destinations. Mono County should be among these leaders, as the Tioga Inn project will determine if Mono County qualifies for decades to come.*

*As County staff lead a DSEIR revision and recirculation process it will be helpful to learn from other successful projects and MLC suggests some to investigate here. Many begin their design process with commitment to the Leadership in Energy and Environmental Design (LEED) process. This certification program is one way to ensure landscape, environment, and community compatibility specifically for projects with similar scope, goals, proximity to highly valued natural landscapes, and rural community needs.*

*A regional example of comparable project with LEED Silver certification is the Tenaya Lodge at Yosemite in Fish Camp on Highway 41 at the western gateway to Yosemite. Tenaya Lodge achieved LEED scorecard points by reducing lighting in its exterior environment, water efficiency, minimizing onsite parking, providing alternative transportation access and parking, and taking extra effort to achieve development density and community connectivity. The LEED website has a comprehensive list of project examples from other renowned destinations. Multiple LEED-certified employee housing developments at Yellowstone National Park, including the Old Faithful Employee Housing and Teal Dorm at Yellowstone, show that rising to meet LEED standards can be done for workforce housing.*

*Another regional example of a comparable project is Rush Creek Lodge and the associated Evergreen Lodge on Highway 120 west of Yosemite. Both lodges are reasonably similar in size and scope and to the Tioga Inn. Employee housing is included in their environment and community responsibility goals. Rush Creek Lodge has 143 rooms for guests and 168 workforce housing slots (which includes other programs, not just hotel staff). Both lodges advertise their environmental and community responsibility to the area and the communities in which they exist as part of the appeal of what they offer to visitors.*

*These facilities guarantee their commitment to these principles by operating as part of a certified B-Corporation. Certified B Corporations are legally required to consider the impact of their decisions on their workers, customers, suppliers, community, and the environment. As the Rush Creek Lodge website says, their B Corp ownership structure is "designed for long term sustainability, putting the health of our communities, environment and staff on the same level as the health of the bottom line."*

**IV. COMMENT (Conclusion).** *Mono County has important work to do on this Project. Many points of concern have been raised here, in our accompanying legal letter, by the community, and by the public at large. Better alternatives and mitigations need to be created to resolve these concerns. A comprehensive EIR, new alternatives and mitigations based on comments and community engagement, and recirculation of the document are the path forward.*

*As Mono County works through this process MLC offers a reminder that the County Vision, prominently displayed on the Community Development website, is an excellent guide to crafting a beneficial project that is respectful of the exceptional environmental resources of the Mono Basin and the unique community of Lee Vining: "The environmental and economic integrity of Mono County shall be maintained and enhanced through orderly growth, minimizing land use conflicts, supporting local tourist and agricultural based economies, and protecting the scenic, recreational, cultural and natural resources of the area. The small-town atmosphere, rural residential character and associated quality of life will be sustained consistent with community plans." Thank you for the opportunity to comment and for the responsiveness of CDD staff, who have answered our questions with great knowledge and professionalism. We would be happy to answer any questions you might have about our comments, and we would also be pleased to share our organizational knowledge of Mono Lake and the Mono Basin in any way helpful to your process moving forward.*

# #13

## Mono Lake Kutzadika'a Tribe

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- 1. COMMENT (Tribal Monitors):** *The Mono Lake Kutzadika'a Tribe feels strongly that the current proposal insufficiently accounts for the protection of culturally significant artifacts found during the initial stages of construction, grading and other ground-disturbing activities. Currently, the proposal provides the tribe with 10-days' notice of grading or earthwork, and allows tribal monitors to observe without compensation. In the event of an inadvertent discovery of archeological resources, ground disturbance is suspended until the discovery can be evaluated by a "qualified archeologist." Tribal monitors must be compensated for their time and effort to ensure that the project proceeds, not only legally, but ethically and respectfully. These individuals are highly trained experts who represent the Tribe, educate others, and ensure valuable resources are not overlooked in the process. Specifically, the Mono Lake Kutzadika'a Tribe, Bridgeport Indian Colony, and Developer must come to agreement on the designation of the qualified archeologist. This must be decided before the initial construction for the project.*

*The EIR is also silent on the compensation of any qualified archeologist; the Tribe expects – and would like to see made explicit – that any qualified archeologist needed receive reasonable compensation. No qualified professional should ever be expected to donate their services, which are vital to the completion of the project. The Tribe is encouraged that the current proposal does compensate tribal monitors post-discovery of archeological resources, however the presence – and reasonable compensation – of tribal monitors. Prediscovery is equally, if not more, important. The discovery of archeological resources do not occur unless someone is there to discover them.*

*As the EIR notes, thirteen cultural resources properties have been recorded within a half-mile radius of the project area (§ 5.4.3.2) and 11 artifacts were encountered during the project site survey in November 2016. Standing alone, these numbers underrepresent the cultural significance of the project site area. These numbers are much lower than they would have been had these lands, which are especially close to public places, not been disturbed and searched by looters over the years. Though the survey concludes that potential impacts would be "less than significant", the Tribe disagrees, and asserts that the potential to uncover culturally significant artifacts is high. Indeed, during the widening of Hwy. 395, not far from the proposed project, human remains were uncovered (and after a long process, repatriated to the Tribe). Additionally, Tribal Historic Preservation Officer of the Bridgeport Indian Colony, Joseph Lent, has determined that one or more undocumented Native American Burials could be encountered during grading and excavation. Moreover, the last survey of the project site was done over 2 years ago. A new survey must be done immediately before construction begins so as to account for changes in the landscape and wind that may have revealed items of cultural and historical significance that were concealed at the time of the first survey.*

*In sum, The Tribe insists that Tribal Monitors be compensated at the going rate during all ground disturbing activities. This is consistent with the analysis of Mr. Lent regarding the potential discovery of undocumented burials, and is also consistent with his recommendation that a tribal monitor be present during ground disturbance activities (§ 5.4.10). The local tribes must also come to agreement on the designation of the qualified archeologist, who must be provided reasonable compensation.*

*The Tribe would like to see additional and targeted support in these matters from the Mono County Board of Supervisors. Specifically, the Tribe requests that the Board develop a policy mandating the planning department to require the compensation of tribal monitors before approving any development project over a certain size.*

**RESPONSE:** During the environmental review process, a qualified Archaeologist was retained to conduct a survey and evaluation of the project site, to determine whether the project location contains unique archaeological resources as defined in CEQA Guidelines §15064.5. As documented in the June 2019 *Archaeological Survey of the Tioga Workforce Housing Project Area, Lee Vining, California* DSEIR Appendix J1, "there are no significant archaeological sites within the proposed Tioga Community Housing Project area. Neither previously recorded site CA-MNO-2764H nor the isolates are significant resources

that would require further consideration under the California Environmental Quality Act. No further archaeological work is recommended.”

Notwithstanding the Archaeological Survey results, the tribe asserts in Comment 1 (but provides no evidence) that there is a high potential to uncover culturally significant artifacts on the site, and requests that Tribal Monitors be present throughout the grading process and compensated at the going rate during all ground-disturbing activities.

Mono County, as Lead Agency for this project, is obligated to apply the requirements of CEQA impartially and consistently. Upon consideration, the County determined that to require tribal monitoring would be inconsistent with the treatment of other resources under CEQA, where monitoring is not required if a protected resource is not known to occur within the area of potential effect after standard survey protocols have been followed.

During a 19 August 2019 meeting between the Kutzadika’a Tribal representatives and Mono County, the tribe noted (although there is no available evidence) that there may still be a high potential to uncover culturally significant artifacts or buried human remains on the site (see also Letter 13 Comment 1). The Tribal Historic Preservation Officer of the Bridgeport Indian Colony also pointed out the potential for unmarked indigenous burials anywhere in the area. The Mono Lake Kutzadika’a Tribe requested that Tribal Monitors be present throughout the grading process and compensated at the going rate during all ground-disturbing activities. California laws regarding the treatment of human remains discovered during construction are meant to offer adequate protection in that event. 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 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 the Native American Heritage Commission by telephone within 24 hours. Per Public Resources Code §5097.98, the Native American Heritage Commission then notifies the most likely descendant community, who then inspects the find and makes recommendations to the landowner how to treat the remains. Both laws have proscribed time frames, and PRC 5097.98 outlines some potential treatment options.

Additionally, the County developed mitigation measures to ensure that interested Tribes are notified before grading or earthwork occurs, and invited to monitor the site on a volunteer basis during any phase of earthwork. Mono County also mandated that all plans that require ground disturbance and excavation will 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.

The County and the project applicant acknowledge the Tribe’s concerns pertaining to inadvertent discoveries of tribal resources during the grading process, and understand that most grading operators are not trained to recognize such resources. At the meeting on 19 August 2019, the project applicant voluntarily offered to modify the Mitigation Measure CULT 5.4(a) to incorporate training by a tribal member of the onsite construction crew. The purpose of the training would be to teach the construction workers how to recognize cultural resources that are unearthed during grading. The tribal member conducting the training effort would be paid at the going rate. This training process would better enable the construction crew to recognize when earthwork must be suspended, not only at this site, but also at any future sites on which they later work. This concept was subsequently modified to stipulate that the Tribe would be compensated for 50 hours of time, prior to any cultural resource discovery, to be used for training of construction workers, and/or for tribal monitoring, with the allocation of time to be at the discretion of the Tribe. With this added flexibility, Mitigation Measure CULT 5.4(a) would be included in the DSEIR with revisions as shown in ‘legislative formal’ below

MITIGATION 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 compensation<sup>58</sup> for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.

- 2. COMMENT (Project Impact on Groundwater):** *The Mono Lake Kutzadika'a Tribe is additionally concerned with the proposed project's effect on the watershed, and specifically the potential effect on neighboring Indian allotments. The proposed well to support the Tioga Inn and housing development is an 8-inch cased well drilled to a depth of 600 feet, capable of a sustained pumping rate of 100 gpm, or 160 acre-feet per year. Neighboring the proposed expansion is an Indian allotment that has been in the family of a tribal member since the early 1900s. This family has already had one well go dry and had to install a deeper well on the allotment. The tribe is concerned that the proposed well and water usage from the same aquifer will have an adverse impact on neighboring wells.*

*The analysis conducted was a point-in-time examination on the effects of groundwater pumping and fails to address other scenarios with dry year, and likely multiple dry years from climate change. Further analysis is needed. The Tribe is additionally concerned that this project's substantial well will adversely impact the level of Mono Lake and its recovery.*

**RESPONSE:** To respond to concerns raised by the Tribe regarding the proposed project's effect on neighboring Indian allotment wells, a letter was sent on August 27 to Michael Godbe, Tribal staff attorney, requesting data for the Kinerson and Andrews family allotment wells that are located about 1 mile south of the Tioga wells.<sup>59</sup> In a 12 September reply, Mr. Godbe indicated that the requested data does not exist for the Kinerson allotment's well, but that at least some of the requested data might be available for the Andrews' allotment well through Maranatha Drilling (the company that installed the Andrews well). From this source it was possible to obtain a fair amount of information about the Andrews well. Drilling did not reach groundwater in the first attempt (during 1980) to install a well at a depth of 250 feet on the Andrews property. Maranatha subsequently drilled through the bottom of the original hole to a new depth of 370 feet in 1992. With the second effort, Maranatha did reach groundwater at a depth of 230 feet, and the new well produced groundwater at an estimated rate of 30 gpm. As we understand it, the Andrews well has remained at the 370-foot depth since this second drilling, and it is also our understanding that the well continues to produce groundwater.

The original Tioga well predates the successful allotment wells. The first Tioga well was drilled in 1984 with the pump intake depth at 598' below ground surface. The Tioga well has since produced groundwater at a rate of 100-150 gpm independent of external variables (e.g., precipitation amounts, new wells, changes in water demands, etc.). The new Tioga well (well #2), was drilled by Maranatha Drilling in 2018 and is located in the same location as the original well (on the project parcel east of US 395).

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<sup>58</sup> 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.

<sup>59</sup> The requested data included: mapped location of the well(s) on the neighboring tribal lands; static water levels for the identified well(s); drawdown from pumping the well(s); water production rates from the well(s); and the completed depth of the well(s) in question, particularly the dry well.

The Andrews well was drilled in a comparatively small groundwater basin located about 1 mile south of the Tioga wells. The groundwater basin tapped by the Andrews well is geologically separated from the Tioga well by the Sierra Range Front Fault System. In combination, the available facts concerning area geology and the allotment well history suggest that the failure of the initial Andrews well resulted from insufficient well depth, and that the low groundwater production rate of the second Andrews well is due to the small diameter of the well and the completed depth of the well (not deep enough). The reason this well cannot be deepened is that it is already cased with 4 inch diameter casing (i.e., the 4-inch diameter casing cannot support a larger pump than what is in it now; to drill deeper would require a 3 inch diameter casing and a much smaller pump, further reducing production from this well). In addition, the pump test showed no interference with the Winston well located nearly the same distance away to the northwest and within the same groundwater basin as the Tioga well. Even if no recharge to the basin occurred in a given year, it is highly unlikely that there would be a noticeable drop in the groundwater levels within the surrounding wells solely due to the annual production from the Tioga well. Based on these data, the project hydrologist has a 95% confidence level that there will be no interaction between the Tioga and Andrews wells resulting from groundwater production in these two wells.

With respect to groundwater conditions following a period of multiple dry years, the May 2017 groundwater pump tests were done after a record season of winter snowfall. However, recharge of the groundwater basin had only begun as of May, since there is typically a 6 to 9 month delay between snowmelt and peak recharge. More significantly, the 2017 test was conducted following a sustained drought: the Public Policy Institute of California cites the 4-year period between fall 2011 and fall 2015 as the driest since record keeping began in 1895 [<https://www.ppic.org/publication/californias-latest-drought/>].

The tests conducted in 1992 and the tests conducted in May 2017 were conducted under substantially similar baseline conditions. However, the 1992 tests were done when the well casing was fairly new (having been installed in 1984), and the well itself was producing at a higher rate of transmissivity. Sierra Geotechnical Services, Inc., as project hydrologist, indicates that a 0.2' or 0.3' difference in static water levels would not be significant, and that testing protocols allow for completion of data gathering after the well has recovered to within 5% of the static water level.

Most groundwater basins have some degree of annual water level fluctuation, due mainly to seasonal precipitation and recharge rates. The Tioga well has produced groundwater at an unvarying rate of 130 gpm since 1984, independent of external variables (e.g., precipitation amounts, new wells, changes in water demands, etc.). The Tioga wells are not considered substantial by any definition (1,000 gpm would be substantial) and will not impact the levels in Mono Lake or its recovery in any way. The water will not be exported from the basin.

LRWQCB has indicated that groundwater monitoring will be required for this project to verify that discharges from the Wastewater Treatment Plant are in compliance with applicable water quality standards. The applicant plans to use the monitoring well to keep track of static water levels. Please see the response to LRWQCB (Letter #7, Comment 7) for additional information about the monitoring program.

**3. COMMENT (Loss of Habitat):** *The Tribe is concerned that the building and infrastructure footprint would be a permanent loss of habitat for sensitive plant species. This could potentially have a significant unavoidable cumulative impact for the sensitive plant species within the project area.*

**RESPONSE:** DSEIR §5.3.2 identifies two candidate, sensitive, or special status plant species that may occur on this site (the few-flowered woollystar, and a distinct population of Masonic rockcress located near the existing hilltop residences). Discussion under IMPACT BIO 5.3(a) notes that the few-flowered woollystar was detected at 2 nearby but offsite locations, and is on the CNPS watchlist for species that are limited in distribution in California, but there are no current known threats and this species has no additional legal status under the state or federal Endangered Species Acts. To protect the few-flowered woollystar, this FSEIR incorporates Mitigation Measure BIO 5.3(a-1) (Shrubland Revegetation), which will return all temporarily disturbed project areas to a condition of predominantly native vegetation.

To protect the Masonic rockcress population, the EIR provides Mitigation BIO 5.3(a-2), which requires the contractor to install temporary fencing along the western edge of the existing hilltop housing access road where it approaches the Masonic rockcress population. The temporary fencing will be placed and designed to prevent accidental damage during construction, and will remain in place through all construction phases. The EIR concludes that Measures BIO 5.3(a-1) and 5.3(a-2) would



reduce potential impacts to the few-flowered woollystar and the Masonic rockcress to less than significant levels. The EIR found that the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural plant community, and no mitigation measures were proposed.

The findings indicate that the building and infrastructure footprint would cause a permanent loss of 21.8 acres of habitat, but that none of the habitat loss would impact candidate, sensitive, or special status plant species. The direct impact and cumulative impacts on sensitive plant species were concluded to be less than significant.

**4. COMMENT (Failure to Provide Affordable Housing):** *This substantial development project does very little to meet Mono County's general plan for increased affordable housing. There are many people already in the local community of Lee Vining and the surrounding area in need of affordable housing, and this project does not meet that need. This project creates "workforce housing" to provide the Mammoth ski resort and forthcoming hotel a steady supply of labor. This project is not for the benefit of local people, but for the companies that seek to extract more profit from our Ancestral homeland.*

**RESPONSE:** The proposed project is broadly consistent with Mono County Housing Element goals and policies<sup>60</sup> that are intended to ensure adequate sites and facilities to support future housing needs, and consistent with all applicable supporting policies:

- Policy 1 - Facilitate the provision of housing in unincorporated communities to meet local housing demand;
- Policy 2 - Ensure that adequate infrastructure exists or will be provided to support future housing development;
- Policy 5 - Plan for adequate sites and facilities to be available for housing all segments of the population, and
- Policy 7 - designate adequate sites for a variety of residential development in each community to help establish self-sufficient communities that balance job locations with housing; i.e., develop a sufficient year-round residential population in communities to support local schools, commercial services, and other services.

The applicant intends to offer available housing units first and foremost to employees working on the Tioga project site, with an added priority for those onsite employees who agree to serve as LVFPD volunteers. Units that are not needed by onsite employees would be made available to qualified applicants as defined by California housing requirements. To the extent allowed by law, however, the applicant intends make the unoccupied units available to employed persons with jobs in other Mono County locations (including Lee Vining, June Lake, Mammoth Lakes and other county communities) or in Yosemite National Park; Yosemite employees are the only non-Mono County employees considered in the DSEIR for housing on the project site.

As noted in the response to Letter 9, Comment #1, seasonal workers in Mono County on average hold 1.4 jobs and it is therefore likely that many of the onsite employees will have multiple jobs due to seasonal fluctuations in employment opportunities. This project would enable residents to maintain a stable place of residency (and thus improved personal and family health<sup>61</sup>), while at the same time meeting onsite workers' housing needs and also responding to seasonal variations in employment. Without this project, the burden of providing housing for the hotel and restaurant workers would fall on surrounding communities, all of which are dealing with scarce housing resources. The project qualifies as a community and employee housing project because it would provide housing for the hotel and restaurant employees, and make any units not occupied by employees available to the community. Please see Topical Response #8 for additional discussion of the issues associated with housing need.

**5. COMMENT (Paleontological Resources):** *The EIR notes that "paleontological resources are likely to be present in numerous locations throughout Mono County, most particularly in the Mono Basin . . ." (§ 5.4.9). Given this likelihood, a paleontologist should also be involved in this project to protect and ensure resources and other items of historical significance for the Mono Basin.*

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<sup>60</sup> Mono County Housing Element, 2019-2027, §1 Goals and Policies: [https://monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/29821/2019-2027\\_housing\\_element\\_final.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29821/2019-2027_housing_element_final.pdf).

<sup>61</sup> This well-documented point is made by the U.S. Health & Human Services Dept (<https://www.samhsa.gov/homelessness-programs-resources/hpr-resources/housing-shelter>); the Urban Institute (<https://www.urban.org/urban-wire/reduce-poverty-improving-housing-stability>); Children's Healthwatch (<https://childrenshealthwatch.org/stablehomeshealthyfamilies/>) and many other sources.

**RESPONSE:** As noted in the DSEIR, the Mono Basin may have been an inland ocean during the early to mid-Triassic period, and is thus a region with potentially sensitive paleontological resources. Paleontological sensitivity is defined as the potential for a geologic unit (as a whole) to produce scientifically significant fossils, as determined by rock type, past history of the rock unit in producing significant fossils, and recorded fossil localities from that unit. Paleontological sensitivity is assigned based on fossil data collected from an entire geologic unit (as opposed to a specific site). Within this context, the sensitivity ratings are as defined below:

- High Sensitivity: Fossils have been recently observed onsite, localities are recorded within the study area, and/or the unit has a history of producing numerous significant fossil remains.
- Moderate Sensitivity: Fossils in the unit are generally not unique or are so poorly preserved as to have only moderate scientific significance.
- Low Sensitivity: Indicates significant fossils are not likely to be found due to a random fossil distribution pattern, extreme youth of the rock unit and/or the method of rock formation, such as alteration by heat and pressure.
- No Sensitivity: Geologic materials (including high-grade metamorphic rocks, intrusive igneous rocks, and most volcanic rocks) are not conducive to the existence of organisms and/or preservation of fossils.
- Indeterminate Sensitivity: Unknown or undetermined sensitivity indicates the rock unit has not been sufficiently studied or lacks good exposures to warrant a definitive rating. An experienced, professional paleontologist can often determine whether the stratigraphic unit should be categorized as having high or low sensitivity after reconnaissance surveys including observations of road cuts, stream banks, and possible subsurface testing.

As noted in DSEIR §5.4.4.4, limited information is available about paleontological resources in Mono County. The Mono County General Plan references two studies (one by UCLA and one by USGS) indicating that a marine environment existed prior to and during the initiation of volcanic activity, as well as a study by Caltrans referencing geologic maps and literature indicating that numerous vertebrate fossils have been found north of SR 167 near the Nevada border (which has a different geologic history than the project site and is therefore not comparable), and a study by USGS and the Smithsonian Institution that found fossil evidence of a small clam as well as fossil evidence of avian-assisted colonization of the Mono Basin.

A 1991 Geotechnical Survey that was conducted for this site by GeoSoils, Inc. found that bedrock in most of the project vicinity consists of Triassic to Cretaceous-age plutons and overlying sedimentary or metamorphic rock of Paleozoic to Triassic-age. Relatively thin sedimentary and volcanic deposits of Tertiary and Quaternary age discontinuously overly and/or intrude the bedrock, most likely along fractures from the Sierra Nevada frontal fault system, and a magma chamber at depth. These tectonic and volcanic processes remain active today.

Based on the sensitivity ratings noted above, the upper soil layers (represented by recent-age soils deposits, unconsolidated glacial till, colluvium and alluvium) would indicate a “low sensitivity” for the production of scientifically significant fossils fossil due to their youth, the random distribution of fossil patterns, and the methods of rock formation. The Mesozoic and tertiary volcanic deposits that underlay the upper soils accumulated much more recently (between 2.6-199 million years ago) than the paleontologically rich Triassic period soil materials (199-251 million years ago). These materials are not conducive to the preservation of fossils, and would have ‘no sensitivity’ for the production of scientifically significant fossils.

The decision by Mono County not to require paleontological studies in the western Mono Basin reflects the low paleontological sensitivity of geologic materials in this portion of the basin as reinforced by information about the specific soils and geologic structures on the Tioga site. In combination with safeguards provided in Mitigation Measure CULT-5.4(b)<sup>62</sup>, these facts provide substantial evidence for the EIR conclusion that potential impacts to paleontological resources would be less than significant.

**6. COMMENT (Special Status Species):** *Table 5-3-1 should include BLM special status species and Tribal traditional plant species in order to provide a complete picture of impacts to plant species and habitat. As is, the analysis is incomplete*

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<sup>62</sup> Mitigation Measure CULT 5.4(b) calls for earthwork to be suspended, and a recovery plan prepared by a qualified paleontologist, in the event that paleontological resources are uncovered during earthwork.

*and a determination of significant impacts for special status species cannot be made at this time. Special Status Plant Species such as the Masonic Rockcress have protections. There is no mention of how the proponents plan to preserve and conserve this species for the long term. The mitigation proposed only addresses construction. A long term plan is need to protect this species from increased human density within a small confined area.*

**RESPONSE:** The analysis of special status species was prepared in accordance with guidelines established by the California Department of Fish and Wildlife for CEQA studies conducted in California and in the project region. Because the project does not have a federal component, and is not located on tribal lands, there is no requirement for review of Bureau of Land Management (BLM) special status species or for Tribal traditional plant species. In the long term, no project development or uses are proposed in the area where the Masonic Rockcress have been found. Additionally, the plant is located in an area with a steep slope, and anticipated to remain relatively undisturbed.

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

**RESPONSE:** As noted in comments submitted by the Kutzadika'a Tribe, noxious weeds are a serious concern for this and other projects in the region. DSEIR §5.3.2.1 (beginning on page 5.3-9) notes that non-native plants are prominent in the study area, and are considered to have become firmly established all along the alignment of US 395 in the Lee Vining area and elsewhere in Mono County. The discussion states that control efforts are unlikely to succeed, due to the absence of a comprehensive regional control plan. The proposed project has potential to cause the further spread of certain invasive weeds that currently are present in sparse numbers but produce abundant, easily transported seed. Notably, cheat grass has locally attained a distribution that encompasses the entire study area and the nearby landscape, and appears to have delayed or in some areas arrested vegetative return or succession to self-sustaining Big Sagebrush Scrub or Great Basin Mixed Scrub communities. The cheat grass population now remains far more robust than any other species that has colonized the area impacted by the wildfire that burned much of lower Lee Vining Canyon in May 2000. The project landscape program calls for removal and stockpiling of the top 12 inches of native soil material, to be used in replanting of graded surface directly following completion of earthwork on the site. Use of the stockpiled soils for replanting will preserve populations of native annuals in topsoil seedbank, and preserve native symbiont microflora/microfauna that speed native shrub growth during recovery, and greatly enhance seed germination and early survivorship since the topsoil (in comparison with compacted/disturbed subsoil) will provide a much better seedbed. The increased soil organic matter enhances water holding and nutrient availability, while decreasing compaction. Coarse material if stockpiled and spread on top increases safe sites for germination & young plants, and decreases non-native success. The project biologist indicates that it is not feasible to remove invasive seeds as part of the stockpile/replanting process, and instead recommends aggressive weeding to prevent re-stocking of the weed seedbank in the soil. This approach results in weed seedbank depletion over time, is considered a feasible approach, and will be used on the project site.

Weeds are correlated with fire risk. Mono County has analyzed wildland fire hazards in each community through the Community Wildfire Protection Plan (CWPP). The CWPP has identified 17 of the 36 communities in Mono County to be at extreme or very high fire risk; Lee Vining is not identified as a high risk community. With a CWPP rating of 30, Lee Vining ranks among the communities with the lowest fire hazard; only Bridgeport has a rating more favorable than Lee Vining. Based on these factors, the CWPP recommendations for Lee Vining (all of which are part of Mitigation Measure 5.7(e-1)) include, among other elements, the routine clearing of weeds and flammable vegetation to at least 30 feet away from propane tanks. CWPP recommendations for Lee Vining are part of Mitigation Measure BIO 5.7(e-1), and the Tioga Specific Plan includes Policy 3d, Implementation 3d(1), which requires that routine project operations shall include at least weekly inspection and repair of irrigation and diligent removal of non-native growth. Additionally, this FSEIR includes a new Mitigation Measure BIO 5.3(a-6) that details implementation and monitoring measures for the revegetation of areas temporarily disturbed due to earthwork and grading. As shown, BIO 5.3(a-6) includes actions to control weeds on the project

site, with monitoring to assess weed control efficacy during the first 5 years following the completion of construction-related disturbance. The measures below are also included in the updated Specific Plan (see Implementation Measure 3a(1)):

**NEW MITIGATION BIO 5.3(a-6)(Revegetation of Temporarily Disturbed Areas):** The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:

(a) TOPSOILS: During earthwork, topsoil that must be disturbed in relatively weed-free habitats will be removed to a depth of 12" and stockpiled at the margins of temporarily disturbed areas for reuse during replanting. Stockpiles will be used within one year of the completion of construction. During storage, topsoil will be armored to (a) minimize dust emissions, and (b) optimize survival of native seeds during replanting.

(b) SCREENING: Trees to be planted onsite for screening include native single leaf pinyon, Jeffrey pine, quaking aspen, and seeded mountain mahogany. Non-native Italian poplar sterile male transplants may be used in areas where rapid screening growth is desired. Screening trees will be planted densely to compensate for up to 50% mortality prior to maturation. Irrigation and plant protection will be provided as needed to attain optimal tree growth, tree health, and screening efficacy.

(c) BITTERBRUSH: Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 8-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250 feet of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.

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

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

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

The FSEIR conclusion that project impacts would be less than significant is based on the considerations above.

**8. COMMENT (Increased Human Population):** *The analysis of the effects of a dramatically increased human population is incomplete and understated. The effects need to consider the increased human density and resulting impacts not only of the proposed 150 new bedroom units but also the 120 room hotel. In total there would be 280 units available for accommodation. If one assumes occupancy at 1.5 per unit, it is conceivable that 420 people, two times the current population of Lee Vining, could be living, recreating and taxing the local and county services beyond capacity.*

*The 150 bedroom units are rentals only. A rental-only housing situation does not meet the local housing needs. People want to own their own home. Homeowners are more vested in the community and are more likely to create a long-term sense of belonging and care more deeply about the region and its delicate resources. A renters-only situation creates a demographic of people who may not stay for long periods of time within the Mono Basin and may not have the same degree of ownership within the area.*

*The Tribe is concerned about the large increase of people and their impacts upon cultural and natural resources. The Tribe is concerned about increases in looting of artifacts, increases of human-caused wildfires, occupation and desecration of sacred sites, increases of unauthorized motorized trails within sensitive areas and the uploading of pictures and descriptions of*

*sacred objects, sites, petroglyphs, antelope traps, grave sites and more into social media sites, all of which can lead to increased impacts associated with increased visitation of these areas. There is an insufficient number of county and agency law enforcement officers to patrol and protect fragile, irreplaceable traditional resources.*

*Impacts to human remains, sacred lands, tribal trails/travel corridors and tribal cultural resources cannot be mitigated. The impact of this project will be a permanent loss and desecration of tribal ancestors, tribal burial grounds, sacred lands, travel corridors and tribal cultural resources. This is a significant direct and cumulative impact.*

**RESPONSE:** The comment letter from the Tribe notes that a rental-only housing situation would not meet the desire of many area residents to own their own home. The *Housing Needs Assessment* conducted by Mono County in August 2017 (prepared by BBC Research) found that 57% of the surveyed population found it very difficult to obtain rental housing, and 82% found it very difficult to obtain for-sale housing. Additionally, of the survey population that planned to move within 5 years, 25% of those contacted by phone (and 32% of those surveyed online) cited 'more affordable rent' as the primary reason, while 12% (phone) and 36% (online) cited more affordable purchase price. Five percent of the phone sample, and 43% of the survey sample, indicated that they are currently renting but want to buy. These data support the Tribe's observation that ownership housing is a priority, and also supports the need for rental housing. The proposed Community Housing project would respond to the latter need.<sup>63</sup>

The Tioga hotel was approved in 1993 and is not a part of the current environmental analysis. Moreover, CEQA requires an analysis of onsite tribal and cultural resources, but does not require analysis of impacts to offsite resources.

DSEIR §5.6 (Population) and §8.o (Growth-Inducing Impacts) acknowledge that the project would have potential to induce further growth in the project region. The growth was found to be less than significant because it is well within the range of General Plan population forecasts for the Mono Basin. The impacts of General Plan growth were analyzed in the 2015 General Plan EIR (<https://monocounty.ca.gov/planning/page/general-plan-eir>). The General Plan EIR identified 23 significant and unavoidable adverse impacts that included Impacts to Prehistoric or Historic Resources, Impacts to Paleontological Resources, Impacts to Sacred Lands, Impacts on Public Fire and Utility Services, and Impacts on Recreational Facilities. The Board of Supervisors adopted a Statement of Overriding Considerations to acknowledge these unavoidable adverse impacts, and to balance the adverse effects against the overriding benefits of General Plan adoption and implementation.

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<sup>63</sup> As an aside, a number of Lee Vining residents have asked the project owner to consider ownership housing on the project site. The applicant has expressed interest in pursuing this, but not as part of the current project. The concept would be presented (if at all) through a later Specific Plan Amendment and project proposal, and would most likely involve use of SCE lands that may become available directly south of the current southern boundary of the Tentative Tract Map.

# #14

## Rivasplata, Antero & Melinda

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- 1. COMMENT (Introduction and Clarity).** *In general, the SEIR is inadequate in several aspects. In addition to the specific items described below, it contains voluminous discussions that are irrelevant to the Project. This creates lack of clarity in the Draft SEIR that argues for recirculation of this document prior to finalization....The draft SEIR contains numerous discussions in its regulatory setting sections that have nothing to do with the Project or its potential impacts. Those discussions make the draft SEIR difficult to read and understand. The impact analyses are confusing as a result. Here are a handful of the many examples of these extraneous entries:*
- *Discussions of federal CERCLA and Superfund requirements (Public Health and Safety, Hazards and Hazardous Materials): there are no hazardous materials sites nor superfund cleanups associated with the Project;*
  - *Discussion of the Sustainable Groundwater Management Act (SGMA) (Hydrology, Water, Wastewater): Mono County is not subject to SGMA and the plans cited in the draft SEIR (all of which were adopted prior to the passage of SGMA) have not been prepared per SGMA requirements;*
  - *Discussion of Assembly Bill 70 (Hydrology, Water, Wastewater): this legislation establishes flood hazard planning requirements primarily aimed at the Central Valley and has no application to Mono County;*
  - *Discussion of dam failure hazards (Hydrology, Water, Wastewater): this discussion includes numerous dams that are outside of the Lee Vining Creek watershed (e.g., Agnew Lake, Gem Lake, Grant Lake Reservoir, Lundy Lake, and Waugh Lake) and therefore have no bearing on dam failure hazards at the Project site;*
  - *Discussion of FERC requirements (Hydrology, Water, Wastewater): FERC applies to the licensing of SCE hydroelectric facilities on dams upstream from the Project. Those licenses have no bearing on the proposed Project;*
  - *Discussion of the Williamson Act (Land Use, Recreation and Planning): no portion of the Project site is subject to Williamson Act contract and this discussion is unnecessary.*
  - *Discussion of the Department of Homeland Security (Traffic and Circulation): the Project has no components that come under DHS terrorism-related jurisdiction;*
  - *Discussion of the Transportation Security Administration (Traffic and Circulation): the Project has no components subject to TSA jurisdiction.*

**RESPONSE:** EIR readers often have topics of particular interest, and access to search functions that allow for convenient filtering of topics that are and are not of interest. For this reason the decision was made to opt preferentially for providing added information, and repeating information, rather than paring information for brevity. Every effort was made to present information in clear and readable language.

The cited discussions in the regulatory setting sections are consistent with this approach. Further, most of the noted discussions are in some manner relevant to the project. For example, the Sustainable Groundwater Management Act is relevant to the status of the Mono Valley groundwater basin, an issue that has been raised in several comment letters. The Tioga Lake Dam outlet is part of the FERC-regulated Lee Vining Hydroelectric Project located along Lee Vining Creek and relevant to project-related groundwater pumping issues. The project itself is subject to FAA approval due to aviation safety requirements for Lee Vining Airport, and the Tioga project could in the future incorporate opportunities for increased airport utilization (by making rental cars available, through hotel services, to airport passengers) and related TSA activities on the site.

The comment letter appears to argue that the DSEIR should be recirculated due to 'voluminous discussions that are irrelevant to the Project.' CEQA Guidelines §15088.5(a) calls for recirculation when significant new information is added that would result in new significant impacts, or a substantial increase in the severity of an impact, or a feasible alternative is rejected that would clearly lessen a significant impact, or the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The authors' reference to discussions in several regulatory setting sections does not correspond to or provide evidence of conditions calling for recirculation.

- 2. COMMENT (Traffic and Circulation):** *The draft SEIR grossly underestimates the Vehicle Miles Travelled (VMT) that would be generated by the workforce housing. The 208 weekday miles for 100 units estimates that each unit would produce only about 2 miles VMT. The draft SEIR estimates yearly VMT from the housing component to be only 595 miles.*

*This makes no sense. VMT is the total miles traveled by each occupant of the Project's housing component. If daily VMT is 208, the total VMT should be  $208 \times 365 = 75,920$ . The VMT numbers in Table 5.9-4 appear to be highly misleading.*

*However, this is not the real problem with the VMT number. The basic assumption of 208 weekday miles is much too small. Lee Vining and the proposed future hotel and restaurant do not generate a demand for workforce housing during the winter that would fill 100 units. Winter tourist visitation is dramatically less than during the summer months. Most businesses in Lee Vining close during the many months that the Tioga Road is closed...However, the ski resorts of Mammoth/June remain open during these times and even expand their work forces to support the ski season. It is reasonably foreseeable that workers at Mammoth Mountain (~35 miles from Lee Vining) and June Mountain (~20 miles from Lee Vining) would find the Lee Vining housing a viable alternative to the short supply of affordable workers' housing in those communities. Therefore, during the winter months at least (and probably on a more limited basis during summer as well) a substantial number of the residents of the proposed workforce housing would commute to and from the ski resorts daily. This would generate daily VMT in the neighborhood of 40 to 70 miles per unit. The VMT analysis needs to be revised to reflect this difference.*

*Moreover, how the VMT number was determined is not explained in either the Traffic Study or the Air Quality Analysis contained in Appendices L and M, respectively. In fact each appendix references the other as the source of the VMT numbers. Neither describes the methodology of how the numbers were derived. Given the substantial change from existing conditions (no VMT), there is arguably a significant impact on transportation due to the high VMT per unit (Keep Our Mountains Quiet v. County of Santa Clara (2015) 236 Cal.App. 4th 714 [substantial change from baseline constitutes a significant effect]). Further, the SEIR needs to explain how VMT values were arrived at and the analysis needs to be revised to include valid VMT values and... feasible mitigations... to reduce the VMT.*

**RESPONSE:** In 2013, the California legislature passed Senate Bill (SB) 743 to mandate that jurisdictions discontinue the use of Level of Service (LOS, generally a measurement of delay) and instead use Vehicle Miles Traveled to analyze the transportation impacts of projects. The statewide implementation date for this change is July 1, 2020, and many agencies continue to utilize level of service (LOS) as the basis for determination of potential traffic impacts as related to the California Environmental Quality Act (CEQA).

During the process of preparation of the traffic study, it was confirmed that Mono County and Caltrans have not yet adopted thresholds of traffic impact based on VMT. Hence, the traffic analysis utilizes the LOS criteria for determination of potential impacts for the proposed project, consistent with other projects currently being processed through Mono County and Caltrans.

The VMT numbers shown in the traffic study are based on data developed in the project air quality analysis, which was in turn based on the California Emissions Estimator Model ('CalEEMod') software. The CalEEMod software is the industry standard tool, used by both Mono County and Caltrans, for evaluating emissions and air quality impacts of land use projects. The model is based on default data provided by the air district in each region; for the proposed Community Housing Project, the data was provided by the Great Basin Air Pollution Control District. Since Mono County and Caltrans have not yet adopted VMT thresholds, the VMT data shown in the traffic study was not utilized for determination of impacts, and was presented for informational purposes only. Please see Topical Response #9 for additional information about project impacts on the SR 120/US 395 intersection.

**3. COMMENT (Air Quality and Greenhouse Gases):** *The DSEIR's gross underestimate of annual VMT from the Project essentially invalidates the analysis of greenhouse gas (GHG) emissions from vehicle travel. The draft SEIR's statement that the Project will provide "an opportunity for employees of onsite land uses to live in affordable housing units at their place of employment" is patently untrue. When reanalyzed using realistic VMT estimates, it is reasonably foreseeable that the substantial VMT generated by the Project's housing component will result in a significant increase in GHG emissions within the region. This will be a significant impact and will need feasible mitigation measures.*

**RESPONSE:** As noted above, the VMT estimates provided in the DSEIR to calculate GHG and criteria pollutant emissions were based on default data provided by GBUAPCD for use in air quality assessments as part of the CalEEMod computer model. These data are presented in Appendix E as part of the updated Air Quality and GHG Impact Analysis.

Average VMT is a combination of shorter local trips and infrequent long-distance travel. GBUAPCD has developed average trip lengths and trip-making characteristics for various land uses in the basin to be used in the CalEEMod computer model for GHG emissions calculations. These input parameters were combined with the trip-generation from the project traffic study to calculate a project-specific GHG emissions burden which was substantially below the adopted significance threshold (3,000 million tons<sup>64</sup>), in support of a less-than-significant GHG impact finding. Additionally, the cumulative project emissions have been calculated and found to be below the 3,000 MT GHG significance threshold. Please see additional discussion of cumulative GHG impacts in the response to Letter #15, Comment II.B.5, as well as Appendix E for the full report and accompanying data sets.

Please also see the discussion of housing need and project plans for HMO compliance, as provided in Topical Response #8. The discussion therein provides substantial evidence that the project will in fact provide an opportunity for employees of onsite land uses to live in affordable housing units at their place of employment.

**4. COMMENT (Mitigation Measures):** *The draft SEIR has mitigation measures that are clearly inadequate, deferred mitigation. These include those reliant upon future grant applications:*

- *Mitigation BIO 5.3(d-5) Grant application for deer passageway.*
- *Mitigation SVCS 5.8(a-1) Grant application for safe pedestrian/cycling access.*

*Making an application for a grant does not constitute a fully enforceable mitigation measure, because there is no assurance that the Project will win a grant and the mitigation measure can be funded. (Sierra Club v. County of San Diego (2014) 231 Cal.App.4th 1152 [mitigation for which funding was not made available and for which there was no assurance that responsible agencies would undertake was inadequate mitigation]).*

**RESPONSE:** It was recognized in the DSEIR that CEQA mitigation measures with uncertain outcomes cannot be used as a basis for a less-than-significant impact determination. For this reason, all of the potentially significant impacts for which grant funding would be sought were identified as 'significant and unavoidable.' Communications with various agencies since the close of the DSEIR public review and comment period have shed further light on the potentially significant adverse project impacts. As identified in this FSEIR, the direct and cumulative project impacts on pedestrian safety remain 'Significant and Adverse' and it has been determined that these impacts are unavoidable at this time, as described in Topical Response #4. Cumulative project Impacts on deer movement remain "Significant and Adverse," and it has been determined that there is no feasible way to mitigate the cumulative impacts, as described in Topical Response #5. Project impacts on the SR 120/US 395 intersection have also been determined to be significant and unavoidable, as described in Topical Response #9. Topical Response #12 comprehensively discusses the status of Significant Project Impacts based on all information gained during FSEIR preparation. Grant funding is no longer envisioned as a possible means to mitigate any of the potentially significant project impacts.

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<sup>64</sup> Based on the significance threshold used by the South Coast Air Quality Management District (SCAQMD), as described more fully in Appendix E.



# #15

## Shute, Mihaly & Weinberger, LLP

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

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

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

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

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

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

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

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

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

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

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

**II.A COMMENT (Incomplete Project Description):** *An "accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713, 730, quoting County of Inyo v. City of L.A. (1977) 71 Cal.App.3d 185, 193. Such a description is "necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." Id., quoting McQueen v. Board of Directors (1988) 202 Cal.App.3d 1136, 1143. An inaccurate or incomplete project description may infect every subsequent section of the EIR and render the analysis of significant environmental impacts inherently unreliable.*

*Project descriptions that are internally inconsistent or incomplete are inadequate as a matter of law. Communities for a Better Environment v. City of Richmond (2010) 184 Cal.App.4th 70, 83, 89 (holding that an EIR was inadequate because its project description was "inconsistent and obscure" as to the extent of project activities). An inconsistent description sends "conflicting signals" that may mislead the public and decision makers about the project's scope, preventing informed decision-making about the project's environmental consequences. Id. at 82-84, quoting San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 655-56. The SEIR's description of the workforce housing and who it will serve is internally inconsistent. For example, the objective of the workforce housing project is to "provide sufficient workforce housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses." SEIR 3-5.*

Thus, the Specific Plan Amendment and SEIR, in many places, express a commitment to housing on-site employees. SEIR 4-1 (stating that the Project "has a primary goal of facilitating the construction of up to 100 workforce housing units [...] to accommodate employees of the previously approved hotel and full-service restaurant"); SEIR 4-11 ("These units will [...] provide affordable housing for onsite employees."). Indeed, the provision of onsite employee housing is described as a Project feature in various sections of the impact analysis. The SEIR suggests that onsite housing supports compliance with the County's General Plan, SEIR 5.5-15 ("Provision for onsite employee housing will increase the likelihood that employees will have access to affordable housing near their place of work"), and could reduce fuel consumption and traffic associated with commuting, SEIR 5.8-11 (describing "[p]rovision of onsite workforce housing" as a feature that would "reduce the fuel costs associated with commuting").

In other places, however, the SEIR and Specific Plan Amendment indicate that housing will be made available to people who are employed elsewhere. SEIR 4-9 (stating that the Project's objective is to provide housing for employees of onsite uses "as well as [employees of] offsite land uses in the larger community"); SEIR 5.5-16 ("The workforce housing would, if approved and if units are available, be offered to Lee Vining residents."). During many months of the year, for example, the housing would be "made available to offsite workers, such as ski industry employees." SEIR 5.6-13. In addition to suggesting that the workforce housing will serve off-site employees, the SEIR indicates that "onsite" employees may not necessarily be employed by any of the [project] uses: "Home businesses [...] shall be permitted." SEIR 4-20.1

In addition to its inconsistent description of whom the workforce housing will serve, the SEIR's description of when the workforce housing will be constructed relative to the other project elements is internally inconsistent. For example, the ... 1993 Specific Plan established a sequence of construction in which the workforce housing would follow the hotel. 1993 Specific Plan and FEIR 12-13. In some places, the SEIR and Specific Plan Amendment adhere to this sequence. Exhibit 3-3 states that the workforce housing "will not be constructed until need is demonstrated or when [the] hotel is built."

The notion that the workforce housing will serve off-site workers has also been publicly promoted as a benefit of the Project. See Rea, *Tioga Inn In The Works*, *The Sheet* (Nov. 5, 2016), attached hereto as Exhibit 1 (quoting Project applicant Dennis Domaille assaying: "I hesitate to call it employee housing. . . . It's just rental housing.").

But the Specific Plan Amendment also contains contradictory statements about the timing of workforce housing construction. For example, the Specific Plan Amendment's discussion of phasing rejects the sequence described above, stating that "[S]ome or all of the proposed workforce housing area may be developed in advance of the hotel and the full-service restaurant." SEIR 3-9; see also SEIR 4-13 to -14. Similarly, the aesthetic impacts section of the SEIR assumes that the workforce housing will be constructed either before or concurrently with the hotel. SEIR 5.12-10 (stating that grading will shift material from the housing pad to the hotel site). These inconsistencies raise the question of whether the workforce housing will actually meet the project objectives. The Project's workforce housing objective is to "provide sufficient workforce housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses." SEIR 3-5.

But if the workforce housing is built before the hotel and restaurant are constructed, and if it is made available to off-site employees, it will not serve employees of the hotel, restaurant, and other land uses. Instead, it would be just another housing development, with no discernible relationship to the other elements of the Project or the Project's objectives.

The Specific Plan Amendment and SEIR compound this problem by failing to provide sufficient detail regarding eligibility criteria for the workforce housing. For example, while the SEIR states that occupancy of workforce housing "would be linked to eligibility criteria," SEIR 5.5-20, its references to such criteria are vague and insufficiently complete. As an initial matter, the reference to eligibility criteria cited in the previous sentence is entirely conclusory and contains no additional explanation. To find additional detail, members of the public must go hunting through the lengthy SEIR document to different sections. In those sections, the SEIR states only that the workforce housing would be available to "employees (whether on the Tioga site or other locations)," SEIR 5.6-7; see also SEIR 4-20, and that some form of preference would be given to "employees of the project site." SEIR 5.6-7. The SEIR does not provide any detail about how these preferences or criteria will operate. For example, if the housing is built before the hotel, will offsite employees be evicted if an onsite employee requests housing once the hotel is built? After the hotel and restaurant are constructed, will hotel or restaurant employees be evicted if they are laid off after the peak summer months, when on-site employment would drop from 187 to as few as 20? See SEIR 5.6-13. The document does not answer these questions, nor does it describe how any eligibility

*criteria would be administered or enforced. Related to eligibility criteria, the SEIR and Specific Plan Amendment fail to provide a consistent and complete description of whether the workforce housing will be affordable. Although the SEIR frequently references affordability and assumes that the workforce housing will be affordable, see, e.g., SEIR 1-4 (noting that the Project would satisfy the County's goal to provide affordable housing for employees); SEIR 4.11 (stating that workforce housing units will "provide affordable housing for employees"), it does not provide any guarantees as to affordability. Although the SEIR states vaguely that rents are "anticipated to be at or below 30% of household income," it does not require affordability or any particular rent. Further, it is not clear whether there will be any income restrictions. Without rent restrictions or income restrictions, there is nothing in place to ensure that the workforce housing is (a) actually affordable for onsite employees, and (b) not a gift to wealthier residents.*

*In addition to raising questions about whether the workforce housing will meet Project objectives, these vague and inconsistent descriptions make it impossible for members of the public to analyze the Project's effects on the environment. For example, the Project's traffic and GHG impacts will depend entirely on whether employees are working on-site or commuting to and from remote locations. See, e.g., SEIR 4-14 ("The provision of onsite workforce housing will minimize home-to-work traffic and fuel consumption."). The Project's compliance with County land use policies regarding affordability will depend on the income and rental restrictions described above. Further, population and housing impacts as well as growth-inducing impacts will depend on whether onsite employees will be adequately served by the workforce housing. If offsite employees have occupied the Project housing, forcing onsite employees to find housing elsewhere, the population of Lee Vining could increase beyond the SEIR's estimates, and the Project could either put a strain on area housing and/or induce new housing and infrastructure to be built. Additionally, demands on public services would be different if the workforce housing were to reach capacity without meeting the needs of onsite employees.*

*To correct these problems, the SEIR must provide an accurate, consistent, and complete project description. Such a description must include clear eligibility criteria describing in greater detail how the system of preferences and eligibility would operate to ensure that the workforce housing serves onsite employees. Further, the description must guarantee that workforce housing construction will be tied to construction of the hotel and/or restaurant. If the workforce housing is built first, with no guarantee that hotel and restaurant construction will follow—and the last 26 years without construction of these uses suggests that such an outcome is not only possible, but perhaps even likely—the Project will entirely fail to meet its objectives. It will be revealed as simply a façade for a new housing development that would dwarf the existing community and would have nothing to do with providing local businesses with workforce housing.*

**RESPONSE:** The Project Description offers an accurate and stable description of a proposal that is flexible by design.

The fundamental purpose of the project proposal is to provide housing for staff on the project site, as stated consistently throughout the DSEIR. The project goals and DSEIR discussions also recognize that employment opportunities in Mono County are dominated by tourism (62% of total employment) and characterized by jobs that are seasonal and part-time.<sup>65</sup>

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 season, and it is anticipated that Tioga workers will seek employment in other sectors during the off season. The ski industry is the largest employer during winter months, and the industry most likely to have positions available to these individuals. Of the 37 existing onsite employees, fully 30% are employed by the ski industry during winter months.

The primary project objective (to provide housing for employees at the Tioga site) necessarily includes those who work primarily at the Tioga site, and seasonally at offsite locations; the offsite locations necessarily include the June and Mammoth Mountain ski areas because these areas are major sources of winter employment. Simply stated, the overarching goal of the proposed housing project is to provide the flexibility for onsite workers and their families to accommodate the fluctuations associated with seasonal employment, without the need for a seasonal change of housing. The Tioga

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<sup>65</sup> 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.

Community Housing project will provide stable, year-round housing for all project employees who wish to live on the project site.

As discussed in DSEIR §16., this primary objective clearly supports Mono County General Plan Housing Element policies including (Policy 1) 'Facilitate the provision of housing in unincorporated communities to meet local housing demand'; (Policy 2) 'Ensure that adequate infrastructure exists or will be provided to support future housing development'; (Policy 5) 'Plan for adequate sites and facilities to be available for housing all segments of the population'; and (Policy 7) 'Designate adequate sites for a variety of residential development in each community to help establish self-sufficient communities that balance job locations with housing.'

These policies were developed in response to issues associated with the County's tourism-based economy. As identified by the Mono County Housing Authority,<sup>66</sup> these issues include sharp increases in housing costs and second-home residents (as well as housing 'lost' to nightly rentals), the scarcity of private land for housing development, the fact that wages have not kept pace with housing costs; the seasonal nature of employment, the high proportion of workers who hold multiple jobs, and work schedules that involve weekends and holidays (both of which are common in the hospitality sector) are additional specific needs of workers in this (and most other) tourism-based economies, and correlated with marital stress and child-related problems.<sup>67</sup>

The County has recently adopted a new Housing Mitigation Ordinance (HMO) that requires developers to mitigate the impacts of development projects on the availability of employee and affordable housing. As discussed in Topical Response #8, Mono County CDD has outlined 3 potential options for the project to comply with HMO requirements. The options include (1) compliance with the Multi-Family Residential Inclusionary requirement of one low-income unit for every 30, (2) voluntary designation of units for Extremely Low Income households as a qualifying factor in for grant applications under the Affordable Housing Sustainable Communities grant program (the applicant plans to submit a grant application), or (3) submittal of a Housing Mitigation Agreement demonstrating that the project as proposed meets the intent of the HMO. The applicant has tentatively indicated his intention to pursue HMO compliance through voluntary designation of units for ELI households, or through the Multi-Family Inclusionary requirement. Newly proposed MITIGATION LU 5.5(b) requires that a final decision be made prior to issuance of a building permit, as discussed in Topical Response #8.

With respect to development phasing, the applicant intends to construct the first phase (30 housing units) directly following completion of grading for the housing project as a whole (all phases). The Phase 1 units would be available for use by construction workers during the hotel construction process. Construction of the 40 units in Phase 2 would begin as soon as a hotel building permit application is submitted to the County, with the goal to have all Phase 1 and Phase 2 units available when hiring begins for hotel job positions. Construction of Phase 3 would be initiated if and when the Phase 1 and Phase 2 units reach a combined occupancy rate of 80%. Additional information about the proposed phasing plan is provided in Topical Response #7.

Under the state and federal FEHA, Mono County cannot enforce housing eligibility requirements other than income. However, the project applicant has stated his intention that workers at the Tioga hotel, restaurant, deli and other project facilities will have the highest priority for occupancy of the housing (to the extent permitted by law). Housing that is not required for onsite employees will be made available to employees of other Mono County businesses, as well as Yosemite National Park employees, in accordance with demand and applicable state and federal housing laws.

**II.B.1 COMMENT (Significant Effects – Visual/Aesthetic Impacts):** *Under CEQA, it is the state's policy to "[t]ake all action necessary to provide the people of this state with . . . enjoyment of aesthetic, natural, scenic, and historic environmental qualities." Pub. Res. Code § 21001(b). "A substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA." Ocean View Estates Homeowners Assn., Inc.*

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<sup>66</sup> Mono County Housing Authority, <https://monocounty.ca.gov/housing-authority>.

<sup>67</sup> Journal of Hospitality and Tourism Research, Work and Family Issues in the Hospitality Industry: Perspectives of Entrants, Managers, and Spouses. J. Cleveland, J.O'Neill, J. Himelright, M. Hammond, August 2007: [https://www.researchgate.net/publication/247784632\\_Work\\_and\\_Family\\_Issues\\_in\\_the\\_Hospitality\\_Industry\\_Perspectives\\_of\\_Entrants\\_Managers\\_and\\_Spouses](https://www.researchgate.net/publication/247784632_Work_and_Family_Issues_in_the_Hospitality_Industry_Perspectives_of_Entrants_Managers_and_Spouses)

*v. Montecito Water District* (2004) 116 Cal.App.4th 396, 401. No special expertise is required to demonstrate that the Project will result in significant aesthetic impacts. *Id.* at 402 (“Opinions that the [project] will not be aesthetically pleasing is not the special purview of experts.”); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 937 (“[N]o special expertise is required on this topic.”).

The SEIR recognizes the impressive and important visual resources at stake: “In combination with the dramatic Sierra escarpment leading into Yosemite National Park, the otherworldly beauty of Mono Lake is among the outstanding scenic vistas of the world.” SEIR 5.12-4. Further, the SEIR correctly recognizes that the Project’s irreversible changes to scenic and visual resources constitute a significant impact. SEIR 5.12-22.

The Project’s visual impacts are a great source of concern to the Mono Lake Committee and its members. As the SEIR acknowledges, the Project’s impacts are likely to be significant and unavoidable. Given the importance of the Mono Basin’s visual characteristics—as a point of community identity and pride, as a central element of the area’s tourist economy, and as a unique and inherently valuable resource in itself—it is of paramount importance that the County fully and correctly analyze the Project’s impacts to visual resources and consider all feasible mitigation measures to lessen those impacts. The SEIR’s analysis, however, falls short in several significant respects. In addition to the numerous deficiencies detailed in the contemporaneously-filed letter from the Mono Lake Committee, the SEIR contains a contradictory and inadequate analysis of impacts from light and glare.

The SEIR’s conclusion that light and glare impacts would be significant and unavoidable is not supported by facts or analysis in the SEIR, as required by CEQA. The SEIR first implies that the Project would have a “less than significant impact” related to light and glare. SEIR 5.12-26. The SEIR gestures toward this conclusion based on the Project’s compliance with local dark sky and scenic by-way regulations. For example, the SEIR states: “[t]he [Project’s] potentially significant light and glare impacts would be reduced to less than significant levels through mandatory compliance with the [dark sky regulations].” *Id.* But after this “analysis,” and without any explanation, the SEIR nevertheless concludes that the Project’s lighting and glare impacts will be “significant and unavoidable.” 5.12-27. This conclusion does not follow logically from the SEIR’s purported analysis. As a result, the SEIR is inadequate as a matter of law. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 514 (“[T]he adequacy of an EIR’s discussion of environmental impacts is an issue distinct from the extent to which the agency is correct in its determination whether the impacts are significant. ‘An EIR’s designation of a particular adverse environmental effect as ‘significant’ does not excuse the EIR’s failure to reasonably describe the nature and magnitude of the adverse effect.’”) (citation omitted). Even though the SEIR correctly concludes that light and glare impacts would be significant, the County must correct its analysis to explain to the public why and how the Project would affect visual resources. A correct analysis would lead to a more informed discussion of the Project and potential mitigation measures to reduce its impacts.

Furthermore, the SEIR may not correct the analytical error above simply by concluding, based on the same analysis, that the Project’s light and glare impacts would be less than significant. As stated above, the SEIR gestures toward that conclusion because of its assertion that light and glare impacts would be “reduced to less than significant levels” based on compliance with local regulations. SEIR 5.12-26. But compliance with local regulations alone is not enough to support a determination that an impact would be less than significant. Instead, the EIR must independently analyze the Project’s impacts. *E. Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 302-03 (agency improperly used city’s general plan standard as sole threshold to avoid finding significant traffic impacts); *Californians for Alternatives to Toxics v. Dept. of Food & Agriculture* (2005) 136 Cal.App.4th 1, 15-20 (reliance on safety regulations “is inadequate to address environmental concerns under CEQA”). For example, the SEIR must analyze whether compliance with dark sky regulations will be effective given the placement of the Project on an elevated bluff, where even downward-facing lights will be highly visible from the surrounding area.

When an EIR identifies a Project’s impact as severe, the agency must consider all potentially feasible mitigation to lessen the Project’s effects on the environment. Guidelines § 15126.4(a)(1) (“An EIR shall describe feasible measures which could minimize significant adverse impacts[.]”); § 15126.4(a)(1)(B) (“Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified.”). Here, the agency must consider the following feasible mitigation measures to reduce the Project’s significant adverse impacts to visual resources:

- *Design site grading to mitigate the scenic impacts of the workforce housing village by lowering the ground level until the roofs of the housing structures are not visible from the South Tufa site, near the shores of Mono Lake, or from Highway 395 south of the junction with SR 120.*
- *Use fill from the Project site to construct larger earthen berms to obscure the workforce housing village or other Project elements from scenic vantage points.*
- *Require greater setbacks from the eastern edge of the sloping moraine on the Project site.*
- *Limit building heights. In combination with the other mitigation measures listed here, height limits could effectively reduce the visibility of the workforce housing from the surrounding areas.*
- *Require underground parking to reduce the footprint of the site and create additional options for siting structures that may have less significant aesthetic impacts.*
- *Separate the housing structures into smaller units. Separating the housing into smaller structures, rather than consolidating the units into a handful of large buildings, could allow for different siting options that could reduce the Project's visual effects.*

**RESPONSE:** Impacts to aesthetic resources are identified as significant and unavoidable in both the 1993 Tioga Inn Final EIR, and in the current Draft and Final Subsequent EIR for the Tioga Community Housing Project. The 1993 FEIR incorporated 5 mitigation measures to address aesthetic impacts, as briefly summarized below:

- *General Plan Compliance: Fully comply with all pertinent objectives, policies, actions of the Draft Conservation/ Open Space Element of the Mono County General Plan.*
- *Glare Resistant Glass & Materials: Use only glare resistant glass and building materials in project construction.*
- *Minimize Lighting: Use low mounting height, shielded and direct, for nighttime lighting, and minimize nighttime lighting to that required for safety and security.*
- *Landscape Plan: Submit a landscape plan for planning department approval that details design, location, and species of vegetation. Maintain and incorporate existing trees into the plan.*
- *Screening: Use mature, native, drought-resistant species in visually prominent areas to maximize visual screening. Provide landscape berms in the restaurant parking area and on the hilltop residential housing ridgeline.*

Even with the measures outlined above, the 1993 FEIR concluded that the project will “result in a partial disruption of the area’s visual quality. The facility is designed to blend and complement the natural landscape as much as possible, but it will still be visible on the landscape. The visual impact is irreversible and remains subjectively significant.” These conclusions were echoed in the DSEIR, which stated that “Mandatory compliance with requirements of the Dark Sky Ordinance and Scenic Combining District will minimize the impact of new sources of light and glare [but] even with these mitigating elements, it is anticipated that the project will have a significant and unavoidable adverse impact on light and glare.” DSEIR §5.12 assessed cumulative impacts on light and glare as follows: “Implementation of all previously approved and current proposed project elements will significantly increase the visual intrusion of human elements in the project area. Project elements [...] will add to the significant cumulative impacts on scenic resources and visual quality, as recognized in the 1993 Final EIR.”

With respect to Light and Glare, DSEIR §5.12 (Aesthetics) Impact 5.12(c) noted that requirements of the Mono County Dark Sky Ordinance would serve to substantially reduce these impacts. However, the impact was nonetheless considered to be significant and adverse because the project site is at an elevation higher than many of the offsite locations from which it will be visible. This conclusion has not changed, although the design modifications described in Topical Response #1, in combination with requirements of the Dark Sky Ordinance and Scenic Combining District described in Topical Response #2, would lessen the light and glare impacts of the proposed project to the maximum feasible extent. This conclusion is supported by the County’s Scenic Combining District (which requires that exterior lighting be shielded, indirect, limited to that necessary for security and safety and not visible from State Scenic Highway 395). The conclusion is also supported by requirements of the County’s Dark Sky Ordinance, and by new Mitigation Measure AES 5.12(c-2), which requires submittal of an outdoor lighting plan, imposes new standards beyond Chapter 23, and allows the county to request additional information if needed to describe potential screening. All applicable requirements use terms such as ‘reasonable’ and ‘feasible,’ in recognition that impacts may remain even after all adopted mitigating requirements have been applied.

In consideration of the importance and challenges of this project, a great deal of effort has been given in this FSEIR to the incorporation of design modifications in a new Alternative 6 that substantially reduces impacts on aesthetic resources.

Alternative 6 is directly responsive to suggestions and recommendations provided by Shute Mihaly & Weinberger and by the Mono Lake Committee (and many other commenters). It is specifically intended to meet the CEQA requirement for a lead agency to consider all potentially feasible mitigation to lessen significant adverse impacts. Please see the detailed information and exhibits provided in Topical Response #1 to describe the newly proposed Alternative 6, and please see Topical Response #2 for a detailed discussion of the requirements that will be imposed by Mono County to lessen light and glare impacts to the maximum feasible extent.

**II.B.2. COMMENT ((Significant Effects –Wildfire and Fire Protection):** *As proposed, the Project would site 100 residential units and a previously approved 120-unit hotel and promontory restaurant on rugged hillside terrain near a windy canyon surrounded by open, wild sagebrush scrub and forested lands. See generally SEIR. In so doing, the Project would both create and be located in a wildland urban interface in what the California Department of Forestry and Fire Protection has identified as a moderate fire hazard severity zone. SEIR 5.7-5. Indeed, the history of the area reveals a close call with a wildfire in the recent past. As the SEIR discusses, a wildfire swept down Lee Vining Canyon in 2000, leaving scars on the Project site and coming close to the convenience store. See SEIR 5.3-2, 5.3-5. The 2000 wildfire also jumped Highway 395 and resulted in the temporary closure of both roads serving the Project site, Highway 395 and SR 120. See Mono Lake Newsletter, The Lee Vining Canyon Fire (Summer 2000), attached as Exhibit 2.*

*Yet despite these hazardous conditions, the SEIR does not identify wildfire related risk as a significant impact and its analysis is flawed. As an initial matter, the SEIR fails to include any standards or thresholds for assessing the significance of impacts relating to wildfire evacuation. A threshold is a numeric or qualitative level at or below which impacts are normally less than significant. CEQA Guidelines §15064.7(a); see also Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th 1099, 1107. This flaw leads to a cascade of other failures: without a threshold, the EIR cannot do its job. Thus, for example, while the SEIR asserts that the Project would not interfere with an adopted emergency evacuation plan, it provides no standard by which to evaluate this impact's significance. SEIR 5.7-21. In place of a well-reasoned analysis, the SEIR simply concludes that the Project would not impair implementation of an emergency response or evacuation plan because the site has access to SR 120. SEIR 5.7-21. But the site's access to evacuation routes alone does not mean that these routes or the roadways provided for people on the Project site to access those routes can safely handle an evacuation of the site during a natural disaster. And although the SEIR includes a mitigation measure—the development of an evacuation plan—it does not contain any explanation or analysis of whether or how such an evacuation plan would be effective.*

*Alarming, the SEIR contains no analysis of whether US 395, SR 120, or the access road on the Project site have the capacity to handle emergency evacuations in light of the greatly increased population of the workforce housing village and the population of tourists and out-of-town visitors attracted by the hotel and restaurant.*

*Common sense dictates that an EIR should at least consider (1) the number of cars attempting to evacuate the project area, along with the significant impacts incident to such an evacuation; (2) the amount of time it would take for all residents and visitors to clear the site; and (3) the significant impacts to emergency personnel attempting to respond while an evacuation is underway; not to mention (4) whether the County Community Center in Lee Vining that is currently used as an emergency evacuation center could handle the potential increase in evacuees. See Save the Plastic Bag Coalition v. City of Manhattan Beach (2011) 52 Cal.4th 155, 175 ("Common sense . . . is an important consideration at all levels of CEQA review.") Especially in light of the single paved entrance to the site and the placement of the housing at the far end of the single access road, the SEIR's conclusions that the Project would not impair an evacuation plan is not supported by substantial evidence. As such, the County cannot approve the Project unless it recirculates a revised SEIR that adequately analyzes the aforementioned wildfire evacuation impacts. Once an adequate analysis is provided, the SEIR must evaluate feasible mitigation to lessen any significant impacts. The development of such mitigation may not be deferred until a later date as the SEIR currently attempts.*

*Related to fire impacts, the SEIR fails to adequately analyze and mitigate the Project's public-services-related impacts to the LVFPD. Neither the public services section nor the wildfire risk section discusses the Project's impacts on the services available from the LVFPD. But the Project could have significant adverse impacts related to the LVFPD. The Project, by potentially tripling or quadrupling the population of the Lee Vining area, could significantly increase the demand for the fire protection and emergency medical services that the LVFPD provides. This increased demand could create a need for an*



*expansion of LVFPD facilities or equipment in order to maintain acceptable service ratios and/or response times. The SEIR, however, does not contain any analysis of the Project's impacts related to fire protection services. While the wildfire risk section of the SEIR discusses the construction of fire hydrants on-site, SEIR 5.7-23, the number of hydrants onsite has nothing to do with demand for the LVFPD's services or the Project's potential to generate a need for additional or modified LVFPD facilities.*

*These impacts could be especially severe given the volunteer status of the LVFPD. Additional calls related to new development, including both fire-related and emergency-medical-related calls, could stretch volunteers thin and reduce levels of safety in the community. And maintaining existing levels of service despite new demand could cause fundamental changes to LVFPD operations. As a volunteer department, LVFPD cannot simply "scale up" and hire additional firefighters due to new development.*

*Instead, the LVFPD would have to significantly change its mode of operation to hire even a single paid firefighter as an employee. The County should consider, as a mitigation measure, creating a new paramedic unit based in Lee Vining and requiring the Project to pay fees for its fair share of the costs of providing the needed service. We understand that the LVFPD is preparing a comment letter responding to the SEIR. The County must recirculate a revised SEIR that adequately analyzes the Project's impacts related to fire protection services, including a clear analysis of the points raised above, as well as those submitted by the LVFPD. The recirculated SEIR should also contain feasible mitigation for any impacts identified. For example, the SEIR should impose mitigation fees that require the Project proponents to pay for their fair share of the increased service costs caused by the Project.*

**RESPONSE:** Wildfire hazards and fire hazard zones are discussed in DSEIR §5.7. As indicated, the Tioga project site has a 'moderate' fire hazard rating on the CalFire Fire Resource Assessment Program Fire Hazards Severity Map. This classification is echoed in Cal Fire mapping of fire hazard severity zones, which depicts most of the lands in Mono County (including the Tioga property) as having moderate fire hazard. Mono County has analyzed wildland fire hazards in each community through the Community Wildfire Protection Plan (CWPP). The CWPP has identified 17 of the 36 communities in Mono County to be at extreme or very high fire risk; Lee Vining is not identified as a high risk community. With a CWPP rating of 30, Lee Vining ranks among the communities with the lowest fire hazard (only Bridgeport has a more favorable rating). The Plan identifies adverse fire conditions in Lee Vining as including variable levels of structural repair, poor address markings, and the presence of power lines and propane tanks that pose a hazard to firefighters, and offers a series of recommended maintenance actions.

With respect to emergency access, DSEIR comments provided by CalFire affirm that the project as described in the DSEIR (i.e., with 1 point of ingress and egress) will comply fully with CalFire Fire Safe Regulation PRC §4290 and §4291, as well as Mono County Chapter 22 Fire Safe Regulations as detailed in §5.7.3.5 of this section, and with requirements of the LVFPD. The Fire Safe regulations were adopted in response to devastating fires on California's wildlands, and establish standards to enable response agencies to provide effective response – even in the *"rugged hillside terrain near a windy canyon surrounded by open, wild sagebrush scrub and forested lands"* that characterize the project site and region.

CalFire did recommend that the applicant include a secondary exit road, noting that "even a road that was gated and only opened and used during extreme emergencies could prove to be lifesaving." As described in Topical Response #6, the applicant has voluntarily taken steps to ensure that a secondary exit will be available on the project site.

Additionally, this FSEIR incorporates DSEIR Mitigation Measure SFTY 5.7(d) (Emergency Evacuation) into the Specific Plan as Implementation Measure 2b(5), with added requirements, and deletes the measure from the MMRP. Please see discussion provided in Topical Response #6.

With respect to LVFPD concerns regarding fire response capability for the proposed project, please see the response provided in Letter #8 (LVFPD), Comment 2. As noted therein, Mono County has identified three options that would enable LVFPD to meet service requirements if the project is approved. Mono County will defer to the jurisdictional authority of LVFPD, but the County's existing system can assist in meeting LVFPD needs. Regardless of the option selected, LVFPD will be in a position to ensure the availability of needed capacity improvements. LVFPD is staffed by volunteers and like many volunteer organizations it sometimes has trouble recruiting volunteers. The project applicant has, on his own initiative, chosen to prioritize the available housing units for employees and LVFPD volunteers, to the extent allowed by law.

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

**II. B.3 COMMENT (Significant Effects – Biological Resources):** *The SEIR correctly concludes that the Project will have a significant and unavoidable impact related to the migratory patterns of wildlife, including mule deer. SEIR 5.3-21. Nevertheless, the SEIR must still adequately and accurately describe the nature of the Project's impacts on the mule deer, Cleveland National Forest Foundation v. San Diego Assn. of Governments (2017) 3 Cal.5th 497, 514 ("An EIR's designation of a particular adverse environmental effect as 'significant' does not excuse the EIR's failure to reasonably describe the nature and magnitude of the adverse effect."), and it may not rely on ineffective and unenforceable mitigation measures. The SEIR falls short on both accounts, as explained in letter submitted contemporaneously by the Mono Lake Committee. That letter's comments regarding impacts to mule deer, the inadequacy of the SEIR's proposed mitigation measures, and proposals for additional feasible mitigation measures are incorporated by reference herein.*

**RESPONSE:** Please see the detailed discussion provided in Topical Response #5, which responds to concerns raised in a number of DSEIR comment letters regarding project impacts on the Casa Diablo Mule Deer herd that lives and migrates through the project region. As described therein, the intent to seek grant funding for construction of a wildlife crossing (among other uses) is no longer part of the project proposal. This FSEIR concludes that direct project impacts on deer movement would be less than significant, and that cumulative impacts would be significant, adverse and unavoidable.

**II.B.4 COMMENT (Significant Effects - Vehicle Miles Traveled):** *CEQA is an information-forcing statute, and its purpose is to inform the public about a Project's potential environmental impacts. Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment . . ."). An EIR's discussion of impacts is legally acceptable "if it provides sufficient information and analysis to allow the public to discern the basis for the agency's impact findings." Californians for Alternatives to Toxics v. Dept. of Food & Agriculture (2005) 136 Cal.App.4th 1, 13.*

*The SEIR's uniquely uninformative discussion of vehicle miles traveled ("VMT") falls far short of this standard. The SEIR simply states that Mono County has not yet adopted a threshold of significance for VMT. 5.9-10. It then indicates that the annual VMT for the Project is estimated to be 872.133 miles, and that the cumulative VMT for the Project with the already-approved elements is estimated to be 3,277.43 miles. Id.*

*The SEIR provides no analysis of these figures. There is no baseline presented regarding VMTs absent the Project. See CEQA Guidelines § 15125 ("An EIR must include a description of the physical environmental conditions" to constitute "the baseline . . . by which a lead agency determines whether an impact is significant."). There is no discussion of the relationship between any particular amount of VMTs and the corresponding effect on the environment. Nor is there any explanation of what the VMT figures actually represent or the assumptions that went into their calculation, which makes it impossible to assess their accuracy. For example, did the VMTs include the addition of 60-mile round-trip commutes from the workforce housing to Mammoth Mountain Ski Area, given the acknowledged availability of workforce housing to ski area employees? The SEIR does not say. Such a bare presentation of uncontextualized figures, untethered to any information that might help the public reach a conclusion about the Project's environmental effects, is inadequate.*

*Further, the SEIR's conclusion that the Project would have a less than significant impact related to VMTs is inadequate because the SEIR's qualitative analysis is flawed. The SEIR assumes that VMTs will be insignificant because the Project is adjacent to a public transit stop and because the applicant "intends" to provide space for an Eastern Sierra Transit Authority ("ESTA") bus stop onsite if the project is approved. SEIR 5.9-10. The SEIR, however, does not provide any evidence or analysis to support its assumption that workforce housing residents will take public transportation. And the SEIR cannot rely on an applicant's mere "intent" without more. For the SEIR to rely on the presence of an ESTA bus stop onsite in reaching its conclusion that the Project would have a less than significant effect on VMTs, the SEIR must require that the Project include such a feature.*

Nor may the SEIR "presume" that the Project would cause a less than significant transportation impact pursuant to Guidelines section 15064.3, which the SEIR adopts as a threshold for significance. SEIR 5.9-8. Section 15064.3(b)(1) states that such a presumption may apply to a project within one-half mile of an existing major transit stop or a stop along an existing high quality transit corridor. But the SEIR does not identify whether either of these factors is present. See Pub. Res. Code § 21064.3 (defining "Major transit stop" as "the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less" during peak commute times); PRC § 21155(b) (defining a "high-quality transit corridor" as a corridor with bus service with service intervals no longer than 15 minutes during peak commute times). ESTA in particular, while it does provide a valuable service, does not support the site's meeting the criteria for a major transit stop or a high quality transit corridor. See Exhibit 3, ESTA Transit Schedule, Lone Pine to Reno Route.

Finally, it is not clear from the analysis of VMT whether the SEIR has taken into account the fact that the workforce housing units may be inhabited by offsite employees, some with significant commutes to Mammoth Lakes, ski areas, Yosemite National Park, or more remote locations. See SEIR 5.6-13. Thus, considering all of the above, the SEIR's conclusion related to VMTs is not supported by substantial evidence.

**RESPONSE:** In 2013, the California legislature passed Senate Bill (SB) 743 to mandate that jurisdictions discontinue the use of LOS (generally a measurement of delay) and instead use VMT to analyze the transportation impacts of projects. However, most agencies still do not have adopted thresholds based on VMT and still continue to utilize LOS as the basis for determination of potential traffic impacts as related to CEQA.

During preparation of the traffic study, it was determined and confirmed that neither Mono County nor Caltrans currently have adopted thresholds of traffic impact based on VMT. Draft guidance for Caltrans review of a land use project's VMT is expected to be posted online during spring 2020.<sup>68</sup> Hence, the traffic analysis utilizes the level of service criteria for determination of potential impacts for the proposed project, consistent with other projects currently being processed through Mono County and Caltrans.

The VMT numbers shown in the traffic study are based on data developed in the project air quality analysis, which was in turn based on the California Emissions Estimator Model ('CalEEMod) software. The CalEEMod software is the industry standard tool, used by both Mono County and Caltrans, for evaluating emissions and air quality impacts of land use projects. The model is based on default data provided by the air district in each region; for the proposed Community Housing Project, the data was provided by the Great Basin Air Pollution Control District. The model takes into account the land use and the regional/geographical location of the project. Since Mono County and Caltrans have not yet adopted VMT thresholds, the VMT data shown in the traffic study was for informational purposes, but was not utilized for the determination of impacts.

As indicated in Topical Response #10, accommodations have been provided on the Tioga site for bus access and turnaround locations that meet the unique requirements of ESTA and ESUSD, as well as internal paths to access the YARTS bus stop (located in Caltrans' right-of-way on SR 120). The YARTS, ESTA and ESUSD bus services will all contribute to reduced use of onsite residents' personal vehicles, but were not a factor in the determination of project VMT or project impacts on circulation.

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

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<sup>68</sup> Correspondence from Gayle Rosander, Caltrans, 23 January 2020.

in particular are inherently cumulative. In evaluating GHG emissions, the County must focus on the Project's "incremental contribution" to climate change, which may be "cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions." Guidelines §15064.4(b).

The SEIR fails to analyze the GHG impacts of the Project in combination with the GHG impacts from the previously approved elements (i.e., the hotel and restaurant), either as part of the stand-alone GHG section or in the cumulative impact analysis section. This flaw is particularly problematic in light of the fact that the 1993 FEIR did not include any analysis of climate change. Because of these omissions, there is no analysis of the GHG emissions resulting from the hotel and restaurant available to the public. Nor is there any evidence that the GHG emissions from the already approved but not constructed elements of the Specific Plan are included in the SEIR's GHG baseline. The unstudied GHG impacts could be independently as well as cumulatively considerable. The hotel and restaurant alone are anticipated to draw robust tourist traffic, often from distant locations, resulting in potentially significant transportation-related emissions. Indeed, as the SEIR's VMT analysis indicates, the Project's cumulative VMTs are almost four times more considerable than the VMTs generated by the workforce housing alone. SEIR 5.9-10. Because this analysis is absent, however, and cumulative GHG emissions from already-approved elements are not included in the County's GHG calculations, the County's conclusion that the Project will not meet the 3,000 MT CO<sub>2</sub>e threshold of significance is not supported by substantial evidence. The County must re-do these calculations taking into account all of the Project's elements.

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

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

The input assumptions for operational GHG emissions calculations, and the GHG conversion from consumption to annual regional CO<sub>2</sub>e emissions, are summarized in the CalEEMod2013.2.2 output files found in FSEIR Appendix E. Total operational and annualized construction emissions for the proposed project are identified below in Table 5-8.

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

\*no wood burning fireplaces

\*\*hotel and restaurant

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

**II.B.6 COMMENT (Significant Effects – Population, Housing):** Under CEQA, a project has significant impacts if it would “induce substantial unplanned population growth in an area, either directly...or indirectly[.]” Guidelines, Appendix G, §XIV.a. This Project will cause a significant impact in Lee Vining by effectively tripling or quadrupling the population of the area. As the SEIR states, Lee Vining proper has a current population of about 90, SEIR 5.6-4, and the workforce housing village—not including the transient residents of the hotel—will increase the population of Lee Vining by 194 to 293 people, SEIR 5.6-10, an increase of more than 300%, SEIR 5.6-14. The SEIR’s analysis of population and housing impacts has several significant flaws that render it legally deficient. First, the SEIR incorrectly analyzes the Project’s population and housing impacts in relation to projected theoretical growth in the Mono Basin area. See 5.6-11 to -12. But because the population impacts will directly impact Lee Vining, the town of Lee Vining, and not the Mono Basin area, is the correct framework for this analysis.

Second, the SEIR erroneously compares the Project’s population and housing impacts against a future baseline, rather than a baseline of current conditions, without justifying its choice. Conditions existing “at the time the notice of preparation is published . . . will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” CEQA Guidelines section 15125.

An agency may select a baseline of projected future conditions if such a decision “is justified by unusual aspects of the project or the surrounding conditions.” *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 508- 09. The SEIR does not identify any such unusual circumstances or conditions here, nor does it otherwise justify the selection of projected future growth as a baseline. In fact, the only unusual circumstances present—a Project that would quadruple the population of a town in one stroke—suggest that a baseline of current conditions is more appropriate.

Additionally, the selection of the “practical build-out” scenario described in the General Plan as a baseline or a threshold of significance for population growth is grossly inappropriate, see SEIR 5.6-11, given the General Plan EIR’s description of what that scenario describes. The “practical build-out” scenario is based on the theoretical maximum build-out of all parcels in the County—i.e., a scenario that assumes that “buildout will include 100% of the total dwelling units that could potentially be built.” Mono County General Plan EIR 4.12-6. The practical build-out scenario takes into account known constraints related to hazards, infrastructure limitations, and agricultural preservation. But “even the ‘practical’ [scenario] overstates development.” *Id.* Notably, the General Plan EIR states that one of the reasons the practical scenario overstates development is because it fails to account for “environmental concerns” that would effectively limit development. *Id.*, 4.12-6 to -7.

The SEIR cannot legitimately determine that a current Project will have no significant adverse environmental effects related to population growth because it compares favorably to a hypothetical future scenario that overstates development and fails to account for environmental concerns. Such a hypothetical future scenario cannot be said to represent “planned” growth, making the SEIR’s use of that scenario in evaluating whether a project would “induce substantial unplanned population growth” arbitrary and capricious. See SEIR 5.6-7. Further, in relying on the practical build-out scenario, the SEIR fails to analyze the Project’s actual population impacts: to name one example, there is no discussion of how Lee Vining will absorb quadrupled parking demand when parking is already a scarce resource, and the greater demand for parking could result in greater traffic and related emissions from visitors circling for parking or the environmentally-damaging construction of new parking infrastructure (especially given the acknowledged uncertainty as to whether pedestrian and bicycle improvements would be implemented, see SEIR 5.9-9). The SEIR must re-do its analysis of population and housing impacts using an appropriate baseline and incorporating an appropriate and well-supported analysis of actual impacts related to population growth.

**RESPONSE:** Please see Topical Response #8, which discusses the need for housing in the project region, as well as background information concerning Lee Vining population levels. The DSEIR analyzes the project’s population and housing impacts in relation to multiple sources of population and housing data for the project area based on planned land uses, and examines the project in terms of both population and housing in the study area as well as forecast data. For example, the summary statement under Impact 5.6(a), (population growth, page 5.6-14), concludes that “Approval and implementation of the proposed Tioga Workforce Housing project would increase the population in the Lee Vining CDP by more than 400% (from approximately 90 residents at present to 390 residents with the project). This represents a significant increase over current

population levels..." The DSEIR clearly acknowledges the most recent population estimates, and nowhere does it attempt to use future growth projections to establish baseline conditions.

As discussed in Topical Response #8, the increased project population would be well within the range of General Plan population forecasts for the Mono Basin, which are part of the project baseline per the certified 2015 General Plan update EIR, and based on a parcel-by-parcel analysis.

Topical Response #10 discusses onsite bus stops, and provisions for parking both onsite and in Lee Vining. As indicated therein, the project incorporates multiple provisions to ensure that future residents have access to diverse transportation options, and to minimize residents' impact on parking in Lee Vining.

**II.B.7 COMMENT (Significant Effects – Land Use):** CEQA requires that environmental impact reports analyze the consistency of a project with applicable local plans. See *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 356; *Guidelines* § 15125(d). Inconsistencies with a general plan or other local plan goals and policies that were enacted in order to protect the environment are significant impacts in and of themselves and can also be evidence of other significant impacts.

Furthermore, the State Planning and Zoning Law requires that development decisions—including specific plans and amendments of specific plans—be consistent with the jurisdiction's general plan. Gov. Code §§ 65359, 65454. "Under state law, the propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." *Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806. The requirement of consistency with the general plan includes consistency with provisions of local land use plans incorporated into the general plan. See *Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 153. Accordingly, "[t]he consistency doctrine is the linchpin of California's land use and development laws; it is the principle which infuses the concept of planned growth with the force of law." *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336.

It is an abuse of discretion to approve a project that "frustrate[s] the General Plan's goals and policies." *Napa Citizens*, 91 Cal.App.4th at 379. The project need not present an "outright conflict" with a general plan provision to be considered inconsistent; the determining question is instead whether the project "is compatible with and will not frustrate the General Plan's goals and policies." *Id.* at 379. As discussed in more detail below, the Project is directly inconsistent with numerous provisions in the General Plan and documents incorporated into the General Plan.

Because the SEIR fails to identify various conflicts and inconsistencies with local land use plans as a significant adverse impact, the SEIR is legally deficient. The Project conflicts with local land use plan goals related to preserving aesthetic and scenic values. The Mono Basin Community Plan ("Community Plan") contains a goal stating that the County should "[m]aintain the spectacular natural values of the Mono Basin and rural, small-town character of communities by managing growth [and] ensuring high-quality aesthetics..." Community Plan at 17. To implement this goal, the Community Plan sets forth a policy to "support design practices that protect scenic vistas," which may be implemented by "[e]ncourag[ing] the siting and design of buildings to preserve scenic vistas." Community Plan at 18. The values reflected in these goals and actions are at the heart of the Community Plan, and they appear throughout the document. See Community Plan at 13 (emphasizing "small, compact communities" and "low-density limited development patterns lead[ing] to a small-town rural character," as well as "a healthy natural environment with clean air and water, scenic grandeur, dark night skies, pristine wilderness and open space. We protect and cherish the natural character of the land by minimizing the intrusiveness of structures, protecting our natural assets, and being environmentally responsible."). The Project conflicts with these goals and policies. As the SEIR acknowledges, and as discussed at greater length in §II.B.1 of this letter, the Project will have a significant adverse impact on scenic vistas. SEIR 5.12-22.

In light of this conflict, the SEIR incorrectly concludes that the Project will have a less than significant impact related to conflicts with local land use plans. See SEIR 5.5-24. This conclusion is not supported by substantial evidence, as the SEIR itself acknowledges that aesthetic impacts will be significant. SEIR 5.12-22. Further, the SEIR's attempt to explain away this conflict is inadequate. See SEIR 5.5-16. The SEIR states that the newly proposed project uses will not conflict with maintaining scenic values because they will not "substantively change the rural character and scenic values of the site

relative to existing approvals.” SEIR 5.5-16... ). The SEIR further responds to Community Plan policies to preserve scenic vistas by stating that the Project’s design elements will be in harmony with existing development onsite, and siting of new uses “incorporate[] . . . visual perspectives gained from the schematic renderings.” SEIR 5.5-18. But the SEIR later concludes that the newly proposed workforce housing itself would be visible from the southern and eastern portions of Mono Lake, disturbing scenic vistas independent of any disturbances from approved uses. SEIR 5.12-13.<sup>33</sup> The Project’s placement and visibility from scenic viewpoints and from Highway 395 also conflict with the County’s Ridgeline Development Design Guidelines (“Structures should not be located on or near visually prominent areas . . . or ridgelines”), For similar reasons, the SEIR is legally deficient because it fails to recognize conflicts with traffic/circulation and public safety policies as significant adverse land use impacts. For example, the Community Plan includes a policy related to providing “safe and convenient pedestrian and biking facilities.” Community Plan. But, despite the fact that the Project will have significant adverse pedestrian safety impacts, and there is no guaranteed mitigation to address those impacts, SEIR 5.8-9, the SEIR fails to identify a conflict with the Community Plan’s policy.

The SEIR also fails to recognize inconsistencies between the Project and local land use plan policies related to workforce housing and affordable housing. The Community Plan sets forth a goal to increase workforce housing, and notes that the County should “[e]stablish tenant eligibility criteria, including a time requirement as a local resident and/or local employee, for workforce housing units.” Community Plan at 21. Yet despite the SEIR’s assurances that the Project would increase workforce housing and contain eligibility criteria, see SEIR 5.5-20, the SEIR and Specific Plan Amendment contain insufficient eligibility criteria, see § II.A, *supra*. Further, the document’s vague references to tenant eligibility do not include any time requirements. In fact, the SEIR’s statements that workforce housing could serve off-site ski industry employees suggests that the housing may not serve “local employee[s]” at all.

In terms of affordable housing policies, the General Plan’s housing element requires development projects to comply with County Code requirements for affordable housing. Housing Element 73 (“Program 2.9: Development projects shall comply with the Mono County Housing Requirements (Mono County Code 15.40), which requires development projects to include affordable housing.”). But the SEIR does not contain any description of guaranteed income or rent restrictions and thus does not ensure either that all of the housing will be affordable or that the Project will be in compliance with the County Code’s requirements for affordable housing.

These inconsistencies and inadequacies may lead to the Project’s workforce housing serving off-site employees working dozens of miles away, with no guarantee that the housing will be affordable. Such an outcome would frustrate the goals and policies of SEIR 5.12-10, and Mono County Scenic Combining District regulations, see SEIR 5.12-20 (“New structures shall be situated where, to the extent feasible, they will be least visible from the state scenic highway.”). Although it appears as though the County’s inclusionary housing ordinance is temporarily suspended, SEIR 5.6-7, the SEIR should still analyze these policies because they are in the General Plan, and the ordinances may be re-instated. the General Plan and Community Plan to provide affordable workforce housing, and approval of the SEIR would thus violate the Planning and Zoning Law.

**RESPONSE:** Regarding the Mono Basin Community Plan goal that the County should “[m]aintain the spectacular natural values of the Mono Basin and rural, small-town character of communities by managing growth [and] ensuring high-quality aesthetics,” please see Topical Responses #1 (Aesthetics), #8 (Housing Need), and #14 (Project Impacts on the Lee Vining Community), as well as the response provided to Letter #4 (Lisa Cutting), Comment 1. Topical Response #1 also discusses the design modifications proposed in new preferred Alternative 6 to minimize project impacts on aesthetic resources, and Topical Response #2 provides details regarding existing regulations and a new mitigation measure to more effectively minimize light and glare impacts. Topical Response #14 discusses the project in terms of the Mono Basin Community Plan, and the unique community characteristics of Lee Vining.

Regarding the concern that the project’s placement would conflict with the County’s Ridgeline Development Design Guidelines, please see the response to Letter #12 (Mono Lake Committee) Comment 1.D.4.c., as well as the responses provided to Letter #4, Comments 1 and 2.

The concerns pertaining to the Community Plan policy related to providing “safe and convenient pedestrian and biking facilities” are the focus of Topical Response #4 (Pedestrian Linkage and Safety), and also addressed in the response to Letter #4, Comment 3.

Tenant eligibility requirements and the goal to provide employee housing are discussed in Topical Response #8 (Housing Need), as well as the response to Letter #4, Comment 4. As noted therein, and in compliance with the State and Federal Fair Employment and Housing Act (FEHA), no tenant criteria are established by the Specific Plan. Topical Response #8 also addresses project compliance with the newly adopted Housing Mitigation Ordinance.

In reviewing these responses, please note that the policies and actions set forth in the Mono Basin Plan are not regulatory. For this reason, it is possible for a project to be consistent with the intent of the policies, and to still have adverse impacts. As an example, the proposed location of the housing units on the Tioga site was chosen to benefit from the screening natural ridgeline, and thereby eliminate views of the structures from the important 'Gateway' entry to Yosemite at SR 120/US 395. However, although the selected site achieved that key goal, it created new visual impacts for land uses to the east. In response to comments from the Mono Lake Committee (Letter #12, Comment II.C), this FSEIR considers various alternative onsite locations for the proposed housing, and concludes that there are no areas on the site that would better avoid the combination of issues associated with the proposed project (including visibility, impacts on wildlife, and impacts on traffic). A key concern for all of the alternative locations pertained to increased visual exposure to the gateway intersection and other areas of the Scenic Area located to the north. Please also see the discussion in Topical Response #3 (Alternatives).

As proposed, the proposed project will comply with applicable standards and regulations including Dark Sky regulations and requirements of the Scenic Combining District, as well as the Ridgeline Design Guidelines. The design modifications incorporated into Alternative 6 will substantially reduce project impacts on aesthetic resources, but not to less than significant levels.

In all instances where it has not been possible to reduce significant effects to less than significant levels, the Conservation and Open Space Element requires that a Statement of Overriding Considerations be adopted. Project approval would require that the Board of Supervisors adopt Statements of Overriding Consideration for each of the 5 significant effects identified in this FSEIR. As detailed in Topical Response #12, the 5 significant, adverse and unavoidable impacts associated with this project include:

- HYDROLOGY: Exposure of people and structures to catastrophic mudflows resulting from a volcanic eruption
- BIOLOGY: Cumulative impacts (only) to deer movement in the project region
- PUBLIC SERVICES: Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining
- TRAFFIC: Significant unavoidable impacts associated with turning movements from eastbound SR120 onto northbound US 395 (with or without the project)
- AESTHETICS: Project impacts on scenic and visual resources and on light and glare

**II.C COMMENT (Alternatives):** *The SEIR does not comply with the requirements of CEQA because it fails to undertake a legally sufficient study of alternatives to the Project. CEQA provides that "public agencies should not approve projects as proposed if there are feasible alternatives . . . which would substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. As such, a "major function of an EIR is 'to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.'" County of Inyo v. City of L.A. (1977) 71 Cal.App.3d 185, 203 (citation omitted). To fulfill this function, an EIR must consider a "reasonable range" of alternatives "that will foster informed decision making and public participation." Guidelines § 15126.6(a). "An EIR which does not produce adequate information regarding alternatives cannot achieve the dual purpose served by the EIR . . . ." Kings County Farm Bur. v. City of Hanford (1990) 221 Cal.App.3d 692, 733.*

*Here, the SEIR's analysis of alternatives is legally deficient in several ways. First, the analysis of the Optional Siting Alternative is arbitrarily constrained. Although the SEIR's discussion of the Optional Siting Alternative from the 1993 Specific Plan acknowledges that "it is still potentially feasible to consider alternative siting layouts" because the hotel and restaurant have not yet been developed, the SEIR duplicates errors in the 1993 FEIR's alternatives analysis and arbitrarily rejects alternative sites. For example, the SEIR rejects alternative sites for the hotel and restaurant that would mitigate visual and aesthetic impacts because alternative sites "would [not] meet the project objective to deliver outstanding views." SEIR 7-5. But "delivering outstanding views" has never been a Project objective. The Project's objectives are, rather, to "draw upon" tourist traffic through Mono County and "provide a complete range of services" to visitors. SEIR 3-3. There*



*are no objectives related to providing visitors with views. Rather, the visual objective of the Project is "to blend into the natural setting through careful structure siting." SEIR 3-3. Thus, the SEIR's conclusion that the Optional Siting Alternative fails to meet Project objectives is arbitrary.*

*Second, the analysis of the Reduced Development Alternative is arbitrary, and the SEIR's analysis is flawed and incomplete. As an initial matter, although the SEIR identifies the Reduced Development Alternative as environmentally superior, SEIR 7-7, the SEIR fails to explain its seemingly nonsensical conclusion that "this alternative would reduce the acreage designated for Open Space-Preserve compared to the project as proposed." SEIR 7-5. It violates common sense that a less intensive development would decrease the amount of open space available on the Project site, and the SEIR does not provide any evidence or analysis to support its conclusion.*

*Similarly, the SEIR does not provide any explanation for its conclusions that the Reduced Development Alternative would be less effective in meeting Project objectives. For example, the SEIR does not explain how reducing the amount of workforce housing available onsite would reduce the Project's ability to "provide [a] full range of tourist/traveler/resident services," to "optimize customer views" (though note, as argued above, that this is not properly a Project objective), to "strengthen [the] area economy," or to "[u]pgrade infrastructure sizing to meet needs." SEIR 7-7 to -8. Because there is no apparent reason why reducing the size of the workforce housing village would impair these objectives, and the SEIR does not provide any explanation, the SEIR has arbitrarily rejected the environmentally superior alternative.*

*Finally, the SEIR should consider additional feasible alternatives that would meet Project objectives and be more effective in reducing environmental impacts. A discussion of several such alternatives is included in... [MLC's comment letter]. The discussion of alternatives in [MLC's] letter is adopted and incorporated by reference herein.*

**RESPONSE:** Based on an assessment that considered (1) environmental impacts, (2) compliance with project objectives, and (3) avoidance of significant adverse impacts, the alternatives analysis provided in Draft EIR §7 identified two alternatives (the Cluster Alternative and the No Project Alternative) as environmentally superior to the project as proposed. Both of these alternatives received scoring higher than the proposed project.

The Reduced Development Alternative was found to be equivalent to the proposed project overall, with a higher (i.e., better) score for Environmental Impacts and Avoidance of Significant Effects, and a lower score for Project Objectives. The Reduced Development score for Environmental Impacts resulted from the following key considerations: (1) volcanic hazards would be reduced because fewer people would live on site and therefore fewer would be exposed to this significant and unavoidable risk; and (2) visual Impacts would be less due to the reduced scale of development (i.e. fewer units, fewer parking spaces, fewer lights, etc.). DSEIR Table 7-1 also found that the Reduced Development Alternative would have fewer impacts on "OTHER?? Bio"; that line should have been edited to read 'Cumulative Deer Impacts', which is among the significant and unavoidable adverse impacts. With this correction, the 'No Project' and 'Reduced Development scoring for 'deer impacts' would have been reduced from '+1' to '0', since it was determined that cumulative impacts to deer (but not direct impacts to deer) would be significant, unavoidable and adverse. A final edit would also have deleted the reference to FAA, since it was determined late in the Draft EIR preparation that FAA did not consider the project to represent an obstruction hazard. With this correction, scoring for the No Project Alternative would have been reduced from a net "+3" to a net "+2" and scoring for the Reduced Development Alternative would have been reduced from a net "0" to a net "-1." The No Project Alternative and the Cluster Alternative would still be identified as environmentally superior, each scoring two points higher than the project as proposed. During DSEIR preparation, a concept plan was developed to illustrate one potential layout for the Cluster Plan, and additional analyses were undertaken to assess grading volumes and other project criteria. These analyses indicated that the Cluster Plan had additional drawbacks (as discussed in Topical Response #3). The project applicant ultimately chose to continue with the project as proposed because although the cluster alternative would reduce visual impacts, it would not reduce those impacts to less than significant levels, and because of the additional drawbacks (described in Topical Response #3).

The reduced development alternative was scored '-1' for the objective to provide [a] full range of tourist/traveler/resident services" because it would not provide housing sufficient to accommodate even half of the onsite workers, and in an area with a long-term shortage of housing. Because businesses require employees, and employees require housing, the reduced development alternative would in effect jeopardize onsite commercial uses.

With respect to the acreage of Open Space Preserve, the original Specific Plan showed this designation as surrounding the ridgeline on which the restaurant is located, with Open Space-Support Uses on the area where the housing is now proposed. Due to the scale of the project, it was determined that the septic system would need to be replaced with a package treatment plant. Following the NOP comments, the package treatment plant design was modified to include a subsurface irrigation system that would use the treated water, along with disposal fields for winter. In combination with the proposed housing, these uses displaced the prior open space acreage. At the same time, the project biologist had determined that the project could worsen deer mortality due to increased highway crossings, particularly across US 395, and found that the project as originally proposed in 1993 would, when fully built out, create a significant new physical barrier to deer movement. The biologist had recommended a draft mitigation measure calling for a protected corridor, redesignated from Open Space-Facilities to Open Space-Preserve, between US 395 and all project elements (proposed and approved). The biologist's recommendation was incorporated into the project proposal before release of the DSEIR, resulting in the revised Land Use and Open Space Plan shown in DSEIR Exhibit 5.3-6. In short, the displacement of open space uses (in order to accommodate the housing) provided the opportunity to apply the Open Space-Preserve designation on the protected corridor adjacent to US 395 (see Exhibit 8-2).

The DSEIR conclusion that the Reduced Development Alternative would reduce the acreage designated for Open Space-Preserve was based on the expectation that the Reduced Development Alternative would have been located in generally the same areas as the proposed project, but occupying half the acreage of the proposed project. This scenario would also be expected to reduce the acreage of open space, potentially limiting or eliminating the opportunity to incorporate the protected corridor, as recommended by the project biologist. Note that the project as proposed will increase total open space acreage (relative to the 1993 Specific Plan) by 0.7 acres, with a 13.0-acre increase in the most-protected category of Open Space-Preserve.

Please see Topical Response #3 (Alternatives) for additional discussion of the considerations taken into account in the analysis of alternatives. Please also review the proposed design modifications that are reflected in new Alternative 6 in Topical Response #1. Alternative 6 was prepared as part of this FSEIR with the specific goal of responding affirmatively and strongly to the suggestions and to the concerns raised in many comment letters regarding aesthetic impacts.

# #16

## Sierra Club, Toiyabe Chapter

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- 1. COMMENT (Likelihood of Hotel Construction):** *The likelihood of the hotel being built is low because a seasonal hotel is not financially viable in a remote area like this. Tourism in Lee Vining is dependent upon the opening of Tioga Pass, not on the activities and resources in Mammoth Lakes or June Lake. Until Tioga Pass is open year-round, a hotel will not be profitable. The 1992 Final Economic Impact and Fiscal Analysis for the Tioga Inn Specific Plan and EIR... assumed a 50% occupancy rate during winter through June Mountain and Mammoth Mountain market capture. Since 1993, June Mountain visitation has declined significantly, which makes that projection questionable. Guests who want to ski Mammoth Mountain may not risk the drive as predicted when weather closes the road or chains are required. Without the Tioga Inn hotel, the workforce housing is overkill for the Mono Basin and an unnecessary disturbance to the natural beauty of the Mono Basin. Ten-twenty bedrooms would more than meet the needs of Lee Vining.*

**RESPONSE:** Topical Response #7 outlines the newly proposed Phasing Plan, which establishes a link between the construction of residential units and construction of the hotel. Please note, however, that the financial performance of a proposed project is outside the scope of CEQA and the County's approval process.

- 2. COMMENT (Housing as a Regional Issue):** *If this project is to solve regional housing shortages from Bridgeport to Mammoth Lakes, then the SEIR should include housing assessments and alternatives at the regional level. The main housing need is in Mammoth Lakes for Mammoth Mountain employees. Workforce housing should be there. One hundred fifty workforce-housing units in Lee Vining for Mammoth employees might not be popular or affordable and many units might remain vacant. The requirement of Mono County employment would need to be dropped in order to rent all of the units. Since there isn't public transportation between Lee Vining and Mammoth Lakes, this project would create that new demand and generate GHGs. The impacts of that should be included in the SEIR. However, this project is not the only possible location for workforce housing in Mono County. It is not the only possible location for workforce housing even in Lee Vining. Nicely's is for sale and would be a much more suitable location for a 2-story joint commercial business/housing project. Since 1993 Mammoth Mountain has come into its own land through the Base Land Exchange and could build housing for its employees on it. The TOML has also purchased the Shady Rest parcel and plans to build affordable housing on it. The rationale for this project intermingles arguments for this project being workforce housing for the Tioga Inn hotel and for the county such as how the GHGs would be reduced in the one case when they would be increased in the other.*

**RESPONSE:** The primary project purpose is to provide housing onsite for future employees of the previously-approved Tioga hotel and full-service restaurant. When the hotel and full service restaurant are built, it is anticipated that 150 new jobs will be created onsite (above the 37 existing jobs); most of these positions will be tourist related. The added jobs will increase the unmet need to house employees in the Mono Basin; overflow demand from the Town of Mammoth Lakes will also continue to influence housing need. In whole, the *Housing Element* identifies a need for 120-170 new units to accommodate current demand and future employment growth over the next 3 years. *Element* Tioga Specific Plan is identified in the Housing Element as having the "largest and most realistic concentrated potential" to meet housing need in the Lee Vining area.

The need for housing extends well beyond the project site. The Draft Mono County *Housing Element Update (2019-2027)* finds that Mono County has very little housing to absorb future job growth, which is expected to occur primarily in the lower-paying tourist-related industries (food services, housekeeping, retail and services). The *Housing Element* notes that most workers in the County hold more than one job, and this is expected to be the case with residents of the proposed Community Housing project, if approved. The County's Housing Needs Assessment identified a need for 120-170 units total in the unincorporated county, not including housing demand from the forthcoming Tioga Inn restaurant and hotel. The *Housing*

Element forecasts clearly indicate a need for this housing *in addition to* housing in the other areas cited by the Sierra Club. The intermingling of housing need on this site and countywide is a reality of the unmet need for housing throughout Mono County, and the high number of employees who hold multiple jobs.

**3. COMMENT (Phasing of Hotel and Housing):** *If the hotel is built after the workforce housing project is built, then it is possible the workforce housing will be rented out and not immediately available to the hotel employees when the time comes. The employees, although they have first "dibs", will have to wait until rental units become available. Also, there is no guarantee the hotel employees will be able to afford the rent. Mono County developed a housing mitigation ordinance, but it has been suspended since 2011. The Mono County Board of Supervisors recently approved an extension of the suspension of a housing mitigation ordinance until December 31, 2019. If it is suspended at the time the hotel is developed, then there will be no requirement for the hotel to provide housing for its employees. The 1992 economic report states that 80 employees would be needed for the hotel and 22 for the restaurant for a total of only 102 employees. Some of these employees would share a unit so less than 100 bedrooms are needed for this project, not 150. Unless 100 bedrooms are set aside and left vacant until the hotel is built, this project is basically unrelated to the hotel. It should be judged as an independent rental housing project.*

**RESPONSE:** As detailed in Topical Response #7, a housing phasing plan has been developed. The more gradual development associated with the proposed phasing plan will enable the Lee Vining community and town services to adapt on an incremental basis, tie construction of the housing to construction of the hotel and demonstrated demand, and more effectively ensure the timely provision, availability and coordination of onsite facilities and uses with the implementation of mitigation obligations.

The applicant plans to give housing priority to individuals who work on the Tioga site, with an added priority for prospective residents who are willing to serve as volunteers on the LVFPD. However, California housing law will ultimately govern decisions regarding how and to whom the Tioga Community Housing units will be rented.

The proposal to construct up to 100 Community Housing units reflects updated estimates of onsite employment. As proposed, the Community Housing project would result in only 1 new permanent job (for the housing manager). The previously approved elements are forecast to create onsite employment for an estimated 187 individuals, 37 of which are employed in the existing facilities and 150 of which would be created through the as-yet unbuilt hotel and restaurant. The 1993 project approvals allowed construction of up to 10 residential units (only 8 of which were built), with a 1993 estimated maximum population of approximately 25 residents. In contrast, the proposed project would allow construction of up to 100 units with an estimated resident population of 300. These estimates indicate that onsite workers may create demand for all 100 units. However, the phasing plan as outlined above provides flexibility to construct fewer units if occupancy rates fall below projections.

As discussed in Topical Response #8 as well as the response to Letter 15, Comment II.A, the County has recently adopted a new HMO. The ordinance requires developers to mitigate the impacts of development projects on the availability of workforce and affordable housing. The CDD has outlined 3 potential options for the project to comply with HMO requirements including (1) compliance with the Multi-Family Residential Inclusionary requirement, (2) voluntary designation of units for Extremely Low Income households as a qualifying factor under the Affordable Housing Sustainable Communities grant program (the applicant plans to submit a grant application), or (3) submittal of a Housing Mitigation Agreement demonstrating that the project as proposed meets the intent of the HMO. The applicant has tentatively indicated his intention to pursue HMO compliance through voluntary designation of units for ELI households in tandem with the grant application process. In the event the grant application is not successful, the applicant plans to comply with the HMO through the Multi-Family Inclusionary requirement by constructing 4 low-income units, or 3 low-income units with payment of fees for the fractional 10 units. A final decision will be made prior to issuance of a building permit.

The owner intends the housing for onsite workers (as a first priority) and will implement this priority to the extent allowed by law. As is true of rents for the existing onsite housing, the owner plans to establish rents for the proposed housing to accommodate what the onsite workers can afford to pay.

- 4. COMMENT (1993 Entitlements):** *If this project is truly connected to the original 1993 project, then the SEIR should have been expanded to cover the environmental impacts of both: approved and un-built parts of the original project and the workforce housing amendment. There have been significant changes to the environment since the 1993 EIR for the original project that would need to be taken into account: increased visitation to Yosemite National Park, more land burned in wildfires in the Mono Basin, more cheatgrass replacing natural habitats, warmer temperatures, more prevalent catastrophic wildfires, smaller glaciers feeding the streams in the basin, and even a new presence of red fox in the area.*

*The Range of Light Group believes this SEIR is deficient because it states it is a separate project yet doesn't include an alternative where the project is scaled to the small housing needs of Lee Vining. Nor does it justify or explain how this project will be the best way to solve the housing needs of the County. To avoid repeating the situation as we have today where decisions were made 26 years ago based on conditions that no longer apply, the approval for workforce housing for the hotel and restaurant should be deferred until they are actually developed. That might be a few decades from now. More importantly, this project exceeds the footprint and impact envelope of the 1993 Tioga Inn Specific Plan and has visual impacts on the Mono Basin, the Mono Lake Tufa State Natural Reserve, and the Mono Basin National Forest Scenic Area that were unforeseen in 1993, i.e. the number, size, and the height of the buildings. The Range of Light Group believes that the SEIR must present alternatives to the location of the project that reduce its visual intrusions on the environment, as it will adversely affect views from many parts/areas in the Mono Basin National Forest Scenic Area.*

**RESPONSE:** Please see Topical Response #13 (EIR Scope of Analysis) and the response to Letter #15, Comment I, for discussion concerning the scope of the DSEIR analysis relative to elements that were previously approved in the 1993 Tioga Inn Final EIR and Specific Plan. With respect to the need for housing on this project site, additional discussion is provided in Topical Response #8.

The project design has been modified to reduce visual impacts of the proposed project on aesthetic resources of the Mono Basin. The modified design elements, and resulting changes to the visual and aesthetic impacts of the project, are detailed in a new preferred Alternative 6 that is described in Topical Response #1 (Aesthetics). As discussed therein, the changes would eliminate views from South Tufa, and virtually eliminate project views for motorists along US 395. Project views from Navy Beach and other locations to the east would be substantially lessened, although aesthetic impacts would remain significant and unavoidable.

- 5. COMMENT (Fossil Fuel Concerns #1):** *An additional gas pump island is being proposed. To reduce our dependence on fossil fuels, more and more people are converting to electric vehicles. Gas stations too need to convert to electric vehicle charging stations. A DC quick charging station would be much more appropriate to add to the facilities than an outdated gas pumping station. The Tioga Gas Mart is at the crossroad of State Route 120 (Tioga Pass) and Highway 395. It would be an ideal location for one. In anticipation that the YARTS buses and tourist buses will be electric buses one day, the charging station access should also accommodate buses.*

**RESPONSE:** At least two electric vehicle (EV) charging facilities will be provided in the housing area for use by future residents, and the applicant indicates that EV facilities will also be available at the hotel for use by future guests. There is no plan at this time to provide EV charging facilities at the gas station, although the applicant is in communication with various firms that install and operate charging facilities. The applicant does not plan to do this himself because high-amperage direct current EV charging ports would be required to recharge vehicles quickly, and the high-amperage facilities are economically costly, and unattractive to third-party investment. Lower-amperage (i.e., slow-charging) stations would potentially be profitable, but unattractive for use by customers traveling the longer distances characteristic of this region. The applicant does intend to provide the high-amperage (i.e., quick-charging) EV stations at the gas station if and when an agreement can be reached with an outside provider.

- 6. COMMENT (Fossil Fuel Concerns #2):** *It should be noted that the CalGreen 2016 requires wiring for electric vehicle charging stations and parking spaces for electric vehicles when EV chargers are installed. However, it does not require that chargers be installed. We recommend one or more dual port, level 2, universal EV charger be installed in the workforce housing area and equivalent parking spaces be designated as EV only or EV preferred.*

**RESPONSE:** Please see the response to Comment 5 above. EV charging facilities will be installed at the housing area and at the hotel.

**7. COMMENT (Fossil Fuel Concerns #3):** *The workforce housing should be all-electric to reduce dependence upon fossil fuels. If they were all-electric units, a 30,000-gallon propane tank would not be necessary. Because we live in snow country, there should be a backup system in case the electricity is down.*

**RESPONSE:** The project will meet CalGreen standards (i.e., Building Code standards), and will also provide solar panels to reduce fossil fuel consumption below standard 'business-as-usual' practices. Solar panels will be installed on all eligible south-facing rooftops and the applicant plans to maximize the use of solar-generated electric energy for project elements. The applicant indicates that the housing will be constructed using the highest mandated R-value insulation for Zone 6, to further lower energy consumption and costs.

**8. COMMENT (Fossil Fuel Concerns #4):** *The Tioga Inn Plan says it will not meet LEED construction requirements, but will conform to 2016 CalGreen building code and some voluntary measures. How many CalGreen points are anticipated?*

**RESPONSE:** 'CalGreen' is a term used for the mandatory California Green Building Standards Code (Title 24, Part 11, of the California Code of Regulations). Compliance with Building Code standards is mandatory; the Code does not award points for compliance. 'GreenPoints' is a voluntary program (as is LEEDS), and separate from the Building Code. Neither LEED nor GreenPoints is specifically mentioned in the Mono County Land Use Element or the Conservation/Open Space Element, although green building practices are generally encouraged. The proposed project is consistent with the County's goals and actions.

**9. COMMENT (Fossil Fuel Concerns #5):** *CalGreen requires a common recycling area for residents. Where will this be?*

**RESPONSE:** As shown in the updated Alternative 6 Concept Site Plan (see Exhibit 4-1 in Topical Response #1) the common residential recycling and trash disposal area will be located at the southeast corner of the parking lot serving the Day Care Center.

**10. COMMENT (Fossil Fuel Concerns #6):** *The SEIR states there will be solar panels installed to offset the increase in greenhouse gases that come with this project. Is that a requirement of the project or merely a possibility? We certainly encourage solar panels on the workforce housing. However, the glare or visibility of them on rooftops should be included in the photo-simulations and the evaluation of visual impacts. If some of the workforce-housing units are not south facing, solar panels could be placed on the ground in the area. Consider adding more solar panels to offset the additional electricity needed for increased groundwater pumping. The SEIR should require that the cost of including solar panels be included in the penciling out of the cost of the project up front, not as a separate project that comes later.*

**RESPONSE:** Solar panels are integral to the Community Housing project proposal as submitted by the applicant, and not a formal requirement of Mono County. As noted in Draft EIR §3.5.5, the use of solar energy is not a discretionary action under current California law. Additionally, the Solar Rights Act pre-empts County authority to deny solar panels based on aesthetics. The county may deny or modify solar panel proposals only on the basis of specific public health and safety criteria. The applicant has previously installed solar panels on the Delicatessen, and plans to install solar panels on the hotel and restaurant during construction. The panels were not shown on the photo-simulation from US 395. Please see discussion of new preferred Alternative 6 (discussed in Topical Response #1) which provides added clarification regarding clarifies the orientation and use of solar panels on the project site. The applicant does not plan to install solar panels by the water production wells. However, because the lowest SCE rates currently apply to daytime use, and since SCE is also producing abundant solar and wind power during daytime hours, well operation will indirectly benefit from SCE's solar energy system improvements. The applicant plans to seek grant funding and, if successful, funds may be used in part for the purchase and installation of solar panels. Unless the grant application is successful, all project improvements (including the proposed and

previously-approved elements) would be privately financed, with no public funding. Please also note that project cost and financing are outside the scope of County approval and CEQA.

**11. COMMENT (Groundwater Pumping Concerns #1):** *The Range of Light Group is seriously concerned about groundwater sustainability in the Mono Basin. The SEIR did not provide enough information to allay our concerns. The workforce housing almost doubles the water use of the original 1993 plan. The additional usage would be on going; forever. The projected water usage is another important factor. The SEIR says the Tioga Inn Project will pump groundwater at the 100 gpm 24 hours/day and that the maximum usage at full build out (hotel, restaurant and workforce housing) will be 34,835 gpd in winter and 64,600 gpd in summer. That cranks out to 58.74 af/yr ( $34,835 \times 151 \text{ days} + 64,600 \times 214 \text{ days} / 324,900 \text{ gal/af}$ ). (It would have been nice if the document had calculated that.) The projected usage for the fully built, 1993 project is based on the 1992 SEIR before anything was built. This estimate should have been revised to reflect what is known about current usage, projecting the additional usage of the hotel and restaurant. While 59 af/yr isn't a lot of water, it isn't insignificant either. It will probably have an impact in drought years and when the Gibbs, Dana, and Conness glaciers disappear due to climate change. The SEIR should acknowledge that.*

*It is possible that the current water usage for what has been built under the 1993 project plan may have negatively impacted the neighboring well of the Andrew family located about a half mile to the south. Increased pumping at the new, 2017 well, which is located even closer, may negatively impact their well even more. The two Tioga Inn project wells go down at least 300 feet but start at a much lower elevation than the Andrew's well that sits on the moraine. There should be a developer bond set aside to deepen neighboring wells should they go dry.*

**RESPONSE:** Please see Topical Response #11 for discussion of project water use and potential project impacts on area water resources. Topical Response #11 also addresses concerns pertaining to the neighboring Andrews family well, as does the response provided to Letter #13 (Mono Lake Kutzadika'a Tribe) Comment #1. Please also note that the new Tioga well is a nominal distance farther from the Andrews well than the older Tioga well.

**12. COMMENT (Groundwater Pumping Concerns #2):** *Mono Basin is a low priority groundwater basin and will not have oversight through the Groundwater Sustainability Act for years to come. In 1993 when the original plan was approved for a hotel climate change was not taken into account, but we have since learned a lot more. Groundwater usage must be sustainable now and in the future. The groundwater pump tests done in May 2017 were done after a record winter season for snowfall. The test showed that pumping 100 gps for a day takes 25 hours to recharge and lowered the water table 0.2'. The tests done in June 1992 were done at the end of a six-year drought. The recharge rate was faster, but lowered the water table 0.3'. That test was done before the current complex was built or any water was withdrawn, which might be why the recharge was faster. A 0.2' or a 0.3' drop in groundwater day after day, could have significant, cumulative impacts to the water table level over the next 50 years. The water table must be monitored and thresholds set for controlled water use until a GSA is formed for the Mono Basin. The SEIR should include how that will be monitored and controlled in the interim. The days of unlimited withdrawals are over in California. By California law, groundwater basins must be sustainable.*

**RESPONSE:** The 2018 Sustainable Groundwater Management Act 2018 Basin Prioritization document identifies Mono Valley as a Very Low priority groundwater basin, and therefore the formation of a groundwater sustainability agency and development of a growth sustainability plan are not required. The designation reflects current information about population, the rate of projected growth, the number of active wells, acres irrigated, dependence on groundwater as a supply source, known impact factors (subsidence, overdraft, etc.), and other applicable and relevant information.<sup>69</sup> The designation reflects the judgment of the Department of Water Resources (DWP) that this basin is being sustainably managed, including consideration of the Mono County General Plan Mono Basin growth forecasts (the project is well within those forecasts).

The Sierra Club states that the May 2017 groundwater pump tests were done after a record season of winter snowfall, and this is correct. However, as noted in the response above to comment 11, recharge of the groundwater basin had only begun

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<sup>69</sup> For additional information, see: <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Basin-Prioritization/Files/2018-Sustainable-Groundwater-Management-Act-Basin-Prioritization.pdf>.

as of May, and the test was conducted following a sustained drought: the Public Policy Institute of California cites the 4-year period between fall 2011-fall 2015 as the driest since record keeping began in 1895. Thus the 1992 and 2017 tests were conducted under substantially similar baseline conditions. However, the 1992 tests were done when the well casing was fairly new (having been installed in 1984), and the well itself was producing at a higher rate of transmissivity. The project hydrogeologist indicates that a 0.2' or 0.3' difference in static water levels would not be significant, and notes that testing protocols allow for completion of data gathering after the well has recovered to within 5% of static water level. The Tioga well has produced groundwater at an unvarying rate of 130 gpm since 1984 over a wide range of hydrologic conditions. Please see discussion in Topical Response #11.

LRWQCB has indicated that groundwater monitoring will be required for this project to verify that discharges from the Wastewater Treatment Plant are in compliance with applicable water quality standards. The applicant plans to use the monitoring well to keep track of static water levels. Please see the response to Letter #7 (LRWQCB) Comment 7 for additional information about the monitoring program.

**13. COMMENT (Groundwater Pumping Concerns #3):** *The SEIR and the RCI review note that impacts to Lee Vining Creek were not determined, yet is it most likely that there will be impacts with how close the creek is to the wells. The impacts should be determined as part of this project as it is a critical natural resource in the Mono Basin and to Mono Lake. Groundwater pumping with this project could change the temperature of the water going into the lake or change how much of the water in the stream channel goes into ground before it reaches the lake. The impacts to local springs should also be determined as they are also critical to wildlife in the Mono Basin. We request that further tests be done. The SEIR assumes the flow in Lee Vining Creek is a constant 25 cfs when, in reality, it drops as low as 10 cfs in drought years and in winter. The impact then, is not < 1% It could be as much as 2.3% at 10 cfs. Groundwater pumping should be at lower rates when flows are low and specific thresholds should be set, including a no pumping allowed threshold.*

**RESPONSE:** Please see Topical Response #11, as well as the response to Letter 12 (Mono Lake Committee) Comment #1.B.2, which raised concerns regarding potential project impacts on Lee Vining Creek. To briefly review, results of pump tests conducted during 2017 showed no interaction between the Tioga wells and the Winston Well (located about 1/10 mile north of Lee Vining Creek). Proximity of the Winston Well to Lee Vining Creek, coupled with Creek management practices, indicated to the SGSI Project Hydrologist that pumping at the Tioga wells would not impact Lee Vining Creek. RCI Engineering in a peer review indicated that more detailed analysis would be required to assess potential for Creek depletion due to project pumping. In response, the project hydrologist noted that flows in Lee Vining Creek are largely controlled by SCE and LADWP releases from upstream reservoirs, and subject to mandated minimum flows. Based on results of a mathematical model calculation, SGSI concluded that the worst case potential (assuming there was an interaction between the wells and Lee Vining Creek, and pumping 24-hours a day year-round) for stream Creek depletion due to Tioga well pumping would be less than 1-percent, even without consideration of variables (distance, geology, local and regional recharge, actual pumping rates at less than 3/8 of the maximum possible rate, etc.) that would further reduce impact potential. In response to questions raised by Mono Lake Committee, the SGSI hydrology indicates that the conclusion would be unchanged by terms of a recent settlement agreement that establishes new Creek flow requirements.

**14. COMMENT (Groundwater Pumping Concerns #4):** *This project is not going for LEED certification, but could use less water than is in the plan.*

**RESPONSE:** LEED certification is not specifically mentioned in either the Land Use Element or the Conservation/Open Space Element, although green building practices are generally encouraged. The proposed project is consistent with these goals and actions. Please see Topical Response #11 for discussion of water use on the project site.

**15. COMMENT – WILDLIFE:** *Deer migrate through the project area on their way up or down Lee Vining Canyon to the Sierra meadows. In the fall, they pass through the property munching on shrubs under the windows of residences as they go. In theory, deer could go around the project, but they may not.... So the more open space and less human impact on the south and west side of the property, the better it would be for them. The Project Site Plan preserves a significant amount of open space, which is good. However, is it where it will benefit wildlife or is it where it isn't feasible or visually acceptable to build? There is a swath of open space at the eastern edge of the property along Highway 395 that will endanger wildlife.*



*This swath provides a more natural setting close to the road. However, it puts wildlife, e.g. deer and coyotes, and vehicles on a collision course. This is not a safe location for deer to forage and find cover. A fund should be set aside with developer fees to help fund an under/over pass for wildlife to cross State Route 120 or Highway 395 to get to Lee Vining Creek*

*With workforce housing, come dogs. If there are 300 more people living in the workforce housing units, there could be an additional 50-100 dogs. People will be walking their dogs on the surrounding USFS public lands a few times per week here, there, and everywhere. This will have a cumulative and negative effect on wildlife. A smaller scale project would lower the number of people and dogs.*

*Bears live up or near Lee Vining canyon. They are seen every year in the willowed areas and have on a few rare occasions, wandered through the project property. The SEIR didn't indicate if there would be more dumpsters added near the existing dumpsters or how trash would be handled for the workforce housing units. Bear-proof dumpsters will be needed to avoid attracting bears to the workforce housing area.*

**RESPONSE:** The commenter correctly asserts that US 395 represents a hazard to wildlife. Consideration of this impact prompted the project biologist to recommend, during DSEIR preparation, that a protected corridor be created along the length of the project boundary adjacent to US 395.

Topical Response #5 addresses wildlife mortality on US 395, and also presents information about the protected corridor and how the project open space areas were allocated and increased in acreage in order to reduce the direct project impacts on deer (but not the cumulative impacts) to less than significant levels. In response to the concerns raised in Comment 15 above, the project biologist has prepared additional background information about the US 395 corridor and deer behavior.

The darkened and unimpeded zone adjacent to US 395, as shown in the DSEIR Biological Assessment Exhibit 5.3-5, is a nocturnal habitat designed to reduce the number of crossings, specifically re-crossings, and thereby reduce the amount of hazard. As an example, consider a migratory deer that crosses the highway in the area of the project in order to enter Lee Vining Canyon. In the absence of the proffered mitigations including the open space corridor, this animal may encounter lighting, pets, and physical obstructions that lead to it deciding to (attempt to) re-cross the highway almost immediately. This animal will then continue on its migratory path by making a third crossing somewhere down the highway. If re-crossings are mitigated, the hazard is reduced by at least one-half (likely more) for every animal that encounters the project. The degree to which this habitat may function as an "attractive nuisance" is believed to be tempered in the project setting due to the local wildfire and development history; the entire area has been since 2000 an isolated fragment of cover and browse resource that once was connected and accessible. Animals approaching from the west now are blocked from entry into the questioned open space due to lack of connecting suitable habitat, and will be further blocked given the intensity of the within-project habitat alteration for human use. The project biologist has further indicated that habitat to the east of US395 is by inspection far more "attractive" (i.e., likely to retain wildlife rather than stimulate highway crossings), being connected to one off the best remaining (unburned) habitat expanses in the Mono Basin, and that wildlife passing through the Lee Vining community tend to move along the undeveloped corridor between US 395 and the edge of Mono Lake.

Concerns regarding domestic pets was the basis for DSEIR Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance), and also for Specific Plan implementation measure prohibiting construction workers from bringing their dogs to the site (Measure 4c(1)), and Specific Plan Policy 1f, Implementation measure 1f(1)) stating: "*Residents shall be required to keep pets on leashes at all times when outside of fenced areas; enforcement of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.*" In response to the comment above, a new provision has been added to Specific Plan Implementation measure 1f(1) as shown below:

**NEW** provision to be added for Specific Plan Implementation measure 1f(6): "*Residents shall be required to use the bear-resistant receptacles and dumpsters that will be provided onsite for trash disposal; enforcement of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.*"

**16. COMMENT (Visual Concerns #1-Simulations):** *Mono Basin is a National Scenic Area that draws hundreds of thousands of visitors from around the world during the summer. The scenic and visual night setting of the basin is extremely important to maintain. We do not want it nicknamed "the Mono Basin non-scenic area" or for visitors to tell people it's not worth the trip because of this project. Whatever is built here on the Tioga Inn Project site will be a permanent visual*

*disturbance forever. The buildings should be hidden as much as possible. The lights or lighting glow should be as low as possible. Visual impacts should be the highest concern of this project.*

*The SEIR lacks projected visuals from various key points around the Mono Basin to show how much of the project would be visible i.e. from the USFS Visitor Center, the end of the Boardwalk, the edge of the Mono Lake at South Tufa, and from the trails on Panum Crater. Also the quality of the photo-simulations in the SEIR from the parking lot at South Tufa, the Epic Café, and Highway 395 are of poor quality. It is hard to tell if one or two-storied buildings were projected onto the photo and they do not convey the true impact of the project. It is hard to believe that a two-storied apartment building will be hidden by the ridgeline as stated in the photo from the Epic Café vantage point when it is built starting at the ridgeline elevation. The SEIR should include before and after photos. They should be of iconic views of what the visitors see when they come here. There should be a South Tufa photo taken from the lake with the tufa towers in the foreground and the mountains in the background looking at the project site because that is what the visitors will see. That is the million-dollar viewshed Mono County will be permanently sacrificing for this project. The viewshed in Mono County is one of its most important assets. Today, a visitor can stand anywhere in the Mono Basin and see few human disturbances for as far as the eye can see--an incredible experience. There will be scarring from the construction of the wastewater treatment and leach fields that will be visible for up to a decade, but that is to be replanted. Although there are still cheatgrass patches and lines from the original construction of 20 years ago that are visible, the buildings will be visible forever.*

*Two buildings...will stand out the most: the restaurant on the promontory and the set of buildings on southern-most side of the workforce housing. Two sets of buildings are shown on the... Site Plan map for workforce housing and both are planned to be two-storied. The south-most set will be visible from the highway with only landscaping...to screen it. However, if the number of workforce housing bedrooms...were scaled back, then this ..set could be single-storied and much less visible from the highway. If the hotel were not built, all other new buildings could go where the hotel is and be much less visible.*

**RESPONSE:** The project potential to adversely impact aesthetic values, and to reduce dark night skies, was the concern most-often noted in comment letters on the DSEIR. The DSEIR recognizes that the scenic value of the Mono Basin is of the highest magnitude, and recognizes that this project will have a significant adverse impact on scenic and dark-sky resources. Notwithstanding this conclusion, the Community Housing will not be visible from most locations in the Mono Basin. The photo-simulations were created using the proposed dimensions of the housing structures, and elevations of the housing roof tops, as applied to known elevations of the simulation sites.

As shown in the DSEIR Concept Plan, the housing area was blocked by intervening topography from view of Epic Cafe and other points north, northeast and northwest of the project site. The housing would be visible from South Tufa Beach, but not prominent, due to the distance between the project and this important public and tourist sites. The housing would be directly visible, and much more prominent, from the stretch of US 395 that extends from just south of Picnic Grounds Road to the point where the guardrail is installed adjacent to the northbound lanes. This close-in vantage point would have experienced the greatest impact in terms of scenic value.

As a direct result of comment letters on the DSEIR, a new preferred Alternative 6 has been developed that incorporates many additional design modifications. The new Alternative 6 is described in detail – along with exhibits and line-of-sight diagrams -- in Topical Response #1. The changes reflected in Alternative 6 will eliminate project views from South Tufa parking and almost entirely eliminate site views from US 395, and substantially lessen views from South Tufa Beach and other points to the east. However, the conclusion remains unchanged that the project would have significant and unavoidable adverse impact on aesthetic resources as well as light and glare.

**17. COMMENT (Visual Concerns #2 – Day Care):** *The daycare center proposed is in a central location, which would be convenient for residents, but is a waste of "hideable" space. It should be located closer to the south side of the property, where low buildings are less visible from the highway. Other alternative designs should be considered that pack in more of the buildings on the north (town) facing side on the greenbelt space between the residential area & the workforce housing area to reduce the visibility of the complex and from fewer points around the Mono Basin.*

**RESPONSE:** Please see the discussion of design modifications incorporated into a new Alternative 6, as provided in Topical Response #1. Alternative 6 relocates the Day Care Center to the north end of the housing complex (where it will be

better screened from US 395) and makes many other modifications to lessen aesthetic impacts. Topical Response #1 includes new line-of-sight drawings (between the site and US 395) indicating that only 1-foot of roofline will be visible from US 395 with the proposed modifications.

**18. COMMENT (Visual Concerns #3 – Night Sky):** *Visitors enjoy and photograph the night sky in the Mono Basin. The lighting from this project will create a glow that will be seen from around the basin. Think of all the lights inside each hotel room, each bedroom, living room, and kitchen turned on at night. The outside lights will be facing downward or low, but the inside lights will impact the Mono County dark sky ordinance. That glow will be seen from around the Mono Basin, i.e. from South Tufa, Mono County Park, east side of the lake. The only way to reduce this is to scale down the project and limit the number of lights i.e. along outdoor pathways, outdoor patio lights, parking lot lights, etc. Adding another gas pump also adds more lighting that is high intensity lighting—very visible from a distance.*

**RESPONSE:** Please see Topical Response #2 for discussion of the Dark Sky Ordinance and Scenic Combining District requirements that will be imposed on the project by Mono County. These requirements will not address interior lighting, nor will they reduce project impacts on light and glare to less than significant levels, but they will ensure that light and glare impacts are minimized to the maximum feasible extent. Note that the Mono County Dark Sky Regulations do not address interior lighting, nor were indoor lighting recommendations found on the International Dark Sky website<sup>70</sup> or the Flagstaff Dark Sky website.<sup>71</sup> As noted in Topical Response #1, however, preferred Alternative 6 incorporates low landscaped berms on the east side of each parking lot with the intent to blocking direct views of interior lighting from offsite locations, and to partially filter and screen the indirect glow of project lighting.

**19. COMMENT (Number of Units):** *The Tioga Inn Specific Plan Amendment states there would be up to 100 units or 150 bedrooms. The Project Site Plan map shows 92 units and 142 bedrooms plus a manager's unit with an unspecified number of bedrooms. Where would the other 7 units/7 bedrooms be, if the project were built out to the maximum?*

**RESPONSE:** The Sierra Club is correct that the DSEIR Concept Site Plan shows 92 units, 142 bedrooms and a separate 4-bedroom managers unit (DSEIR §3.5.1). The unit and bedroom count may vary as plan details evolve, but the Specific Plan would allow no more than 100 units, and no more than 150 bedrooms, including the Manager's unit. A new phasing plan has been prepared that ties the development of housing units to specific construction milestones for the hotel and full service restaurant. The phasing plan is described in Topical Response #7.

**20. COMMENT (Connectivity with Lee Vining):** *It is a high priority to us to have a walking/biking trail connecting the town and the Tioga complex for tourists, locals, employees, and children walking to/from town to preserve the sense of community of Lee Vining. The Tioga complex will be a self-contained resort for visitors and a company town. We recommend a fund be set-aside with the developer fees for a trail that connects the project to the town. Yes, there is a problem now, but the problem would be greatly exacerbated with a doubling of the town's population due to workforce housing. A walkway connecting Utility Road to the Mobil Gas Mart with a bridge over Lee Vining Creek would be an asset to the whole community.*

**RESPONSE:** Topical Response #4 provides a comprehensive discussion of the issues surrounding development at this time of pedestrian/cycling connectivity between the project site and Lee Vining, as well as the steps that will be taken to facilitate future connectivity.

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<sup>70</sup> <https://www.darksky.org/our-work/lighting/>

<sup>71</sup> <https://www.flagstaff.az.gov/3698/Dark-Sky-City>

# #17

Strauss, Emilie

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**1. COMMENT (Natural Communities):** *During a keyword search of the DSEIR, I found mention of but no analysis of the presence of any of the California Department of Fish and Wildlife sensitive natural communities that have potential to occur in the project area. I quickly perused the CDFW California Natural Community List and noted potential to occur of multiple sensitive plant communities including but not limited to series:*

- 87.020.12 *Pinus jeffreyi*/*Purshia tridentata* var. *tridentata*/ *Wyethia mollis*
- 87.020.21 *Pinus jeffreyi*/*Purshia tridentata* var. *tridentata*, and
- 35.200.05 *Purshia tridentata* – *Artemisia tridentata*/*Eriogonum umbellatum*.

*Both the project footprint and a 5-mile radius around the project must be surveyed by a competent plant ecologist to determine (and map) presence of any sensitive plant communities.*

**RESPONSE:** The methods that were used to analyze the potential for impacts to the sensitive plant communities mentioned in the comment are given in DSEIR §5.3. The biological resources assessment report that was prepared in support of the DSEIR analysis is provided in DSEIR Appendix I. The analysis included extensive records searches as described on pages 3-8 of DSEIR Appendix I, as well as site surveys using California Department of Fish and Wildlife protocols (page 8 of DSEIR Appendix I) in order to document the occurring resources using methods that would have detected the presence of the sensitive communities mentioned in the comment.

The best available evidence as used in the analysis of impacts to sensitive plant communities consistently supports the conclusion that the three potentially occurring sensitive plant communities do not occur in the project area, and therefore no impact is anticipated. The field surveys found that some of the typical dominant species found in occurrences of these three types are present in the project area, but their relative frequencies never matched those expected where 87.020.12, 87.020.21, or 35, 200.05 patch of community-scale occurrences exist. Rather, the DSEIR conclusion is made that, among the five plant communities that do occur (DSEIR Table 5.3-2, Figure 5.3-1), one sensitive community type, *Purshia tridentata* – *Artemisia tridentata* (35.200.02), is present within 12.5 acres of the analyzed project footprint and nearby habitat (DSEIR Figure 5.3-1).

# #18

Strelneck, David

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1. **COMMENT (Emergency Management Systems):** *The magnitude of this development would overwhelm the emergency management systems in place, including the volunteer fire department. A solution could seem to be a total reinvention of those systems, but two problems persist:*

*- First, that should be an assessment of the state Fire Marshal, not of local volunteer fire authorities... It is not reasonable nor reliable to expect this kind of assessment of public risk and safety and resources from the local departments who are skilled and trained to plan incrementally, when it seems a truly revolutionary approach...would likely be required.*

*- Second, at the level of community character and governance, the critical problem is that the volunteer fire department and town public utilities district and others who would be subject to such a revolutionary move in fact form the... the social capital and operating infrastructure...of the town, and of the relationship between residents in Lee Vining and Mono City and June Lake and elsewhere. What happens to the town ... if this social fabric is bumped aside by an overwhelmingly large development (and steered by someone without community interest)? This seems a critically important factor for your consideration in adhering to the highest level principles of public governance.*

**RESPONSE:** Assurance that emergency management systems will be capable of serving the proposed Community Housing Project, as well as previously approved but as-yet undeveloped entitlements, is recognized as a key issue. In its comments on the DSEIR, LVFPD cited several concerns including the major burden that would result if LVFPD was tasked with the inspection or review of plans for conformance with fire safety regulations. As discussed in the response to Letter #8 (LVFPD), Comment 2, Mono County has identified several options that would enable LVFPD to meet project requirements including reliance on Mono County for building plan check and inspection services, contracting with an outside provider for external plan check services, and meeting needs using existing LVFPD staff and resources. Mono County notes that it will defer to the jurisdictional authority of LVFPD, but affirms that the County's existing system can assist in meeting LVFPD needs.

Neither the County nor LVFPD have indicated a need for the State Fire Marshall to assess public risk, safety and resources for this project. Duties of the State Fire Marshall focus on state-wide fire management policy and direction, including development of fire safety codes and enforcement procedures, oversight of fire and arson investigations, maintaining fire incident data, public education initiatives, and advising state officials regarding fire prevention and safety policies. Guidance originating with the State Fire Marshall's office would be the basis for project-level planning and input from LVFPD and CalFire.

2. **COMMENT (Schools):** *The school in Lee Vining is very successful... For over fifty years it has produced a unique and high-caliber education, helping launch our students as successful citizens.... Even... with class sizes ranging from six to over twenty, the constant flow of student successes and testimonials from former graduates of the Lee Vining schools is remarkable... The stability of the school (not its size) formerly provided the social fabric that integrated community and county actions in June Lake, Lee Vining, and Mono City, drawing residents together to connect, collaborate, and achieve great things....Creating a comparatively massive body of transitional Tioga Inn housing that destabilizes the school, as seems quite possible given the loose terms of the housing plan for Tioga Inn... puts the powerful positive role of the school within the wider community at risk...*

**RESPONSE:** Correspondence received from ESUSD<sup>72</sup> stated that the student populations identified in the DSEIR could result in a classroom space shortage at Lee Vining Elementary, but that Lee Vining High School currently has the capacity

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<sup>72</sup> Correspondence from Mollie Nugent, ESUSD Business Manager, 26 October 2018.

to house the project student increase. The correspondence also indicated that the anticipated Developer Impact Fees for this project (estimated to be \$231,426 at the current rates) would be adequate to add one portable classroom should that become necessary, and sufficient to meet most any student need generated. In the correspondence, ESUSD volunteered an additional statement that "Adding students whose families have access to stable, affordable housing is something ESUSD welcomes as enriching to our school community."

Based on the information provided by ESUSD, there is no basis to conclude that the project would destabilize the school, and there is an indication that students generated by the project may make a positive contribution to the role of the school in the wider community.

# #19

## Uptegrove, Jane, MS, PG (PA)

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- 1. COMMENT (Seismic Risk):** *In Section 9.2 of the SEIR, the potentially significant and unavoidable adverse impacts associated with implementation of the proposed Tioga Workforce Housing Project are listed and evaluated as Yes or No. I disagree with the Developer's claim in section 5.1, under Soils and Geology, that the project will not cause "exposure of people and structures to unstable geology". I submit for your review a close-up image of the State of California's published map of major documented faults, showing the Mono Lake Fault running directly along Route 395, including the area of the junction with Rt. 120, the site of the Mobil Mart (see image below). Furthermore, the listed age of fault activity on the Mono Lake Fault is Holocene, which in geologic terms means anytime within the last 10,000 years. Geologists know that there is continued faulting along the scarp of the eastern side of the Sierra. The proposed site is well within the zone of activity and impact from such faulting. See photo of California State Fault Map.*

**RESPONSE:** The Mono Lake Fault was the subject of a 1991 geologic study prepared by GeoSoils Inc. to satisfy requirements of the Alquist-Priolo Special Studies Zone Act for the proposed Tioga Inn project. As discussed in DSEIR §5.1 (Geology & Soils, p. 5.1-3), the 1991 report findings stated that active faulting was not encountered on the site, nor were adverse geologic features identified that would preclude the feasibility of the original Tioga Inn development. The report indicated a maximum credible earthquake on the site of 8.0M (with a maximum probable earthquake of 6.5M), with ground acceleration potential similar to the eastern Sierra Nevada region as a whole. Liquefaction potential and seismically-induced landslide risk were considered to be low. The reports found that there is no potential for surface rupture or soil displacement on the project site.

Based on these findings, the 1991 geologic study concluded that impacts would be less than significant with mitigations including adherence to the latest Uniform Building Code standards. A peer review of the GeoSoil findings, as well as an assessment of groundwater resources, was provided by Kleinfelder, Inc. in 1992 (see DSEIR Appendix D). The peer review found that the GeoSoils geologic study was adequate to evaluate potential fault rupture. Recent California Geologic Survey updates to the Alquist-Priolo Earthquake Fault Zone maps show that faulting in the vicinity of the Tioga Community Housing project remains as shown and as investigated for the 1993 Final EIR.

- 2. COMMENT (Unstable Geology):** *The site is on the moraine structure that extends to the valley from Mt. Dana and Mt. Gibbs. Moraines are composed of a mix of gravel, boulders, sand, etc., all materials that can become unstable and create landslides during seismic activity. The proof of this potential risk is the well-documented notch in the glacial moraine just north of Rt. 168 near Bishop, CA, caused when the land on the valley side dropped about 40 feet. Therefore, the developer's claim of no risk to people or structures due to unstable geology is false. I would not put my own house there, and I would not in good faith approve the siting of the workers' housing units on the moraine.*

**RESPONSE:** The 1991 geologic investigation by GeoSoils Inc. (see DSEIR Appendix C) found that onsite soils were suitable for foundation support, and provided detailed recommendations for site preparation, foundation and slab design, slabs on grade and seismicity, paving, temporary excavation and grading, observation and testing, and post-grading criteria. The 1992 Kleinfelder Report provided additional information concerning the geologic setting, noting that the site is located in a transition area between the Sierra Nevada geologic province to the west, and the Basin and Range province to the east. The Sierra province is comprised of predominantly granitic materials, whereas the Basin and Range province is comprised of primarily volcanic rock materials.

Both reports (GeoSoils and Kleinfelder) concluded that the site would be suitable for development as proposed given adherence to the recommended methods for site preparation. There is no evidence or expectation that onsite soils are or would become unstable and result in landslide, liquefaction, expansion, spreading, subsidence or collapse.