

TIOGA COMMUNITY HOUSING FINAL SUBSEQUENT EIR



SECTION 6

MITIGATION MONITORING & REPORTING PROGRAM

6.1 CEQA BASIS

CEQA Guidelines §15091(d) requires lead agencies to adopt a program for reporting on monitoring the changes it has made in a project or made a condition of project approval to avoid or substantially lessen significant environmental effects. These 'mitigation measures' must be fully enforceable, generally through permit conditions or agreements. CEQA Guidelines §15126.4 describes how mitigation measures are to be addressed in environmental documents. Key elements of these requirements include:

1. **ATTRIBUTION:** The discussion of mitigation measures must distinguish between measures that are proposed by the project applicant, and other measures proposed by the lead agency or responsible or trustee agencies, or other relevant entities.
2. **EFFECTIVENESS:** Mitigation measures must be considered reasonably capable of reducing adverse impacts, and measures are to be provided for each significant effect identified in the environmental document.
3. **SIGNIFICANT EFFECTS ONLY:** Mitigation is not required for impacts found to be less than significant. Where several measures are available, the EIR should discuss the basis for selecting a particular measure.
4. **NO DEFERRAL:** Mitigation measures must be formulated as part of the environmental review and may not be deferred until a future time; however, the specific details of a mitigation measure may be developed at a later stage if necessary, provided the lead agency commits to the measures, adopts performance standards to be met, and identifies the type of actions that will meet adopted standards.
5. **SECONDARY IMPACTS:** If a mitigation measure would cause impacts in its own right, those impacts must be disclosed and analyzed though in less detail than significant effects of the project.
6. **ENFORCEABILITY:** The measures must be fully enforceable through legally binding instruments.
7. **NEXUS:** There must be an essential nexus between the mitigation and a legitimate governmental interest.
8. **PROPORTIONALITY:** The mitigation measure must be roughly proportional to the impacts of the project.
9. **LEGALITY:** If a measure cannot be legally imposed, it need not be discussed or analyzed.

CEQA Guidelines §15091 describes the relationship between project approvals and the mitigation of identified significant effects. This process requires the lead agency to make written findings, supported by substantial evidence, for each of the significant effects of a project, accompanied by a brief discussion of the basis for each finding. Possible findings include:

- a) **CHANGES HAVE BEEN MADE:** Changes have been incorporated into the project that will avoid or substantially lessen the significant impacts identified in the environmental document.
- b) **CHANGES ARE THE RESPONSIBILITY OF ANOTHER AGENCY:** The identified mitigation is the responsibility of another public agency and not the lead agency, and the measure can and should be adopted by the other agency. Note that this finding may not be made where the Lead Agency (in this case, Mono County) has concurrent jurisdiction with another agency to deal with the identified feasible measures or alternatives.
- c) **CHANGES ARE NOT FEASIBLE:** The identified mitigation measure or alternative is not feasible due to specific economic, legal, social, technological or other considerations.

6.2 FINAL SUBSEQUENT EIR MODIFICATIONS

In compliance with requirements of CEQA Guidelines §15091 and §15126.4, this section compiles mitigation measures developed through the Final Subsequent EIR. In response to comments received during FSEIR preparation, this Mitigation Monitoring and Reporting Program incorporates many changed mitigation requirements including new, amended and deleted measures. All revisions are shown in "Track Changes" for ease of identification. A clean final version will be prepared for use by Mono County following Board of Supervisors decisions regarding certification of this Final EIR.

With one exception pertaining to FAA,¹ all mitigation measures herein will be enforced by Mono County, and all (including FAA) are compiled into a single Table 7-1. This FSEIR deletes the Mitigation Measures presented in DSEIR Table 10-2 as the responsibility of other agencies (with the exception of FAA), and also deletes the recommended Mitigation Measures that were presented in DSEIR Table 10-3. None of the mitigation measures in this FSEIR are considered infeasible.

6.3 MITIGATION MONITORING AND REPORTING OVERVIEW

It is anticipated that the compilation of mitigation measures for the Tioga Workforce Housing Project may change as a result of comments received through the agency and public review process and/or through modifications recommended by the Mono County Planning Commission and/or adopted by the Mono County Board of Supervisors. Following completion of the Final Subsequent EIR, and before considering final project approval, Mono County will prepare 'Findings' that make one or more written findings for each of the significant project effects. Each findings will be accompanied by a brief explanation of the rationale for the finding consistent with CEQA Guidelines 15091 (as described above in §10.0. As part of the Findings, Mono County will adopt a program (i.e., The Mitigation Monitoring and Reporting Program) for reporting on or monitoring the enforceable changes that it has required in the project or made a condition of project approval in order to avoid or lessen the identified environmental impacts. Mono County will be required to specify the location and custodian of all documents that comprise the full record of proceedings upon which the Board of Supervisors' decision is made. The full record shall include the Draft SEIR, comments on the Draft SEIR, responses to comments, the Final EIR, the Findings, the Mitigation Monitoring and Reporting Program and, if adopted, the Statement of Overriding Considerations.

6.4 STATEMENT OF OVERRIDING CONSIDERATIONS

As part of the determination whether to approve a project, CEQA Guidelines §15093 requires the decision making body to balance the benefits of a project (including local, region-wide or statewide economic, legal, social, technological or other benefits) against the unavoidable significant environmental impacts and risks of that project. If the specific benefits are found to outweigh the unavoidable adverse environmental impacts, the adverse environmental impacts may be considered 'acceptable.' In cases where the lead agency approves a project with significant unavoidable adverse impacts, the agency must state in writing the specific reasons that support its action based on substantial evidence in the Final EIR and/or other information in the full record. The Statement of Overriding Considerations is included in the record of the project approval, and mentioned in the Notice of Determination. The Statement of Overriding Considerations is included with (and may not substitute for) the written Findings.

6.5 RESPONSIBLE AGENCY, REGULATORY AND CODE COMPLIANCE STANDARDS

If approved by the Mono County Board of Supervisors, the project will be required to comply with the requirements of all Responsible and Trustee agencies with permit authority; these agencies are anticipated to include the Lahontan Regional Water Quality Control Board, the SWRCB Division of Drinking Water, Caltrans, the California Dept. of Fish and Wildlife, the California Department of Forestry, Mono County Dept. of Environmental Health, Lee Vining Fire Protection District, and the FAA.. These agencies may impose conditions of permit approvals in addition to the Mitigation Measures contained in this EIR. The agencies with permit authority are normally responsible for ensuring compliance with conditions of approval.

The project will also be subject to a number of uniform code requirements and standard conditions of approval, many of which have been established to safeguard environmental resources, and/or to promulgate environmental goals and objectives. If the proposed project is approved, compliance with these measures will be mandatory (not discretionary). As such, these measures do not conform to the strict definition of mitigation. Although regulatory standards and codes are not generally incorporated into this mitigation program, the County will be required to ensure that the project is in full compliance with all relevant requirements.

¹ FAA will verify compliance with requirements outlined in the FAA Determination letter dated 12/7/2018, as well as any and all other FAA requirements that may apply to the Tioga Specific Plan Amendment #3 and appurtenant structures on the project site.

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
GEOLOGY AND SOILS		
GEO 5.1(a-1)	Soils: Site specific soils reports with appropriate recommendations for proposed improvements shall be made at the time that improvements are being designed.	Prior to issuance of Grading and/or Building Permits by Mono County
GEO 5.1(a-2)	Debris Flows: Debris flow mitigation (including debris/desilting/retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
GEO 5.1(a-3)	Seismicity: Due to the project location in a zone of known active faulting, further geotechnical investigations shall be undertaken if soil removal and/or grading expose fault traces. This possibility shall be considered throughout the initial construction planning and earthwork phases.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
GEO 5.1(b)	Low Impact Development: The Low Impact Development Best Stormwater Management Practices Program (LID BMPP) outlined in Mitigation HYDRO 5,2(a-6) shall be implemented through the life of the Tioga Specific Plan.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
GEO 5.1(c)	Supplemental Geotechnical Studies: Additional geotechnical studies shall be prepared, prior to Grading and/or Building Permits approval, to examine subsurface soil and groundwater conditions on all project areas that were not analyzed as part of the 1993 Final EIR. Areas to be studied shall at a minimum include land underlying the workforce housing project, the propane tank storage area, the proposed site of the new water storage tank, and all areas that would be newly impacted by the proposed septic and wastewater treatment system modifications.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
HYDROLOGY AND WATER QUALITY		
HYDRO 5.2(a-1)	Slope Restoration and Monitoring: The Shrubland Revegetation Plan requirements outlined in Mitigation BIO 5.3(a-1) shall be included as a condition of approval in the building permit issued by Mono County. Purposes of the revegetation plan are to control erosion, reduce offsite runoff flow, control weeds, sequester carbon, enhance aesthetic values and to provide forage and shelter for wildlife.	To be included as a condition of approval in the building permit issued by Mono County. County to oversee monitoring results, and plan changes if and as needed.
HYDRO 5.2(a-2)	Buffer Zone and Exclusion Fencing: Buffer areas shall be identified and exclusion fencing shall be installed to protect surface water resources outside of the project area, and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters outside the project area. Construction equipment shall be required to use existing roadways to the extent possible.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES			VERIFICATION TIMING AND RESPONSIBILITY
HYDRO 5.2(a-3)	Minimal Vegetation Clearing: Vegetation clearing shall be kept to a minimum. Where feasible, existing vegetation shall be mowed so that after construction, the vegetation can reestablish more quickly and thereby help mitigate the potential for storm water impacts.		To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
HYDRO 5.2(a-4)	Spill Prevention and Response: The Spill and Leak Best Management Practices Program outlined in Mitigation HYDRO 5.2(a-7) shall be implemented through the life of the Tioga Specific Plan. The purpose of Spill and Leak Mitigation HYDRO 5.2(a-7) is to prevent hazardous materials spills and to minimize the discharge of pollutants from unplanned releases, through appropriate recognition and response procedures.		Plan to be filed with and approved by Lee Vining FPD and CalFire prior to Building and/or Grading permit issuance for new gas pumps and propane tanks.
HYDRO 5.2(a-5)	Onsite Storm Flow Retention: A comprehensive drainage study shall be developed which includes all phases of the project and implements the Low Impact Development Standards outlined in GEO 5.2(b). The project shall incorporate features to remove sediment from stormwater before it is discharged from the site. The project shall retain runoff from new impervious surfaces, and surfaces disturbed during construction. Retention shall be achieved by directing runoff to drywells or landscaped areas that provide infiltration. Sediment removal and retention systems shall be designed to accommodate all runoff resulting from a 20-year storm event of 1-hour duration. It must be demonstrated that the stormwater system is designed in such a way that when the retention capacity is exceeded, runoff leaves the site in keeping with pre-project drainage patterns, and will not cause the design capacities of any downstream drainage facilities to be exceeded.		To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
HYDRO 5.2(a-6)	Stormwater BMPs: In compliance with Mono County General Plan Appendix §25.010, the Low Impact Development Best Stormwater Management Practices Program (LID BMPP) provided herein shall be implemented throughout the life of the Tioga Specific Plan. Purposes of LID implementation are to keep polluted runoff water out of the rivers and lakes, use the chemical properties of soil and plants to remove pollutants from water, design subdivisions to clean their own stormwater rather than dumping it into streams or lakes, and preserve the natural water flow of the site beyond required codes and 'business-as-usual'. The measures to be implemented		To be included as a condition of approval in the Grading and/or Building Permits. Mono County Health Department to oversee BMP implementation.
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.
RUNOFF SEPARATION			Channels and/or swales will be used to create a separate between roads and pedestrian paths.

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MITIGATION MEASURES			VERIFICATION TIMING AND RESPONSIBILITY
	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.	
HYDRO 5.2(a-7)	Spill and Leak BMP Plan: The Spill and Leak BMP Plan below shall be incorporated into and approved as part of the Board Order for the package wastewater treatment plant (WWTP). The plan shall comply with all applicable requirements of the Lahontan Regional Water Quality Control Board, as stipulated in the Board Order, to ensure that onsite facilities have containment and other controls in place to prevent oil from reaching navigable waters and adjoining shorelines, and to contain and treat oil discharges onsite should a spill occur.		To be included as a condition of approval in the LRWQCB Board Order for the WWTP, and in Grading and/or Building Permits issued by Mono County. Mono County Health Department and LRWQCB to oversee BMP compliance.
	Spill and Leak Best Management Practices of the Tioga Community Housing Project		
	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.	

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MITIGATION MEASURES			VERIFICATION TIMING AND RESPONSIBILITY
		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 TREAT- MENT 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) shall be trained in use and maintenance of the designated wash area. Washwaters shall be contained, cleaned and recycled.	
		Detergents sold & used at the gas station shall be biodegradable and free of phosphates.	
HYDRO 5.2(b-1)	Wastewater Treatment: Upon installation of the new wastewater treatment system the existing septic tank will be properly decommissioned, and the existing leachfield will be used only for disposal of treated effluent during the winter months when effluent flows are at a minimum and the subsurface irrigation system is suspended due to freezing conditions. Leach field size will be determined by LRWQCB requirements, based on the application rate for the treated wastewater effluent.		To be included as a condition of approval in the Grading and/or Building Permits. Mono County Health Dept. to oversee septic tank decommissioning; LRWQCB to oversee leachfield sizing.
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.		To be included as a condition of approval in the Grading and/or Building Permits. LRWQCB to oversee leachfield location based on percolation rates.

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MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
HYDRO 5.2(b-3)	Effluent Treatment Standards: The package plant shall be designed to produce a treated secondary denitrified effluent achieving a total nitrogen concentration of 10 mg/L. The treatment plant's performance goals for BOD, TSS, T-N, coliform, etc. shall meet the US EPA secondary treatment standards.	To be included as a condition of approval in the Grading and/or Building Permits. LRWQCB to verify compliance.
HYDRO 5.2(b-4)	Title 22 Compliance: Operation of the proposed subsurface drip irrigation system will require either an approved Title 22 engineering report from Division of Drinking Water (DDW), or a letter from DDW stating that the project does not need to satisfy Title 22 criteria; the alternative leach field location shown on the Tioga Workforce Housing Concept Plan shall replace the proposed leachfield location if required for Title 22 Compliance.	To be included as a condition of approval in the Grading and/or Building Permits. DDW to determine whether Title 22 applies.
HYDRO 5.2(b-5)	Groundwater Quality Monitoring: At a minimum, the project will provide 1 upgradient and 2 downgradient monitoring wells, in locations and at depths to be established by the Lahontan Board during the Wastewater Treatment Plant permit approval process. Monitoring well locations and depths of well construction will be as proposed by a licensed hydrogeologist as part of a Work Plan for permitting of the WWTP, as reviewed and accepted by the Board.	To be included as a condition of approval in the Grading and/or Building Permits. LRWQCB to oversee implementation.
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.	To be included as a condition of approval in the Grading and/or Building Permits. LRWQCB to oversee implementation.
HYDRO 5.2(c-1)	Groundwater Level Monitoring: The applicant shall provide Mono County Public Health Department with monthly measurements and recordings of static water levels, airlift pumping water levels, pumping rates and pumped volumes for the onsite wells. The monthly measurements shall be provided to the County for at least the first year to establish a baseline; monitoring shall continue on at least a quarterly basis thereafter.	To be included as a condition of approval in the Grading and/or Building Permits. Mono County Health Dept. to oversee monitoring results, and plan changes if and as needed.
BIOLOGICAL RESOURCES		
BIO 5.3(a-1)	Shrubland Revegetation: Proponent shall prepare a Revegetation Plan for the purpose of returning all areas that are temporarily disturbed by the project to a condition of predominantly native vegetation. Mono County will review this plan for approval within 60 days of the start of project construction. The revegetation plan will, at a minimum, include locally derived seed or plants from the following list of species, in order to emulate remaining Great Basin Mixed Scrub on-site: Jeffrey pine, single-leaf pinyon, antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (<i>Eriogonum microthecum</i> , <i>E. fasciculatum</i> , or <i>E. umbellatum</i>), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses. The Plan must also include methods and timing for planting, supplemental inputs including plant protection and irrigation using treated sewage effluent, success criteria that include a return to at least 50% of pre-project native vegetation cover within five years, and a monitoring and reporting program that includes annually collected revegetation progress data, data and trends summary, and photographs for transmittal to Mono County prior to December 1 of each of the first five years following project construction (or until all success criteria are attained.) Monitoring data collection and reporting shall be performed by a qualified botanist who has been approved by Mono County. A map shall be included with the	To be included as a condition of approval in the building permit issued by Mono County. County to oversee monitoring results, and plan changes if and as needed.

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
	Revegetation Plan that shows the location of all areas that will be temporarily disturbed during grading and earthwork.	
BIO 5.3(a-2)	Rockcress Avoidance: The construction contractor shall be required to install temporary fencing along the western edge of the existing roadway where it approaches the Masonic rockcress population, in order to prevent accidental damage due to incursion by equipment. Fencing shall remain in place through the completion of all construction phases.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
BIO 5.3(a-3)	Nesting Bird Survey: A pre-disturbance nesting bird survey shall be conducted within seven days prior to the start of vegetation and ground-disturbing project activities, by a qualified biologist, if construction is scheduled to begin during the period March 15 – August 15. All potential nesting habitat within 200 feet (passerine birds) or 600 feet (raptors) from the project-related disturbance limits will be included in the survey. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Appropriate measures (at a minimum including nest buffering and monitoring) will be decided in consultation with CDFW on a nest-by-nest basis.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County. CDFW, in consultation with Mono County and project applicant, to review bird survey results and reporting, and to determine whether added protections are needed.
BIO 5.3(a-4)	Badger Survey: A pre-disturbance denning badger survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 100 feet in all directions. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active dens will be buffered by a minimum distance of 100 feet, until the biologist finds that den occupation has ended.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County. CDFW, in consultation with Mono County and project applicant to review bird survey results and reporting, and to determine whether added protections are needed.
BIO 5.3(a-5)	Pet Enclosure, Pet Leashing, Eviction for Noncompliance: Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.	To be included in the Covenants, Conditions and Restrictions (CC&Rs) developed for the Workforce Housing property, and strictly enforced by the Workforce Housing Manager. Mono County shall be provided a copy of the complying CC&Rs and tenancy agreement prior to Certificate of Occupancy issuance.
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.	To be included as a condition of approval in the Grading and/or Building Permits. Mono County CDD to oversee implementation.

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MITIGATION MEASURES	VERIFICATION TIMING AND RESPONSIBILITY
<p>(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.</p> <p>(c) BITTERBRUSH: Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 7-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250 feet of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.</p> <p>(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 (<i>Chrysothamnus viscidiflorus</i>, 1-2 ft 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>(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.</p> <p>(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.</p>	
<p>BIO 5.3(d-1)</p> <p>Shielding of Night Lighting: Night lighting shall be shielded and in compliance with Chapter 23, Dark Sky Regulations, of the General Plan to maintain at existing levels the degree of darkness along the corridor of undeveloped vegetation between Tioga Inn developments and US395. Deer movements across the highway during spring will be facilitated by keeping this corridor open (no linear barriers, no brightly lit signs, no future devegetation or project development) so that movements will be deflected to the east and south of the new housing area rather than back across the highway.</p>	<p>To be included as a condition of approval in the Building and/or Grading Permit issued by Mono County.</p>

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
BIO 5.3(d-2)	Burn Area Restoration: All areas burned in 2000 within the property (14.8 acres, minus acres that are permanently converted to approved Tioga Specific Plan facilities) will be seeded using locally collected bitterbrush (<i>Purshia tridentata</i>), at a rate of 4 pounds/acre pure live seed. In addition, diverse shrubs and grasses with available locally collected seed (acceptable species are: antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (<i>Eriogonum microthecum</i> , <i>E. fasciculatum</i> , or <i>E. umbellatum</i>), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses) will be spread, bringing the total application rate to 10 pounds/acre. Seeding will be performed just prior to the onset of winter snows in the same year that project construction is initiated. If, after a period of five growing seasons has passed, a qualified botanist finds that total live cover provided by native shrub and grasses has not increased to 20% above that measured at adjacent (unseeded) burn scar areas, then the entire burn area will be seeded again as described above.	To be included as a condition of approval in the Building and/or Grading and/or Building Permits issued by Mono County. County to oversee monitoring and reporting program, and County to oversee revegetation plan changes if and as needed.
BIO 5.3(d-3)	Protected Corridor along US 395: Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future revegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.	To be included as a condition of approval in the Building and/or Grading Permit issued by Mono County.
BIO 5.3(d-4)	Waste Receptacles: All waste receptacles will be designed to prevent access by ravens and bears. Signs will be clearly posted informing of the need to secure trash, pets, and stored food from wildlife access. Rental agreements will include restriction against storage of trash or unsecured food items outside residences (including in vehicles) for any length of time.	To be a condition of approval in the Building and/or Grading Permit issued by Mono County. Also to be included in the Workforce Housing CC&Rs and strictly enforced by the HOA manager.
CULTURAL & TRIBAL CULTURAL RESOURCES		
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	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
	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 Kutzedika'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 ² for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.	
CULT 5.4(b)	<u>Discovery of Paleontological Resources:</u> All construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried paleontological resources. In the event of the discovery of paleontological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by a qualified paleontologist. Work shall not resume in the defined area until the paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
CULT 5.4(c,d)	<u>Discovery of Human Remains.</u> No evidence of Native American burials, which are considered Tribal Cultural Resources, was found in the project area. However, unmarked Native American graves may, potentially, be encountered during ground disturbance or excavation. Because no cultural tribal resources have been identified on the project site but the potential exists for subsurface resources that cannot be seen at this time, the interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork, and are invited to observe the work at any time without compensation. All construction plans that require ground disturbance and excavation shall contain an advisory statement that (1) there is potential for encountering human burials, (2) the Indian communities have been invited to observe the work at any time without compensation, (3) if human remains are encountered, all work shall stop immediately and the County shall be notified, and (4) that human remains must be treated with respect and in accordance with State laws and regulations.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.

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

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
	In the event of the discovery of human remains at any time during construction, by either project personnel or the Tribal monitor, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery and the Kutzedika'a Indian Community of Lee Vining and the Bridgeport Indian Colony shall be notified. California Health and Safety Code §7050.5 stipulates that if human remains are discovered during project work, the specific area must be protected, with no further disturbance, until the county coroner has determined whether an investigation of the cause of death is required. If the human remains are determined to be those of a Native American, the coroner must contact NAHC by telephone within 24 hours. PRC §5097.98 states that NAHC must then notify the most likely descendant community, which then inspects the find and makes recommendations how to treat the remains. Both laws have specific time frames, and PRC 5097.98 outlines potential treatment options. Representatives of the most likely descendant community shall be responsible for determining who will monitor the subsequent ground disturbance. The tribal monitor shall receive reasonable compensation for time and travel costs involved in developing recommendations for and treating the remains, and for monitoring subsequent ground disturbance. Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed \$40.	
LAND USE AND PLANNING		
LU 5.5(b-1)	HMO Compliance: A determination regarding the HMO compliance option to be used for the Tioga Community Housing Project shall be made prior to issuance of the first building permit. The determination shall include identification of the number of qualifying units (i.e. units with rents no higher than 120% of average median income (AMI)) that are exempt from the HMO requirements.	To be included as a condition of approval in the Grading and/or Building Permits. Mono County CDD to oversee implementation.
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.	ESTA and ESUSD bus stop and turnaround areas to be included as a condition of approval in the Building Permits. Mono County CDD to oversee implementation.
PUBLIC HEALTH AND SAFETY		
SFTY 5.7(c)	Air Navigation Safety: The project shall comply with all applicable Federal Aviation Administration (FAA) regulations (i.e., Title 14, Chapter I, Subchapter E, Part 77).	FAA to verify compliance requirements per the Determination letter dated 12/7/2018, as any other applicable FAA requirements that apply to Tioga Specific Plan Amendment #3 and appurtenant structures on the project site.

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
SFTY 5.7(d)	Encroachment Permit: An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.	To be included as a condition of approval in the Grading and/or Building Permits. Caltrans to oversee implementation.
HAZ 5.7(e-1)	Fire Risk: The project shall incorporate the wildland fire protection measures listed below and detailed in the Community Wildland Fire Protection Plan – Home Mitigation section, CWPP pages 36-40 (or as updated), and in any other fire regulations (CalFire, PRC §4290 & N§4291, California Fire Code, etc.): <ul style="list-style-type: none"> • Maintenance of adequate defensible space for all homes; • Use of noncombustible materials for decks, siding and roofs; • Screening or enclosing of open areas below decks and projections, to prevent the ingress of embers • Routine clearing of leaf & needle litter from roofs, gutters and foundations; • Routine clearing of flammable vegetation away from power lines near homes; • Routine clearing of weeds & flammable vegetation to at least 30’ from propane tanks; • Use of fire and drought tolerant plantings, especially within 30-feet of homes, and avoidance of flammable ornamentals such as conifers; • Routine thinning of vegetation along access roads and driveways; • Provision of turnarounds at the end of all driveways and dead-end roads; and • Reflective address markers on all driveways and homes. • Receive a will serve letter from the Lee Vining Fire Protection District. 	To be included as a condition of approval in the Building and/or Grading Permits issued by Mono County.
HAZ 5.7(e-2)	Fire Hydrants: Multiple fire hydrants shall be provided on the project site, at locations that will enable all project elements to be reached with use of existing LVFPD water hoses. All hydrants shall feature a breakaway design feature wherein flows shut down if the hydrant is damaged.	To be included as a condition of approval in the Building and/or Grading Permit issued by Mono County, with input from Lee Vining FPD.
PUBLIC SERVICES		
SVCS 5.8(a-1)	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.	To be included as a condition of approval in the Grading and/or Building Permits. Mono County CDD to oversee implementation.

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
SVCS 5.8(a-2)	Defibrillators: 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 manager shall also be trained in emergency shutdown, and take responsibility for scheduling an annual walk-through.	To be included as a condition of approval prior to issuance of Occupancy Permits. Mono County CDD to oversee implementation.
TRAFFIC		
TFFC 5.9(a-5)	Access Rights: The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.	To be included as a condition of approval in the Grading and/or Building Permits. Caltrans to oversee implementation.
TFFC 5.9(a-6)	Encroachment Permit: An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.	To be a condition of approval in the Grading and/or Building Permits. Caltrans to oversee implementation.
TFFC 5.9(a-7)	YARTS access: The project plan shall incorporate a pedestrian pathway between the Community Housing area and the YARTS bus stop, and a pedestrian crosswalk at the Vista Point entry.	To be a condition of approval in the Grading and/or Building Permits. Mono County CDD to oversee implementation.
AESTHETICS		
AES 5.12 (a,b)	Screening Design Features. All landscaping, landscape irrigation, building materials and design elements used in development of the proposed project elements shall be selected and applied in a manner that screens or minimizes offsite views of project elements to the maximum feasible extent, consistent with other mitigation requirements outlined in this EIR.	To be verified by Mono County CDD prior issuance of Building Permits.
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	Outdoor lighting plan to be approved prior to submittal of building plans. Mono County CDD to oversee implementation.

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
	<p>(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.</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>In addition to the above, the project shall include landscaping to shield offsite views of lighting and shall prohibit 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>	

TIOGA COMMUNITY HOUSING DRAFT SUBSEQUENT EIR



SECTION 7.0 SPECIFIC PLAN

7.1 INTRODUCTION TO TIOGA INN SPECIFIC PLAN AMENDMENT #3

In 1993, the Mono County Board of Supervisors approved a multiple-use visitor commercial project on a roughly 74-acre site located at the junction of US 395 and State Route 120 (the southwest quadrant). The property is located in central Mono County about one mile south of the community of Lee Vining. The 1993 project approvals included certification of a Final EIR, and approval of the Tioga Inn Specific Plan. Upon approval, the Tioga Inn Specific Plan established both the zoning and the General Plan uses and standards for the project site.³ The approved land use designations included “hotel,” “full-service restaurant,” “residential,” “convenience store/fuel sales,” “open space-preserve,” “open space-facilities,” and “open space-support.”

Many of the approved uses were developed and in operation by 1996, including the residential units, the convenience store/fuel sales, and the designated open space areas. In 1997, the deli opened inside the convenience store. The deli was not included in the 1993 Specific Plan, but was conditionally approved through a retroactive Director Review during 2012. The 2012 approval included a condition stating *“No other commercial or retail space expansion will be permitted on the convenience store gas station parcel without a revision to the Tioga Specific Plan.”* Specific Plan standards for the deli are included as part of the current proposed Amendment in accordance with this requirement.

The 1993 Specific Plan was amended in 1995 (Amendment #1), and again in 1997 (Amendment #2). Proposed Tioga Inn Specific Amendment #3 has a primary goal of facilitating the construction of up to 100 community housing units with up to 150 bedrooms to accommodate employees of the previously approved hotel and full-service restaurant. In order to accommodate changes in workforce demographics over time, the community housing is designed and would be plumbed to allow flexibility in ratio of 1-bedroom, 2-bedroom and 3+-bedroom units. Additional elements of proposed Amendment #3 include the addition of a third gas pump island, installation of a new wastewater treatment system with subsurface distribution for summer irrigation, expansion of the propane tank storage capability, realignment of the road providing access to the existing hillside residential units, changes in the parcel boundaries and acreages, and replacement of the existing water storage tank with a new tank of the same size in the same general location. Changes associated with Amendments #1 and #2, and with the 2-12 Director Review, are summarized in Table 7.2 (1995 Amendment #1), Table 7-3 (1997 Amendment #2), and Table 7-4 (2012 Director Review 12-007).

7.2 TIOGA INN SPECIFIC PLAN HISTORY AND BACKGROUND

7.2.1 Original 1993 Specific Plan

The Tioga Inn Specific Plan was originally approved by the Mono County Board of Supervisors in July of 1993. Uses and parcel sizes allowed with the 1993 approval are shown in Table 7-1:

³ Mono County has integrated its Zoning Code into the General Plan Land Use designations. Thus the General Plan *Land Use Element* contains (a) policies and use designations to guide land use decisions, and (b) land development regulations to regulate development activities. The General Plan policies guide land use decisions, and the land development regulations govern the use of buildings, the size and layout and intensity of uses, parking requirements, allowed lot coverage, setbacks and other regulatory development standards.

TABLE 7-1. Original 1993 Tioga Inn Specific Plan Approved Uses and Parcel Sizes		
PARCEL #	PARCEL ACREAGE	APPROVED USES
1	30.3	Hotel
2	36.0	Full-Service Restaurant
3	2.4	Store & Gas Station
4	5.0	Residential Units (10)
TOTAL	73.7	

7.2.2 1995 Specific Plan Amendment #1

The first Specific Plan amendment occurred in April 1995, and included 3 changes as outlined in Table 7-2 below:

TABLE 7-2. Changes Approved in Tioga Inn by 1995 Specific Plan Amendment #1	
#	CHANGE
1	Amend p. 39 Figure 9, moving the proposed location of the water tank approximately 600 feet west to a site next to the proposed housing area on Parcel 4
2	Amend p. 20, Implementation Measure 1d(1) to allow for a two-bedroom apartment, not to exceed 1,500 square feet, as part of the Convenience Store/Fuel Sales
3	Amend the text on p. 12 to allow for the building of a Convenience Store before the Hotel.

7.2.3 1997 Specific Plan Amendment #2

The second Specific Plan amendment occurred two years after the first amendment, in June of 1997, and included 12 changes as outlined in Table 7-3 below:

TABLE 7-3. Changes Approved in Tioga Inn by 1997 Specific Plan Amendment #2	
#	CHANGE
1	Amend p. 7 (Full Service Restaurant): The restaurant will be built on the flat area on top of the ridge, with a parking lot screened by the terrain to the south and access from the same road as the hotel.
2	Amend p. 10 (Facilities and Services): The water delivery system and sewage disposal system are not to serve any projects other than the four components of the Tioga Inn Specific Plan.
3	Amend p. 27, policy 5a(2): Other than access for authorized personnel to the parcels adjacent to US 395, there shall be no access to the project from US 395.
4	Amend p. 28: 8, Financing the Specific Plan
5	Amend p. 17, Policy 1b: The Hotel land use designation shall permit the following land uses: ■ A public restroom/shower/laundry facility may be permitted.
6	Amend p. 17 - Implementation Measure 1b(2): Site development standards for the Hotel land use designation shall be (Refer to Footnote 13): ■ The public restroom/shower/ laundry facility shall not exceed 20' in height, shall not exceed 1,500 square feet of interior floor space, and shall not exceed an occupancy load of 30 persons. Location of building will be in the vicinity of the swimming pool,
7	Amend p. 19 - Implementation Measure 1c(2): Site development standards for the Full Service Restaurant land use designation shall be: ■ One flag pole shall be allowed on the restaurant parcel. Flag pole shall not exceed 20 feet in height. The maximum area of the flag shall be 40 square feet. Illumination is not permitted.
8	Amend p. 18 – Implementation Measure 1b(2): ■ Signs – See Master Sign Program.
9	Amend p. 19 - Implementation Measure 1c(2): ■ Signs – See Master Sign Program.
10	Amend p. 20 – Implementation Measure 1d(2): ■ Signs – See Master Sign Program.
11	Amend Page 28: 6. Master Sign Program. 6a) Intent. The Master Sign Program is a requirement and mitigation measure of the Tioga Inn Specific Plan. The Specific Plan requires that all signs be coordinated in design and concept with all other facility signs. The Master Sign Plan will

	<p>coordinate design, theme, and placement of signs within the Tioga Inn Specific Plan area. This Specific Plan is one site with four separate parcels. All signs are required to be on site.</p> <p>6b) General Provisions. (a) Signs and sign faces will be constructed with natural materials like stone, wood and other natural materials to enhance the overall architectural theme of the Tioga Inn. Plastic, metal and other materials may be used but should not be the (predominant⁴) feature of any sign or sign face. The exceptions to this are directional signs which may be plastic or metal. (b) The background or unused portions of the sign facing will be painted in muted earth tone colors or left in a natural state. (c) The sign area is calculated as the area that would enclose all words and letters of a sign face. The portions of the sign enclosed by the decorative border or frame and the foundation are not calculated as sign area. (d) Illumination for all signs shall be indirect or back-lit channel letters.</p> <p>6c) Permitted Signs. Monument signs – The Tioga Inn Specific Plan is permitted three monument signs for the three commercial land uses. These signs will be visible to travelers on Highways 120 and 395. The maximum height will not exceed 10 feet. The sign will not exceed 64 square feet per facing. Approximately 21 square feet will be allocated for each commercial use (convenience store/fuel sales, hotel, and full service restaurant). The three monument signs are permitted within the Tioga Inn Specific Plan on the 30-acre Hotel parcel. One sign may be installed along the Highway 120 corridor approximately 150 feet east of the gas station. Two monument signs may be installed below the restaurant knoll adjacent to Highway 395. These signs are not permitted to be silhouetted against the skyline or located on top of the knoll. Placement may be on either side of the knoll but on the hotel parcel. A fourth monument sign is permitted in the vicinity of the hotel entrance site. This sign is an interior monument sign and will be used to primarily direct visitors to the various facilities within the Tioga Inn Specific Plan site. This sign will generally not be visible to travelers on Hwy 120.</p> <p>Directional signs: Signs for air and water, registration, observation deck, parking, office or deliveries shall be permitted with a maximum area of 3 square feet per sign facing. Directional signs may be combined subject to Director Approval.</p> <p>Other signs: ▪ Convenience store/fuel sales – Signs identifying the property, name ownership, and amenities shall be limited to a maximum of forty-eight total square feet. ▪ Hotel – Signs identifying the property, name, ownership, and amenities shall be limited to a maximum of sixty-four total square feet. ▪ Restaurant – Signs identifying the property, name, ownership, and amenities shall be limited to a maximum of forty-eight square feet. ▪ Required Signs – These signs include those mandated by federal, state, or local agencies (i.e., the display of gas prices).</p> <p>6d) Prohibitions. ▪ No signs shall be permitted within the residential land use. ▪ No monument or freestanding signs shall be permitted off the Tioga Inn Specific Plan site.</p>
12	<p>Integrate the letter from Tom May, lighting consultant, into the Specific Plan as number 7, Lighting.</p> <p>7. Lighting. Night time lighting for the project site is required to be screened and aimed in a manner to reduce offsite impacts. In order to reduce potential lighting impacts the following changes are required: ▪ Replace the light fixture at the front entrance and on the picnic island near the gas pumps. A KIM Mfg. 2B-ET4 400 watt MH. This change should eliminate any light deflection toward the town and would maximize light distribution on the ground surface. ▪ Place metal glare shields on two sides of the canopy lights facing town. These shields should project 2-6 inches below the prismatic lens. ▪ To light the parking area immediately to the rear of the store add one light pole at the southeast corner near the dumpster area. A KIM 2B-ET3 will spread the light satisfactorily. ▪ To light the road to the restaurant site, place bollard lights with 50 watt lamps on the downslope at 100-foot internals. This will light the road with the light directed away from town.</p>

7.2.4 2012 Director Review 12-007/Tioga Inn Kitchen Expansion

Director Review permit 12-007, approved in July of 2012, retroactively permitted expansion of the Convenience Store kitchen by 316 square feet, noting that the convenience store and gas station had been remodeled on several prior occasions. Findings of the 2012 approval are presented in Table 7-4.

TABLE 7-4. 2012 Director Review 12-007/Tioga Inn Kitchen Expansion	
FINDINGS	EXPLANATORY MATERIALS
1. All applicable provisions of the Mono County General Plan and Tioga Inn Specific Plan are complied with, and the site of the proposed use is adequate in size to	<p>The subject property is approximately 2.35 acres in size, adequate to accommodate the 316 square feet of kitchen expansion. The property's Specific Plan land use designation allows for: "Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity—subject to individual review and approval by the Planning Director."</p> <p>The proposed 316 square feet kitchen expansion will provide additional services on the convenience store/gas station parcel. Due to the lack of a hotel or full service restaurant on</p>

⁴ The word 'predominant' is missing from the original text, but inserted herein for clarification.

accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features;	<p>this property, this limited kitchen expansion is permitted by the Planning Director, subject to this Directors Review, as permitted in the Specific Plan. No other commercial or retail space expansion will be permitted on the convenience store gas station parcel without a revision to the Tioga Inn Specific Plan.</p> <p>The proposed addition meets the Specific Plan height limit of 20', is located with the building envelope established in the Specific Plan (Figure 7), and meets the minimum parking requirements of 10 standard vehicle spaces, two bus or recreational vehicle spaces, and two spaces for vehicles towing trailers.</p>
2. The site for the proposed use relates to streets and highways adequate in width & type to carry the quantity and kind of traffic generated by the proposed use;	The proposed project is located on Vista Point Drive with access to State Route 120. The proposed kitchen addition will not create impacts to surrounding streets or to Highway 120. The project has existing encroachment permits with Caltrans District 9.
3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located;	The Specific Plan allows for a hotel, full service restaurant, a residential area, and a convenience store and gas station. The only two uses on the project site at this time are the convenience store/gas station and the residential uses. The hotel and full service restaurant have never been constructed. The proposed 316 square foot kitchen expansion will provide additional services on the convenience store/gas station parcel. Due to the lack of a full service restaurant on the project site, this limited expansion will not be detrimental to the public welfare, and/or injurious to property or improvements in the project area.
4. The proposed use is consistent with the map and text of the Mono County General Plan and Tioga Inn Specific Plan;	<p>The Tioga Inn Specific Plan designates this parcel as Convenience Store/Gas Station which provides for a retail store and fuel purchase facility, an apartment, two fuel islands with four multi-grade dispensing stations per island for a total of eight pumping stations, a picnic area sited in conjunction with the scenic turn-out, public restrooms, and parking areas, including spaces for recreational vehicles, vehicles towing trailers, and tour busses.</p> <p>Mono County Land Use Element, Ch. 36 Specific Plans: General Plan §36.60 Specific Plan Amendment states that amendments to a specific plan can be handled through the Director Review process if no change in density results and no change in conditions are necessary. [Reference to Attachment 1 Ground Floor Plan that shows existing uses and the proposed kitchen expansion]. With DR 2012-007, the expansion of 316 square feet to the kitchen does not change the density of the project or change conditions.</p> <p>This Specific Plan was adopted in 1993 and as of this date, only the Residential and Convenience Store/Gas Station uses have been developed. In consideration of this and the fact that the Hotel and other Restaurant uses are undeveloped, the increase in footprint of the Convenience Store/Gas Station from 6,300 permitted square feet to 6,835 square feet (includes the 316 sf kitchen expansion) is considered minor and allowed within the Specific Plan area.</p>
5. Improvements as indicated on the development plan are consistent with all adopted standards and policies as set forth in the Land Development Regulations;	<p>The project is consistent with the Mono Basin Area Plan because it conforms to the policies encouraging infill development within or adjacent [to] Lee Vining.</p> <p>Mono County Land Use Element, Mono Basin Area Plan: Objective A: Direct future development to occur in and adjacent to Lee Vining. Objective D, <u>Policy 3</u>: Focus commercial development within or adjacent to Lee Vining.</p> <p>The project is consistent with the Tioga Inn Specific Plan because it is located on the Convenience Store/Gas Station parcel and the permitted uses allowed on this parcel.</p>
6. The project is exempt from CEQA.	<p>a. It qualifies for a Class 1 Categorical Exemption. Class 1 exemptions would allow for: (e) additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 sf whichever is less.</p> <p>b. In addition, an EIR was certified as part of the Tioga Inn Specific Plan approval in 1993.</p>
DR 12-007 CONDITIONS OF APPROVAL	
1. The project shall comply with the requirements of the building Division and Environmental Health.	
2. All exterior lighting shall be shielded and directed downward to comply with Chapter 23, Dark Sky Regulations and the Tioga Inn Specific Plan.	

3. The roof and exterior construction shall match the existing building store and roof colors.
4. No other commercial or retail space expansion will be permitted on the convenience store gas station parcel without a revision to the Tioga Inn Specific Plan.
5. Termination. A Director Review shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur: A. There is a failure to commence the exercise of such rights, as determined by the Director, within one (1) year from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review. B. There is discontinuance for a continuous period of one (1) year, as determined by the Director, or the exercise of the rights granted. C. No extension is granted as provided in §31.080.
6. Extension. If there is a failure to exercise the rights of the Director Review within one (1) year of the date of approval, the applicant may apply for an extension for an additional one (1) year. Any request for extension shall be filed at least sixty (60) days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary. Conditions of approval for the Director Review may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also deny the request for extension. Exception to the provision is permitted for Director Reviews approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.
7. Revocation. The Planning Commission may revoke the rights granted by a Director Review and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the Commission shall hold a hearing after giving written notice thereof to the permittee at least ten (10) days in advance of such hearing. The decision of the Commission may be appealed to the Board of Supervisors in accordance with Ch. 47, Appeals, and shall be accompanied by an appropriate filing.

7.2.5 Tioga Inn Specific Plan Proposed Amendment #3

The proposed 3rd Specific Plan Amendment would make new changes to the approved specific plan as listed below:

- COMMUNITY HOUSING: Allow up to 150 new community housing bedrooms in up to 100 units (including one manager's unit with up to 4 bedrooms);
- GAS ISLAND: Allow construction of a third gas pump island with 4 new fueling stations, one new underground gasoline storage tank, an overhead canopy and lighting;
- WATER STORAGE: Allow demolition of the existing 300,000-gallon water storage tank and replacement with a new 300,000-gallon water storage tank on a pad located in the same approximately location as the existing tank;
- PARKING: Allow additional parking to serve oversize vehicles, park & ride vehicles, ESTA & Yosemite transit;
- INTERNAL ACCESS: Realign the road providing access to the existing hilltop residential area, and reconfigure lanes and turning areas near the main entry to eliminate conflict between the hotel and the gas station/convenience store;
- SANITATION & REUSE: Replace the septic tank with a new package wastewater treatment facility including new subsurface irrigation facilities and retention of the existing leach field for disposal of surplus treated water;
- PARCEL BOUNDARIES: Modify the acreage and boundaries of the four parcels;
- PROPANE: Replace the five existing propane tanks (combined 2,500-gallon capacity) with a new 30,000-gallon propane tank to meet demand for onsite heating and offer commercial propane sales to area residents and businesses.
- EQUIPMENT & PERSONAL STORAGE: Construct a new building for storage of residents' items and maintenance vehicles and equipment.

Table 7-5 provides an overview of approved uses and changes proposed in conjunction with Specific Plan Amendment #3.

Table 7-5. TIOGA INN EXISTING, APPROVED & PROPOSED LAND USES AND ACREAGES					
PARCEL	ACRES APPROVED IN 1993	CURRENT PROPOSED ACREAGE	EXISTING LAND USES	LAND USES APPROVED IN 1993	USES NOW PROPOSED & SUBJECT TO DISCRETIONARY ACTION

1	30.3	26.5	<ul style="list-style-type: none"> Open Space Monument Signs (2) 	<ul style="list-style-type: none"> 120-room 2-story hotel with coffee shop, swimming pool, banquet room and gift shop; Parking spaces for onsite uses <ul style="list-style-type: none"> Signage Plan Septic System 	<ul style="list-style-type: none"> Changed parcel boundary and acreage <ul style="list-style-type: none"> Modifications to vehicle movement at main access & realignment of road serving existing hilltop housing units New Package Wastewater Treatment System
2	36.0	32.1	<ul style="list-style-type: none"> Overflow parking Historical Marker 6 cabin units (no formal approvals) Electric supply shed Two Water Wells SCE powerlines Buried Utility Xing septic /leach field 5 propane tanks with a combined capacity of 2,500 gallons 	<ul style="list-style-type: none"> Overflow/oversize vehicle parking <ul style="list-style-type: none"> Full-service Promontory restaurant Restaurant parking Maintenance Building Propane Tanks 	<ul style="list-style-type: none"> Changed parcel boundary and acreage New community rental housing with up to 150 bedrooms Day care facilities sufficient to accommodate all onsite youth Net 0.7-acre gain in Open Space including 13.0-acre increase in Open Space-Preserve acreage, 0.9-acre decrease in Open Space-Facilities, and 11.4-acre decrease in Open Space-Support <ul style="list-style-type: none"> 30,000-gal. propane tank Elimination of septic tank; retention of septic leach field New Subsurface Irrigation System using flows from the Package Treatment Plant.
3	2.4	2.4	<ul style="list-style-type: none"> 2 Gas Islands (8 fuel pumps, canopies, lighting, 2 underground gasoline storage tanks). <ul style="list-style-type: none"> Tioga Gas Mart Whoa Nellie Deli 	<ul style="list-style-type: none"> 2 gas islands with 8 fuel pumps & canopies, lighting, 2 underground gasoline storage tanks. <ul style="list-style-type: none"> Tioga Gas Mart Delicatessen 	<ul style="list-style-type: none"> 3rd Gas Pump island with 4 additional fuel pumps, 1 additional underground gasoline storage tank, and overhead canopies & lighting
4	5.0	6.8	<ul style="list-style-type: none"> 8 hilltop housing units One 300,000-gal Water Storage Tank near hilltop units 1 Cell Tower⁵ 	<ul style="list-style-type: none"> 10 Hilltop Housing Units⁶ One 300,000-gal water storage tank. 	<ul style="list-style-type: none"> Changed parcel boundary and acreage Demolition of existing water tank, replacement with new tank of same size in same area.
SR 120 Easement	NA	Included in Parcels 1 and 2	<ul style="list-style-type: none"> 1-ingress & 2-egress lanes to SR-120 Park & Ride Area Caltrans ROW acquisition area (adjacent to deli) 	<ul style="list-style-type: none"> Access from SR-120 Park & Ride Area 	<ul style="list-style-type: none"> One new traffic lane added adjacent to gas station to enhance interior circulation
TOTAL PROPOSED ACRES 67.83 (reduced from 73.7 acres in 1993)					

7.3 FORMAT OF TIOGA INN SPECIFIC PLAN AMENDMENT #3

FSEIR §7.4 (starting on following page) presents the Tioga Inn Specific Plan. The Plan is as originally presented in 1993 with the following exceptions:

- HOW CHANGES ARE SHOWN:** The previous two amendments were incorporated into the text of the 1993 Specific Plan through insertions and cross-outs that were shown on pages provided next to a scanned copy of the original 1993 Specific Plan text. For clarity in this third proposed amendment, the Specific Plan text has been fully retyped, which

⁵ The cell tower was approved by Mono County in February 2007 (Permit # 07BLD-00079).

⁶ Of the 10 hilltop housing units approved in 1993, only 8 were constructed.

will allow modifications to be shown with the 'Track Changes' tool, and will also enable text searches and facilitate other document accessibility tools.

2. **TEXT FORMATTING:** For ease of comparison, the Specific Plan text provided herein retains the formatting used in the original document, with updated section, table, exhibit and page numbers. Amendments proposed as part of the Final Subsequent EIR are shown using "Track Changes"; all other sections remain as approved in 1993 or as modified in earlier approved amendments, or as proposed in the Draft Subsequent EIR, and are shown in plain text. The original 1993 Specific Plan document is contained on pages 1 through 28b of *The Tioga Inn Specific Plan and Final Environmental Impact Report*, May 24, 1993.⁷ Tables and Figures that no longer apply (such as the 1993 summary of impacts and mitigation measures and the 1993 grading plan) have been deleted.
3. **CITATIONS:** The amended text does not include citations from the 1993 document unless still relevant. California Government Code citations have been deleted, and some terms have been replaced with abbreviations (for example, EIR in lieu of Environmental Impact Report, SR 120 in lieu of State Highway 120). Minor editorial changes (e.g., letter capitalizations) are not called out in Track Changes.
4. **INFORMATION:** Discussion of the Relationship between the Specific Plan and the EIR (§4.3.3) has been updated to reflect the current language of the CEQA Guidelines regarding the relationship between the Specific Plan and the EIR (as stated in CEQA Guidelines §15166 (EIR as Part of a General Plan)).

7.4 PROPOSED TIOGA INN SPECIFIC PLAN AMENDMENT #3⁸

7.4.1 Introduction⁹

In the early 1990s, an application was submitted to the Mono County Planning Department for a multiple use visitor commercial project located at the junction of Highways 395 and 120 adjoining Lee Vining in central Mono County. Mono County's General Plan requires that a specific plan be prepared for this project. A Specific Plan requires environmental analysis prior to its consideration by the Planning Commission and Board of Supervisors. It was recognized that the Tioga Inn proposal had the potential to significantly affect the environment. For this reason, an environmental impact report (EIR) was prepared as part of the specific plan. The 1993 document (as amended), in conjunction with the 2018 Tioga Inn Specific Plan and Draft Subsequent EIR [and the 2020 Tioga Inn Specific Plan and Final Subsequent EIR](#), represents the consolidated specific plan and environmental impact report. Although both the specific plan and its EIR are being published together, the two are separate documents. Figure 1 shows the location of Mono County relative to the state of California.

7.4.1.1 Specific Plans

Once the County has adopted a general plan, it may prepare specific plans to provide a more detailed and systematic

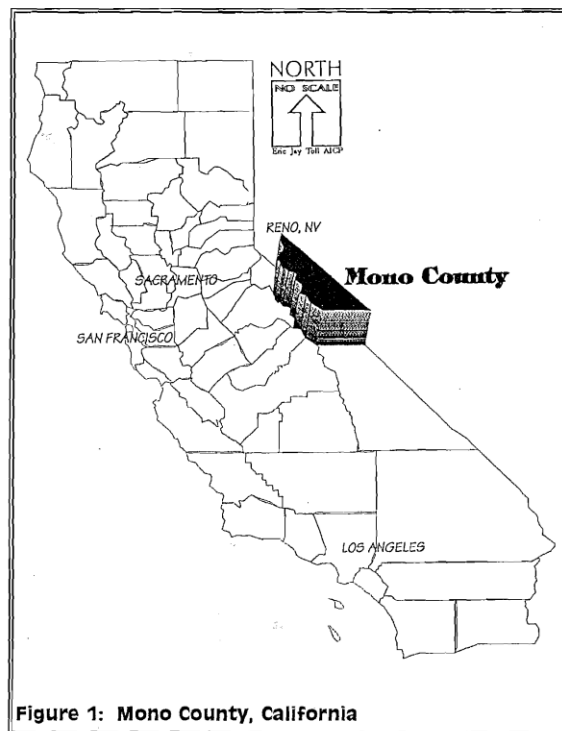


Figure 1: Mono County, California

⁷ The 1993 EIR and Specific Plan are available online at https://www.monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/10062/tioga_inn_sp_feir_05_24_93_with_amendments.pdf.

⁸ As indicated in §3.1, the Specific Plan text has been retyped in its entirety to allow all proposed text amendments to be shown using 'Track Changes', and to enable text searches and other document accessibility tools.

⁹ The 1993 project approvals included Final EIR certification and approval of the Tioga Inn Specific Plan. Upon approval, the Tioga Inn Specific Plan established zoning and the General Plan uses and standards for the project site.⁹ Approved land use designations included "hotel," "full-service restaurant," "residential," "convenience store/fuel sales," "open space-preserve," "open space-facilities," and "open space-support." Several of the approved uses were developed soon after the 1993 approvals including the residential units, the convenience store/fuel sales, and the open space uses. The hotel and full-service restaurant are scheduled for development in 2023-24.

implementation of the general plan for all or part of the area covered by the general plan.¹⁰

7.4.1.1.1 What is a Specific Plan?

Although the General Plan and area or community plans usually address land development patterns and standards, a Specific Plan provides an opportunity for a more precise set of standards and opportunities for development of an individual parcel or group of parcels. A Specific Plan provides a means by which the County or a group of property owners can develop a long-term comprehensive project over an extended number of years. The Specific Plan does not include “elements” as are found in a General Plan.¹¹ Its focus is on the policies related to the development of a project area. Explanation 1 (next page) quotes the requirements of California Government Code for Specific Plans.

7.4.1.1.2 Relationship of the Specific Plan to the General Plan.

Explanation 1. Contents of a Specific Plan (GC §65461)

(a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

(1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

(2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

(3) Standards & criteria by which development will proceed, and standards for conservation, development, and utilization of natural resources, where applicable.

(4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

(b) The specific plan shall include a statement of the relationship of the specific plan to the general plan.

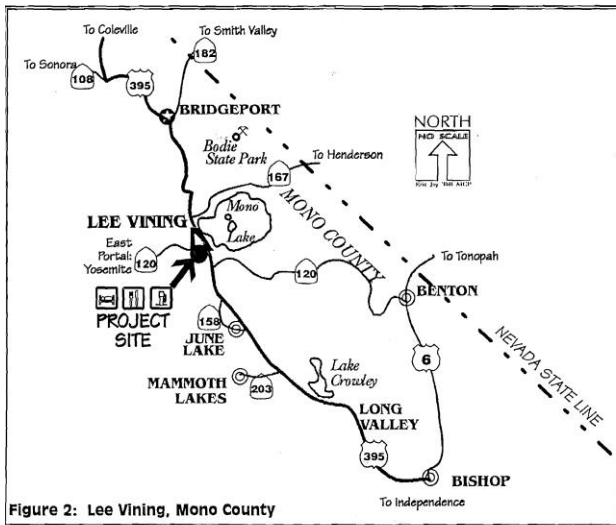
The specific plan establishes goals, policies, implementation measures, development standards, land use, and zoning for an area. Specific plans can be authorized by the Board of Supervisors or proposed by a private developer. Mono County and the property owner ~~have~~ proposed preparation of the 1993 *Tioga Inn Specific Plan* as well as the current 2020 Specific Plan update; ~~and~~ the proponent (property owner) is responsible for the costs of preparation, review, and implementation.

The *Tioga Inn Specific Plan*, as amended, provides supplemental and more detailed policies for the project area. The Mono County General Plan addresses a broad range of development policies through its various elements. The General Plan, however, does not provide the level of detail in its policies to establish the programs needed for complex projects carried out over a number of years. The Tioga Inn Specific Plan provides the policies at a greater level of detail than the General Plan. The Specific Plan, however, does not address the individual elements as established in the General Plan. For those policies of the General Plan that are not called out in the Specific Plan, the provisions of the Mono County General Plan apply (in keeping with Government Code §65461(b).

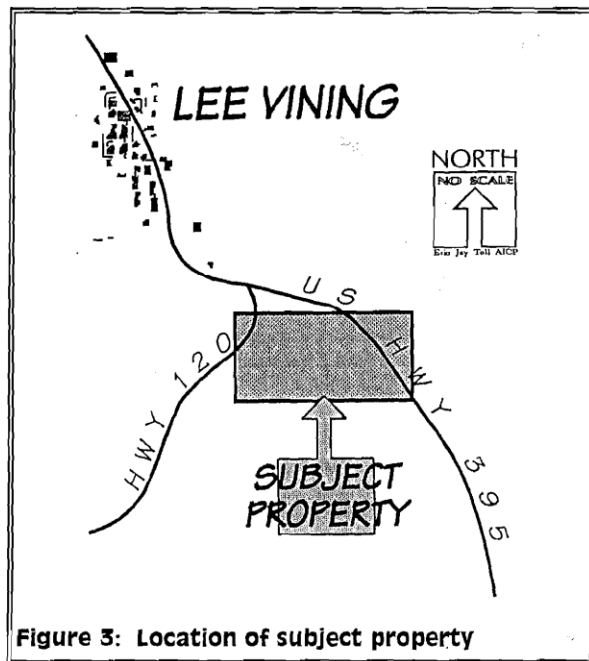
The General Plan identifies the subject property in the “SP,” *Specific Plan*, land use designation on the Lee Vining Community Area map (Land Use Element, Figure 23). The Specific Plan must be consistent with other goals, policies, and implementing programs of the General Plan. Specific Plans are incorporated by reference into the General Plan.

¹⁰ California Government Code (CGC) §65450 through §65457 states the legal requirements for Specific Plans.

¹¹ Elements are the different topics or components of a General Plan that address land use, housing, circulation, and others.



plan or element document.”



swim teams and area swim clubs, and a full-service restaurant.

Implementation of the Specific Plan is intended to add to the area’s economy through increased employment opportunities, provision of additional needed motel rooms during peak months, and provision of additional rental housing. Visually, the objective of the project is to blend into the natural setting through careful structure siting, and architecture and landscaping complementing the environment.

Objectives of proposed Amendment #3 are (1) to substantially increase ~~workforce~~ ~~housing~~ housing on the project site ~~to provide~~ for employees of onsite land uses (hotel, full-service restaurant and other) and offsite land uses in the larger community; (2) to achieve the development goals of the original 1993 Tioga Inn Specific Plan, adapted to current needs; (3) to lower energy costs and increase the energy- and water-efficiency of existing and future uses on the project site; and (4) to maintain onsite infrastructure in good condition and ensure that sizing is adequate to meet existing & future needs.

7.4.1.1.3 Relationship between Specific Plan and EIR

The State *CEQA Guidelines* state in §15166 (EIR as Part of a General Plan):

“(a) The requirements for preparing an EIR on a local general plan, element, or amendment thereof will be satisfied by using the general plan [...] as the EIR and no separate EIR will be required if: (1) The general plan addresses all the points required to be in an EIR by Article 9 of these Guidelines, and (2) The document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required.

(b) Where an EIR rather than a Negative Declaration has been prepared for a general plan, element, or amendment thereto, the EIR shall be forwarded to the State Clearinghouse for review. The requirement shall apply regardless of whether the EIR is prepared as a separate document or as a part of the general

7.4.2

Project Description

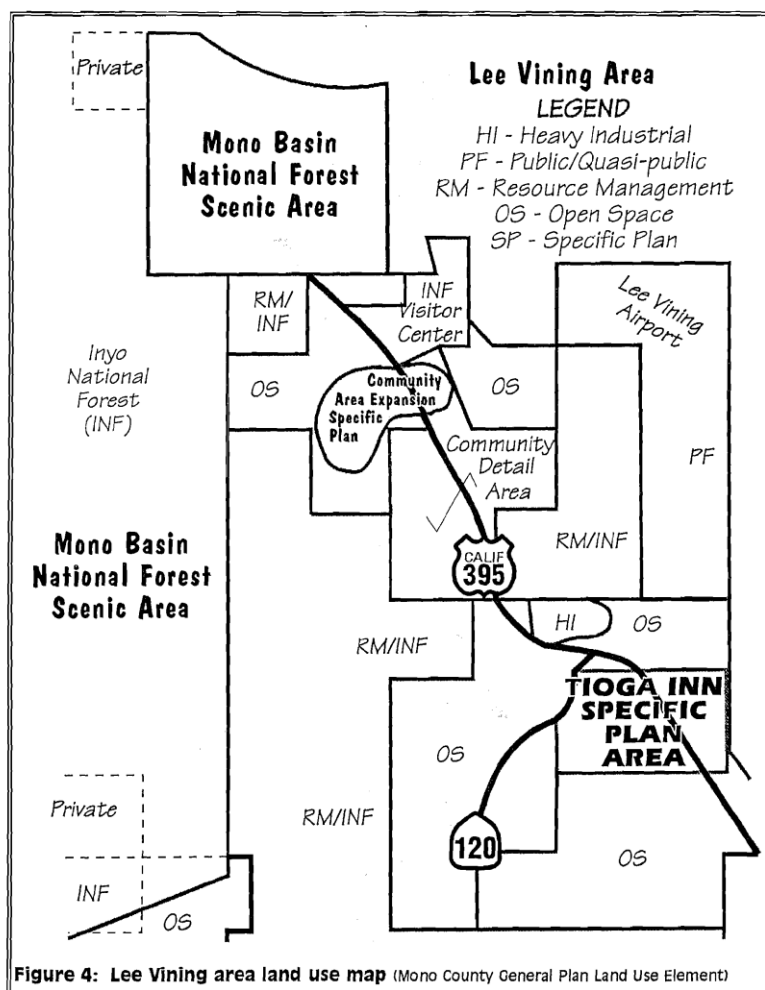
a. **Location of the Project.** The Tioga Inn project site is located at the intersection of State Highway 120 (SR 120) and US Highway 395 (US 395) at the southern edge of the Lee Vining area in Mono County. It is located in a portion of the southeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter of Section 14, Township 1 North, Range 26 East (MDBM). Figure 2 shows the location of the project area in Mono County.

b. **Project Objectives.** The objective of the project is 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 including accommodations, meals, vehicle fuel, supplies, meeting/banquet rooms, and business center facilities. The resort hotel is designed to serve both the transient traveler and those whose destination includes the Mono Lake Basin or Yosemite National Park. The project is also intended to serve local residents with meeting facilities, a swimming pool that can be used by school

c. **Tioga Inn Project Description.** The 1993 Specific Plan area encompassed 73.7 acres in gross land area. With the 1993 approvals, the project proponent subdivided the property into four parcels of various sizes. The division of land required a tentative parcel map, which was also part of the 1993 Specific Plan project. Parcel Map 34-35 had previously divided the property into two lots of 63.4 and 10.3 acres on each side of US 395. Amendment #3 would modify the overall project area and the individual parcel acreages as shown below in revised Table 7-6(A); note that the Table Letter reflects original numbering from the 1993 Specific Plan).

TABLE 7-6 (Table A): 1993 Specific Plan and Proposed Amendment #3 Parcel Sizes		
PARCEL	SIZE APPROVED IN 1993	ACREAGE PROPOSED IN AMENDMENT #3
1-Hotel	30.3	27.4
2-Restaurant	36.0	32.1
3-Store	2.4	2.7
4-Residential	5.0	6.8
Total	73.7	69.0

The parcel acreage changes are due to several factors. The acreage of parcels 1 and 2 was reduced when Caltrans purchased land from the Specific Plan owner for construction of additional lanes on US 395; the acreage of parcel 4 increased when land for a cell tower was added to the residential parcel. Further changes occurred during 2018 with the acquisition from Caltrans of a portion of the SR 120 right-of-way.



Tioga Inn – Hotel and Accommodations. The hotel (refer to [revised](#) Figure 6) is to be located adjacent to Highway 120 on a relatively level bench about eight hundred feet south of the intersection with US 395. The hotel will contain 120 rooms, a coffee shop, banquet room, and a small retail gift shop primarily serving hotel guests. A swimming pool for hotel guests, with use by the local school and area swimming clubs, is also included. Parking for the hotel will be south of the structure, screened from view by the hotel building. Access from SR 120 will be on a common drive located immediately south of the parking lot at the bottom of a steep north-facing slope. The two-story hotel structure will be oriented in an east-west direction, presenting an end view to traffic on SR 120 and taking advantage of hotel room views to the north and northeast toward Mono Lake, and west toward Tioga Pass. The hotel roof will be designed to accommodate the most efficient use of solar panels.

Full-Service Restaurant. A sit-down restaurant is proposed to be located at the top of a ridgeline about five hundred feet east of the hotel. The difference in elevation between the location of the restaurant and US 395 offers an opportunity to provide views for patrons from the restaurant site while screening the structure from traffic on US 395. The restaurant will be built on the flat area on top of the ridge, with a parking lot screened by the terrain to the south and access from the same road as the hotel. An observation deck will flank the northwest and northeast faces of the restaurant taking advantage of the panorama of Mono Lake, Tioga Pass and Mono Craters visible from that location. The restaurant will include seating for one hundred persons in

the restaurant and lounge and a small gift shop/information center. The restaurant roof will be designed to accommodate the most efficient use of solar panels.

Hilltop Residential Area. A 6.84-acre parcel intended for ten residential rental housing units is proposed on the southwest corner of the subject property. This housing consists of two 2-bedroom one-story duplexes plus one 3-bedroom duplex, plus two 2-bedroom single family units, for a total of 8 units (two fewer units than were approved in 1993). Consistent with the 1993 approvals, access is taken via a private road near the top of the main access road leading up to the restaurant. Amendment #3 proposes to realign the access road to a long and more southerly (and sunnier) alignment, which will reduce the road gradient and reduce icing during winter months. The proposed new alignment follows a route that was previously graded and used for access by a previous site owner. The existing road would be retained and used for service vehicles and pedestrian movements. The residential property is not proposed for further subdivision. These units have been added to the County's rental housing stock. With the inclusion of the residential units, it has been possible for project employees to live onsite, meeting the Housing Element requirements.

A separate residential complex of 6 individual units was subsequently constructed south of the flagpole. This area, which was not a part of the 1993 Specific Plan or any later approval, would be demolished to make room for the community housing village proposed as part of Amendment #3.

Convenience Store, Deli and Gas Station. A smaller parcel immediately southwest of the hotel has been developed as a gas station/mini-mart. The gas station currently has two gas pumping islands and a small 4,800 square foot mini-mart. Parking areas are screened from highway views by buildings, terrain and landscaping.

Amendment #3 proposes the addition of a third gasoline pumping island with a total of 4 additional fuel pumps, one additional underground gasoline storage tank, an overhead canopy and lighting. While self-service gas is available year-round, the mini-mart and deli are currently open only during summer months; it is expected that the mini-mart/deli and entertainment will in the future remain closed during winter months. Live outdoor events and music concerns are now and will continue to be held at the Deli during summer ~~weekends~~.

The deli was added to the mini-mart in 1997, and formalized through a 2012 Director Review process that included a condition of approval stating, "No other commercial or retail space expansion will be permitted on the convenience store gas station parcel without a revision to the Tioga Inn Specific Plan." Proposed Specific Plan Amendment #3 includes standards and implementation measures for the deli. The deli currently has 16 indoor tables that provide seating for up to 88 people, and 80 outdoor picnic tables that provide seating for approximately 300 people (including visitors who do not patronize the deli or mini-mart). During summer, the deli serves approximately 2,000 people on an average day and up to 3,000 people per day during peak season. Additional parking is required to accommodate patrons to the deli. The project proponent anticipates that the construction of the full-service restaurant will reduce demands on the deli and help to accommodate the current parking overflow. The convenience store/deli has a second floor that houses a 1,500 square foot office space.

Workforce Housing Village. Proposed Amendment #3 includes a new ~~communityworkforce~~ housing village occupying a portion of the 32.11-acre Parcel 2, on the southwest corner of the subject property. The workforce housing village is proposed to consist of up to 150 bedrooms in up to 100 units, with a mix of one-bedroom, two-bedroom, ~~and 3-bedroom and 4-bedroom~~ units plus a manager's unit. The proposed residential area will include a manager's unit, a day care ~~laundry/community center facility~~ and common area, and a play area. These units will add to Mono County's rental housing stock, and provide ~~affordable~~ housing for onsite employees. As such, the ~~workforce~~-housing responds to the Mono County Housing Element goal for developments of this type to provide opportunities for employee housing. No fewer than 200 parking spaces will be provided in the workforce housing complex to meet resident and guest parking needs. Access is proposed via a private road off the main access to the full-service promontory restaurant.

Equipment & Personal Storage Facility and Propane. Proposed Amendment #3 includes a new building up to 5,000 square feet in area for storage of project equipment and residents' belongings. Two outdoor parking spaces and the 30,000-gallon commercial propane tank will be housed on the same pad as the equipment storage facility.

Design and Landscaping Concepts. Architecturally, the hotel, restaurant, workforce housing, and gas station/deli/mini-mart will continue to carry the same theme. Exposed foundation areas will feature stone. The wall areas will be predominantly natural wood interfaced with stone. The roof areas will be earth-tone or green metal.

Manicured and introduced landscaping (as proposed in the updated conceptual landscape plan described in Table 7-12) for all sites will be minimal and native compatible. The introduced plant species will continue to be limited to primarily decorative landscaping in and around the buildings and parking lots. Planters adjacent to the hotel and gas station/mini-mart and immediate surrounding areas are also proposed. Landscaping around the residential housing and proposed workforce housing village will be native, low-maintenance shrubs and small trees. ~~All on-site plants will be irrigated through a subsurface drip system using treated effluent from the package treatment plant. 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.~~ The existing septic tank will be decommissioned and the existing leachfield will be used for disposal of treated effluent during the winter months when use of the subsurface irrigation system is suspended due to freezing conditions.

The native sagebrush on the ridges and hillsides will be preserved and areas disturbed for installation of facilities or during construction will be revegetated with low profile indigenous plants selected to optimize deer forage. One exception to this is the area viewing the pumice processing facility. This viewshed – located to the northeast of the hotel – will be planted with taller trees to block the view of the US Pumice facilities from the Tioga Inn. The second exception is adjacent to roads (including the 'protected corridor'). The seed mix to be used adjacent to roads shall consist of 1) curl-leaf rabbitbrush (*Chrysothamnus viscidiflorus*, 1-2 ft maximum height) 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. All facility roofs will be designed to accommodate use of solar panels.

Project facilities and services. Project facilities and services for the Tioga Inn Specific Plan are described below. Most are now or are proposed to be private systems, designed to serve project needs. Several systems may be expanded to serve off-site customers and land uses; these include propane, water (which is provided for use at the Lee Vining Airport), and solar power (to the extent that the future solar panels generate more electricity than can be used on site). Facilities and services are briefly described below.

Transportation. The Concept Site Plan (see Exhibit 4-1 in Topical Response #1) shows the location of the roads, driveways and parking areas. These are the 'major' components of the public and private transportation system. The road system is described further in the Traffic element of the Specific Plan (§7.4.4.5). "Intensity and extent" means location and width.

Water Supply and Storage: Water supply is derived from two wells located east of Highway 395, including one well that was constructed following approval of the Tioga Inn Specific Plan, and a second well that was constructed late in 2017. Each well has been shown to produce a suitable volume of potable water, individually, to serve existing and proposed uses on the project site. Both wells connect to an existing 300,000-gallon steel storage tank near the hilltop housing on the southwestern site boundary. Amendment #3 proposes replacement of the existing water storage tank with a new 300,000-gallon tank located in the same area as the existing tank, which will be demolished. Replacement of water storage tank is proposed to increase reliability of the water storage capability. An updated aquifer study and an Antidegradation Analysis have been completed as part of this 2019 SEIR to determine whether well production would have potential to impact surrounding wells and to assess project impacts on water quality standards of the LRWQCB. Results are presented and analyzed in DSEIR §5.2, as amended in this FSEIR §5-2. Water system elements will continue to meet all applicable requirements of the Mono County Health Department, the Lee Vining Fire Protection District, and the Lahontan Regional Water Quality Control Board.

Open Space. As discussed below under 'Open Space Lands and Designations', development restrictions in the form of open space easements are proposed for the portion of the project located east of US 395 and the steep slope adjacent to and facing US 395. Land east of US 395 is designated as "Open Space-Facilities" and subject to the use restrictions stated in Specific Plan Policy 1h. Land adjoining US 395 on the west is designated as "Open Space-Preserve" and subject to the use restrictions stated in Specific Plan Policy 1g. Development in these areas will allow underground utility lines, two moderately illuminated monument signs below the restaurant, and appurtenant features such as a well housing, electric equipment shed, or utility related facilities. A water main will be constructed under US 395 through existing pipe sleeves from the well site. Sewage disposal systems' expansion areas may cross under the highway to the site at some time in the future.

Sewage. Sewage disposal is currently handled by standard septic tank/leach field systems for each separate land use area in conformance with Mono County Health Department and Lahontan Regional Water Quality Control Board (RWQCB) standards.

A new wastewater treatment system will be provided as part of the proposed Amendment #3. The system will replace the existing septic tank treatment system, and will include a new subsurface irrigation system for use during the summer season. A septic leach field system will be retained for disposal of surplus treated effluent, primarily during the low-flow winter months.

Solid Waste: Solid waste on the property is stored in commercial dumpsters located within screened areas adjoining each of the project buildings, and at a separate screened area for refuse cans serving the residential development. Refuse is collected by a commercial disposal service recognized by Mono County for delivery of such service. Amendment #3 calls for continued use of commercial dumpsters in bear-resistant structures that would be constructed adjacent to the hotel and restaurant, with separate collection facilities (also bear-resistant) and recycling facilities for the workforce housing area. Refuse will continue to be collected by a commercial disposal service recognized by Mono County for delivery of such service.

Drainage: The stormwater retention system proposed for the project is based on the Town of Mammoth Lakes' 1984 Storm Drain Design Manual, which was developed to meet requirements of Mono County as well as Mammoth Lakes. The system is designed to accommodate all approved uses through Specific Plan Amendment #3, including now proposed (as analyzed in the current Subsequent EIR) as well as the previously-approved but unbuilt hotel and promontory restaurant. Retention volume calculations are based on storm water volume less storm water infiltration. Onsite soils are sandy, and a conservative infiltration rate of 5 minutes per inch was used to calculate retention volumes. The resulting retention volume calculations include 11,246 cubic feet (cf) for the workforce housing and restaurant components, plus 9,947 cf for the hotel. The report notes that if the restaurant is constructed separate from the housing, separate retention basins will be installed for each use. Three-48" storm drain pipes will be installed for the hotel (with a total basin length of 167'), and 3-48" pipes will be installed for the workforce housing (with a total basin length of 188 feet). Storm drain pipes will be perforated.

Runoff treatment will be accomplished in four bioswales that will be located in landscaped areas of the parking lot. The bioswales will be constructed in accordance with standard LID design, and planted with drought-tolerant plant species. Other means of treatment may include installation of oil removal inserts into the inlets, or a separate oil treatment unit.

Communications: All telephone and cable and internet services on the site are wireless. Verizon Wireless installed a cell tower on the project site in 2007 and the site is also connected to the 'open access network' created by Digital 395.

Energy: Energy for the project will be provided by Southern California Edison for electricity, augmented by electricity produced in the onsite solar energy panels. All non-solar electrical utilities will continue to be placed underground. Project elements will emphasize the energy-efficient products and practices of Energy Star, a joint program of USEPA and the U.S. Department of Energy. Private contractors will provide propane to the site. As part of Amendment #3, the applicant proposes to replace the 5 existing propane tanks (2,500-gallons combined) with a new 30,000-gallon propane tank; the new tank will have capacity to meet all existing and future propane requirements on the Tioga site, and to provide propane services to the larger Lee Vining community (all offsite deliveries would be trucked to customers; no distribution pipelines to the community are proposed). The propane tanks will be sited in conformance with the Uniform Building Code and the Fire Code. Screening – such as designed fencing or landscaping -- will be used to mitigate visual impacts of the tanks.

Open space lands and designations. Areas designated as "open space" are proposed to be retained in a natural condition. Three open space designations are proposed. (1) The *Open Space – Preserve* designation is generally intended for lands that cannot be developed as part of the project. (2) The *Open Space – Facilities* designation is for lands on which no surface construction will take place, other than small structures to provide access to underground utilities. The *Open Space – Facilities* designation provides an open visual area, but does allow some surface disturbance. The third designation is *Open Space – Support Services*. This designation provides the locations [for] certain above ground facilities, such as the water tank, an outdoor yard storage area, and the well house(s).

Proposed Specific Plan Amendment #3 would modify the acreage in each of the open space designations shown in the 1993 Specific Plan; the changes would increase overall open space acreage by 0.7 acres, all within the Open Space-Preserve designation. Changes in the acreage of designated open space areas are shown in Table 7-7.

TABLE 7.7. Proposed Changes in Open Space Acreage			
Open Space Designation	1993 Specific Plan	Specific Plan Amendment #3	CHANGE
OS-Preserve	14.8 acres	27.8 acres	(+) 13.0 acres

OS Facilities	13.2 acres	12.3 acres	(-) 0.9 acres
OS Support	18.5 acres	7.1 acres	(-) 11.4 acres
TOTAL	46.5 acres	47.2 acres	(+) 0.7 Open Space Acres

Phasing. As originally planned, the project was to be developed in phases based on the expectation that each component of the Specific Plan would be dependent upon development of the infrastructure to serve the hotel and its related facilities. The Tioga Inn's primary infrastructure – road access, and water supply – was to be constructed in concert with the construction of the convenience store and gas station.¹² Sewage disposal systems were anticipated to be constructed with the appropriate land uses and it was envisioned that each use on the project would have an independent disposal system. It was anticipated that some of the infrastructure components that are related only to one aspect of the project – for example, the road to the residences – would be constructed as a part of that phase. This phasing concept was largely retained following approval of Amendment #1, in which the Specific Plan provided that the project would be developed in the following progression.¹³

TABLE 7-8. 1993 Project Phasing	
Phase and Facility	What's Included
I. Convenience Store, Deli, and gas pumps	Convenience market, deli, fuel pumps, underground gasoline storage tanks, picnic area, restrooms, accessory facilities, lighting, signage, landscaping, parking, water supply, sewage disposal system
II. Hotel and Accessory Uses	Tioga Inn hotel, conference rooms, swimming pool and facilities, banquet room, coffee shop; water supply, septic system, improvements to Hwy 120 intersection with project; lighting, signage, landscaping; parking
III. Hilltop Residences	A maximum of ten residential units; water supply, sewage disposal system, access, accessory structures such as garage, personal storage sheds, landscaping
IV. Full Service Restaurant	Restaurant, observation deck, signage, landscaping, accessory facilities, parking, water supply, sewage disposal system.

In practice, the convenience store and gas station and deli were constructed first (as approved), followed by the hilltop residences. Neither the hotel nor the full-service restaurant has been constructed ~~as of February 2020, to date.~~ Following approval of Specific Plan Amendment #3, it is anticipated that the entire development will be constructed within 5 years, or by 2024~~5~~. Initial construction would likely focus on the new gas pump island, infrastructure improvements (sanitation, water storage, propane tank), ~~and~~ construction of the promontory restaurant and hotel. Construction of the Community Housing elements would occur as— outlined in Table 7-9 below. Some of the proposed workforce housing area may be developed in advance of the hotel and the full-service restaurant in order to provide housing for project construction workers. Occupancy would shift to onsite employees upon completion of the hotel and restaurant elements. Infrastructure would be constructed to meet the development sequence of approved uses.

TABLE 7-9. Community Housing Phasing Plan		
PHASE	# OF UNITS	SCHEDULE
1	30	The 30 Phase I 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 of the phase 1 & 2 units (70 in total) available when hiring begins for previously-approved commercial job positions.

¹²The original Specific Plan provided that the project be developed in a four-phase progression that would begin with the hotel, followed by the residences, the convenience store/gas pumps, and the full service restaurant. Specific Plan Amendment #1 changed the phasing to allow for the building of a convenience store before the hotel (see Table 3-2).

¹³ No timelines or time limits are established on when the phases occur, as long as the phases occur in this order.

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 located in the row of units on the west. The structures in this row are all two stories, with higher pad elevations and higher rooflines than in the eastern row. The Phase 3 units are thus the most visible of the proposed community housing units.
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Sustainability. The project will comply with California GHG emission standards by adopting applicable elements of the updated Mono County General Plan (including Low Impact Development, Green Development Guides, and the Resource Efficiency Plan) as part of the design and development process. Roofing will be preferentially constructed in a south-facing direction to maximize the use of solar panels. The new package wastewater treatment system will provide higher quality treated effluent than the septic system. Landscape irrigation will be accomplished through a new subsurface irrigation system using treated effluent from the package waste treatment plant. Potable water supplies will be used for irrigation only where required for public health. The provision of onsite workforce housing will minimize home-to-work traffic and fuel consumption; fuel consumption will also be minimized by use of high 'R-Value' insulation in the workforce housing units, use of Energy Star appliances, LED lighting, and the provision of a wide range of onsite employee facilities (laundry, storage, space for group child care services, and provision of at least 2 EV charging facilities in the residential area, as well as separate EV charging facilities for hotel guests.).

d. Use of the EIR and Approvals Required.

Other Agencies that may use the EIR. A complete list of all agencies that are expected to make use of the EIR when considering future permits for the project is provided below in Table 7-10. in EIR §3.0 (Project Description), subsection 3.9.2 (Other Agencies that may Use the EIR), Table 3-7 (Use of this Subsequent EIR by Other Agencies). As noted therein, 8 Responsible and Trustee agencies have been identified including the California Regional Water Quality Control Board-Lahontan Region, the State Water Resources Control Board Division of Drinking Water, the California Department of Transportation, California Department of Fish and Wildlife, California Department of Forestry, Mono County Department of Environmental Health, Lee Vining Fire Protection District, and the Federal Aviation Administration.

Table 7-10. Use of this Subsequent EIR by Other Agencies

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"> <u>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 & Fill Waste Discharge Requirements required for impacts to non-federal (State) waters, both issued by the Lahontan Board. excavation, discharge to or alteration of surface waters;</u> <u>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), and individual waste discharge requirements may be established. BMPs should be provided in the EIR with information as outlined in the LRWQCB letter.</u> <u>NPDES General Construction Storm Water Permit, for new industrial operations.</u> <u>General Waste Discharge Requirements for disposal from a Small Domestic Wwastewater 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 facility.</u> <u>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.</u> <u>NPDES General Permit Limited Threat Discharges or General Waste Discharge Requirements for discharges to land with a low threat to water quality, for water diversion & dewatering.</u>

	<ul style="list-style-type: none"> §4.01 Water Quality Certification or Dredge & Fill Waste Discharge Requirements required for excavation, discharge to or alteration of surface waters; §4.02 Storm Water Permit, required for land disturbance of more than 1 acre; note that the permit includes a NPDES General Construction Storm Water Permit, and individual waste discharge requirements may be established. BMPs should be provided in the EIR with information as outlined in the LRWQCB letter. NPDES General Construction Storm Water Permit, for new industrial operations. Waste Discharge Requirements for disposal from a small domestic WWTP NPDES General Permit Limited Threat Discharges or General Waste Discharge Requirements for discharges to land with a low threat to water quality, for water diversion & dewatering.
State Water Resources Control Board – Division of Drinking Water (DDW)	<ul style="list-style-type: none"> Water Reclamation Requirements for Recycled Water Use (per Order WQ 2016-0068-DDW), or Individual Water Reclamation Requirements may be required. Approval of a Title 22 Engineering Report, or a letter from DDW indicating that the project does not need to satisfy Title 22.
California Dept. of Transportation	<p><u>Responsible agency:</u></p> <ul style="list-style-type: none"> Encroachment permit <u>for secondary access onto SR 120, if the secondary access gate is located inside the Caltrans right-of-way, modifications to the scenic turn-out on State Route 120 (SR 120).</u> <u>Access Rights: The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.</u>
California Dept. of Fish and Wildlife (CDFW)	<u>Trustee Agency:</u> For fish and wildlife resources, and a <u>Responsible Agency:</u> For discretionary actions including Lake or Streambed Alteration Agreement, Permit for Incidental Take of Endangered, Threatened and/or Candidate Species, etc.
California Dept. of Forestry	<u>Trustee agency:</u> Review plans for fire safety & wildlife protection
Mono County Department of Environmental Health	<u>Responsible agency:</u> Permits are required for the sewage disposal system, the small water system; the restaurant kitchen, any kitchen in the hotel, the swimming pool, and the spa.
Lee Vining Fire Protection District	<p><u>Local public agency:</u></p> <ul style="list-style-type: none"> <u>Issuance of 'Will Serve' Letter following approval by Mono County EMS and the Mono County Sheriff of the Public Safety Evacuation Plan</u> <u>Inspection or review of plans for conformance with fire safety regulations</u>
Federal Aviation Administration	<u>Responsible Agency:</u> Determination whether project obstructions in the imaginary surface zone of Lee Vining Airport represent a hazard.

Mono County Discretionary Approvals Required. Mono County will consider the following discretionary actions for the Tioga Inn project proposal:

Certification of the Environmental Impact Report. The 1993 Specific Plan was consolidated with an environmental impact report, and the proposed Specific Plan Amendment #3 is consolidated with a Subsequent EIR that builds upon the original 1993 documents. Both EIRs provide a range of mitigation measures that will eliminate or reduce potentially significant environmental impacts. These "conditions" or mitigation measures are incorporated into the Specific Plan and into project discretionary actions as formal conditions of approval (including policy and implementation programs). The SEIR must be certified by the Board of Supervisors prior to taking action on proposed Specific Plan Amendment #3. Certification of the EIR is a separate action from approval of the project.

Actions associated with the Specific Plan. (1) The proposed Specific Plan Amendment #3 will be the subject of a public hearing and recommendation from the Planning Commission, and a public hearing and action by the Board of Supervisors. The County may deny approval of the proposed Specific Plan Amendment #3, it may approve the amended Plan as submitted, or it may approve a modified version of the amended Specific Plan. If the County takes action to approve the proposed Plan Amendment #3 or a modified version of the amended Plan, and if the SEIR identifies one or more significant and unavoidable impacts, the Board must then adopt a Statement of Overriding Considerations explaining why the impacts and mitigations have been approved despite the fact that significant and unavoidable impacts remain. (2) The Specific Plan district was adopted for this project site as part of the 1993 approvals, and will remain valid whether the current proposed amendment #3 is approved or denied. (3) Modifications to the tentative parcel map (to adjust the boundaries and acreage of the four parcels) must be approved by the Planning Commission.

Approval of a Mitigation Monitoring and Reporting Program (MMRP) with assignment of enforcement responsibility in conformance with the Mono County Environmental Handbook. ~~If the SEIR identifies mitigation measures, the approval of the Specific Plan may incorporate some or all of those measures. If the Mmitigation measures are a part of Specific Plan Amendment #3 and the project approval,~~ the County and proponent must enter into a program that provides for monitoring and enforcement of the adopted measures, ~~identifies implementation time frames. The program must also assign~~ compliance responsibility ~~and provides performance measures where applicable.~~ The Tioga Specific Plan Amendment #3 MMRP is provided in FSEIR §6.o.

7.4.3 ENVIRONMENTAL SETTING

7.4.3.1 Mono County and Lee Vining Setting

Mono County is located in eastern California between the Sierra Nevada mountains and the State of Nevada. The County is relatively isolated from most major metropolitan areas in California. Reno, Nevada, approximately 120 miles to the north on US 395, is the closest major city.

The Mono County economy is predominantly recreation [and tourism](#)-oriented. The County offers skiing, camping, hunting, fishing and other visitor-activities. In 1992, the County had an estimated population of 10,403, an increase of 4.5% over the 1990 Census population of 9,955 full-time residents (Dept. of Finance, 1992). The Census Bureau estimates that the county population had increased to 13,981 by July 2016. More than half the population (7,994 residents) now resides in the County's only incorporated community, Mammoth Lakes. Lee Vining, the unincorporated community where the project is located, had a 2010 population of 222 full-time residents (<http://censusviewer.com/city/CA/Lee%20Vining>), down from the 1990 population of 285 full-time residents.

Lee Vining, the unincorporated community where the project is located, had a 1990 population of 285 full-time residents, an increase of fourteen percent from 1980. The Lee Vining population declined to 222 residents as of the 2010 Census. Lee Vining is a summer staging area for visitors to Yosemite National Park; the east gate to the Park on SR 120 is closed in the winter. The community overlooks Mono Lake. Most visitors to the Lee Vining area are from southern California and are visiting Mono Lake, Bodie State Historic Park, and in the summer Yosemite National Park.

7.4.3.2 Consistency with Plans

The Mono Basin Community Plan¹⁴ is a community-based plan to guide future land use, development, and quality-of-life decisions for the Mono Basin communities of Lee Vining and Mono City. The Plan identifies 6 key elements, all of equal importance, as summarized herein: (1) Small, compact communities with a clear edge between developed and natural areas; (2) Safe, friendly communities where people interact and feel connected, (3) A sustainable economy with diverse job opportunities that offers year-round employment and competitive wages. (4) Recreation opportunities and access that highlight our exceptional outdoor venues. (5) A healthy natural environment with clean air and water, scenic grandeur, dark night skies, pristine wilderness and open space. (6) Historic uses and character that recalls and re-creates the vitality, strength and character of the Mono Basin. The Tioga Inn development to date, and the proposed Amendment #3, are in conformance with these goals.

The subject property is an orderly extension of the Lee Vining community area. Although surrounded by lands in public ownership, it is one of the larger privately owned parcels that can be developed with the services and facilities needed to provide additional visitor services to the Mono Basin area. Other regional plans include the (1) Inyo National Forest Land and Resource Management Plan, which proposes concentrated recreation activities on parcels adjacent to the project, and (2) the Mono Basin Scenic Area Comprehensive Management Plan, which protects the scenic values of that area.

LEE VINING AREA CENSUS DATA

	1980	1990	2010
Population	250	285	222
Households	102	120	85
Average Age	29.3	33.9	30.4
Avg. HH Income	\$20,498	\$33,000	\$45,500
Persons/HH	2.45	2.38	2.62

Population Distribution by Age (percent)

Under 18	21.4
18-21	6.0
21-29	12.3
30-44	37.5
45-54	10.9
55-64	6.3
65+	6.0

HH means "household"

Sources: 1990 & 2010 Census, 93541 Zip Code, And Mono Basin Community Plan, 2012

¹⁴ Mono County website, http://www.monocounty.ca.gov/sites/default/files/fileattachments/rpac_mono_basin/page/981/mb_plan_rpacfinal_o6.13.12.pdf.

7.4.3.3 Site Characteristics

The terrain is gently to steeply sloping over the east-west course of the property. There are several natural benches on the property upon which all development is proposed. The area is generally scrub vegetation with a predominance of sagebrush. Several scattered pine trees are onsite as well.

Access to the subject property ~~is taken at Vista Point Drive off of State Route 120, near the junction with~~ ~~can be derived from either SR 120 or~~ US 395. The proponent proposes to limit general vehicle access to SR 120 as previously negotiated with Caltrans, and has acquired the Caltrans easement along SR 120 west of the property entrance.

The subject property has been used for sheep grazing in the past. It is possible that this activity historically altered the species composition of cover vegetation in the area. The agricultural use of the area was terminated prior to approval of the 1993 Specific Plan.

7.4.3.4 Rare and Unique Environmental Resources

The Tioga Inn and its facilities are located on a small parcel that is a part of the Mono Basin. The general area contains numerous rare and endangered plant and animal species. Some of California's unique geologic formations are accessible to area visitors. There is an abundance of wildlife and fisheries in the general vicinity. The Lee Vining area expresses extraordinary pride in the unique and significant views of the natural scenery. Analyses prepared for the 1993 Specific plan and its EIR determined that none of the unique, rare, or endangered resources are located on or in close proximity to the Tioga Inn parcel. Analyses prepared for Specific Plan Amendment #3 indicate that the proposed changes would have 5 significant and potentially unavoidable adverse impacts ~~as shown below: on migrating deer, all other impacts can be reduced to less than significant levels through mitigation measures outlined in the EIR.~~

- [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](#)

7.4.4 Specific Plan Goals, Policies and Implementation Programs¹⁵

7.4.4.1 Land Use

Goal 1: Enhance visitor-oriented services in the Lee Vining Area.

Policy 1a: Provide flexibility in the project to accommodate multiple uses on Specific Plan parcels.

Implementation measure 1a(1): Permit the land use designations "Hotel," "Full Service Restaurant," "Residential," "Convenience Store/Deli/Fuel Sales," "Open Space-Preserve," "Open Space-Facilities," "Open Space-Support," and "Workforce Housing" to be the land use designations of the Tioga Inn Specific Plan.

Implementation measure 1a(2): [A meandering pathway, between Vista Point Drive and the site of the 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 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](#)

¹⁵ Note: the 1993 project approvals included FEIR certification and Tioga Inn Specific Plan approval. The Tioga Inn Specific Plan established zoning and the General Plan uses and standards for the project site.¹⁵ The approved land use designations included "hotel," "full-service restaurant," "residential," "convenience store/fuel sales," "open space-preserve," "open space-facilities," and "open space-support." Several of the approved uses were developed soon after the 1993 approvals, including the residential units, the convenience store/fuel sales, and the open space uses. The hotel and full-service restaurant are anticipated to be developed by 2023.

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 measure 1a(3): 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.

Implementation measure 1a(2): Limit the siting of the land uses to the parcel designations and locations shown on Exhibit 7-1 (Figure 7).

Policy 1b: The Hotel land use designation shall permit the following land uses:

Implementation measure 1b(1): The Hotel land use permits a facility with a maximum of one hundred and twenty rooms for overnight guests. The Hotel facility land use allows the following accessory uses:

- Banquet, meeting room facilities with dividers for a maximum of 250 persons
- A coffee shop with a maximum capacity of 50 persons
- Kitchen and food preparation facilities
- Retail shop containing items typically needed or desired by guests at a hotel facility – including and not limited to toiletries, reading materials, souvenirs, and prepackaged snack items
- Swimming pool and spa (indoor or outdoor). The pool may be made available for use by local schools and swimming clubs
- Parking facilities, uncovered
- Appurtenant service and delivery bays, storage areas, and trash receptacle area. These include offices, storage areas, and loading dock.
- Resident manager's apartment
- Guest-oriented business center
- Outdoor kennel for pet control
- Laundry room with coin operated machines for guest convenience
- A public restroom/shower/laundry facility may be permitted
- Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity – subject to individual review and approval by the Planning Director.

Implementation measure 1b(2): Site development standards for the Hotel land use designation shall be:

- Maximum building height: thirty feet (30') from the top of the stem wall to the top of the roof line. Chimneys, gables, solar panels and snow control devices shall not be counted in the height calculation.
- Building envelope: The hotel and parking lot shall be sited in substantial conformance with the location of the facility as shown in Figure 7.
- Waste disposal containers: Shall be fitted with bear-and-raven-exclusion devices.
- Parking Requirements:
 - A minimum of one (1) standard-sized vehicle parking space for each guest room, plus two spaces for resident manager's quarters.
 - A minimum of two (2) bus or recreation vehicle-sized parking spaces.
 - A minimum of one (1) parking space for each two projected employees.
 - Parking shall be paved and striped in conformance with the Mono County Code prior to the use or occupancy of the hotel.
- Location of mechanical equipment, telecommunications antennae: All mechanical equipment (heating, ventilation, air conditions and similar exterior mechanical equipment) located outside of the structure shall be sited so that the equipment cannot be seen from SR 120 or US 395. No roof mounted antennae shall be permitted to be higher than the roofline.
- The public restroom/shower/laundry facility shall not exceed 20 feet in height, shall not exceed 1,500 square feet of interior floor space, and shall not exceed an occupancy load of 30 persons.
- All exterior lighting shall conform to Mono County Dark Sky regulations.
- Signs – See *Master Sign Plan*.

Policy 1c: The **Full Service Restaurant** land use shall permit the following land uses:

Implementation measure 1c(1): The Full Service Restaurant designation permits a freestanding full service restaurant with a maximum of one hundred (100) seats in a maximum five thousand (5,000) square foot interior dining area, not including offices, kitchen, food preparation or storage areas. The restaurant facility shall be entitled to include both an interior sit-down eating area and an exterior sit-down eating area on the observation deck, and interior and exterior areas serving as a cocktail lounge. Accessory uses permitted shall include:

- Retail gift shop and information center. The gift shop shall be limited to items typically needed or desired by restaurant guests such as packaged snacks and candies, maps, area information and souvenirs
- Parking, including parking spaces for recreation vehicles, vehicles towing trailers, and tour busses
- Public observation deck
- Appurtenant service and delivery bays, storage areas, and trash receptacle area
- Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity – subject to individual review and approval by the Planning Director.

Implementation measure 1c(2): Site development standards for the Full Service Restaurant use shall be:

- Maximum building height: twenty feet (20') from the top of the stem wall to the top of the roof line. Chimneys, gables, solar panels and snow control devices shall not be counted in the height calculation
- Building envelope: The restaurant and parking lot shall be sited in substantial conformance with the location of the facility as shown in Figure 7 (Exhibit 7-1; note that this exhibit has not been updated with Alternative 6).
- Waste disposal containers: Shall be fitted with bear-and raven-exclusion devices.
- Parking Requirements:
 - A minimum of fifty (50) standard-sized vehicle parking spaces
 - A minimum of two (2) bus or recreation vehicle-sized parking spaces
 - A minimum of five (5) spaces for vehicles towing trailers shall be provided.
 - Parking shall be paved and striped in conformance with the Mono County Code prior to the use or occupancy of the restaurant.
- Location of mechanical equipment, telecommunications antennae: All mechanical equipment (heating, ventilation, air conditions and similar exterior mechanical equipment) located outside of the structure shall be sited so that the equipment cannot be seen from SR 120 or US 395. No roof mounted antennae shall be permitted to be higher than the roofline.
- One flag pole shall be allowed on the restaurant parcel. Flag pole shall not exceed 20 feet in height. The maximum area of the flag shall be 40 square feet. Illumination is not permitted.
- All exterior lighting shall conform to Mono County Dark Sky regulations.
- Signs – *See Master Sign Plan.*

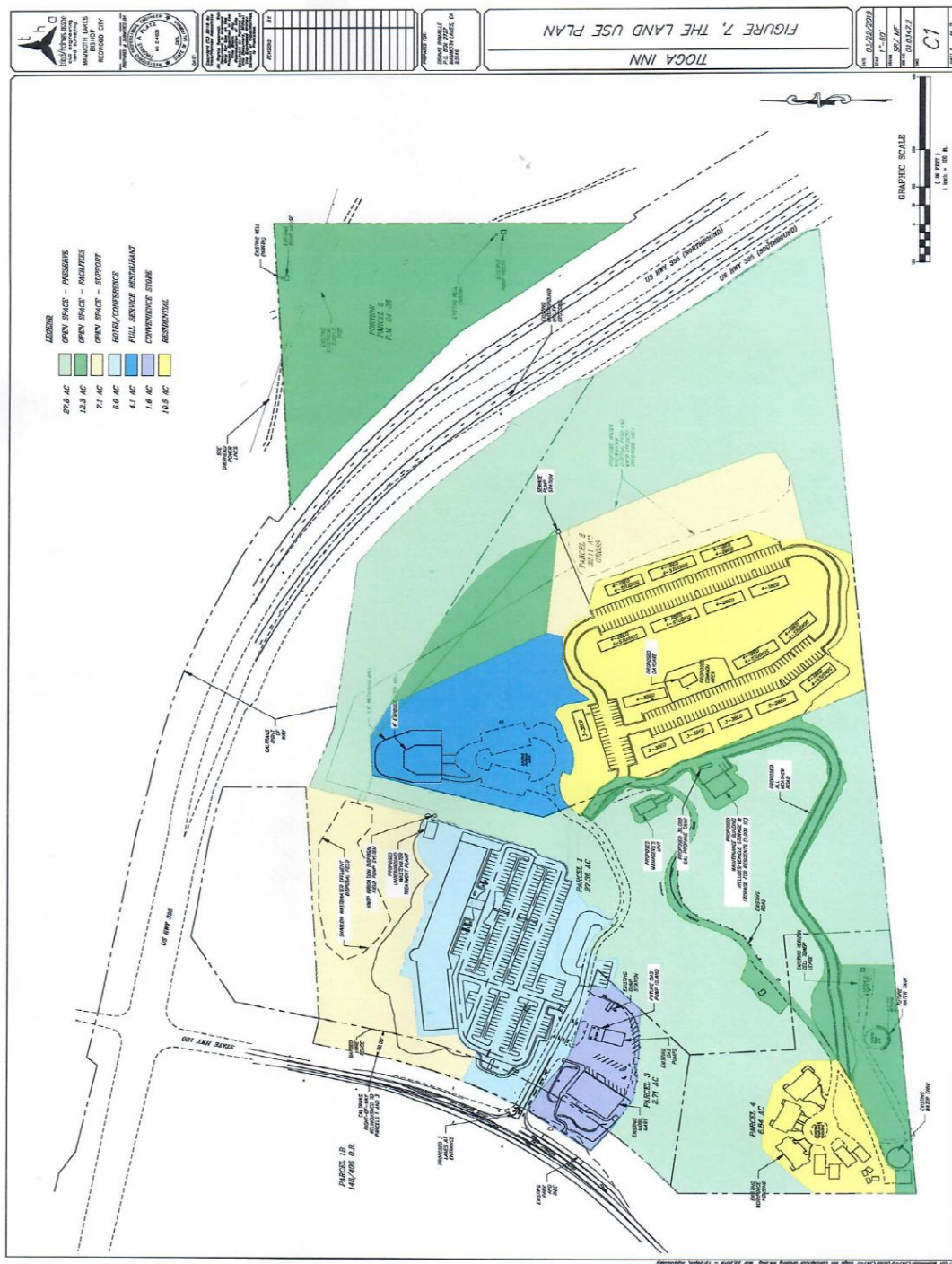
Policy 1d: The **Convenience Store/Deli/Fuel Sales** land use shall permit the following land uses:

Implementation measure 1d(1): The Convenience Store/Deli/Fuel Sales designation shall include the following uses:

- A retail store, deli and fuel purchase facility not exceeding 6,835 square feet of gross floor area, including offices, kitchen, food preparation and sales, and storage areas.
- An office, not to exceed 1,500 square feet, as part of the Convenience Store/Deli/Fuel sales.
- A maximum of three fuel islands, each with four multi-grade dispensing stations and overhead canopies with lighting for a total of twelve pumping stations.
- Picnic area sited in conjunction with the scenic turn-out
- Public restrooms
- Parking areas, including spaces for recreation vehicles, vehicles towing trailers, and tour busses
- Appurtenant service (not including vehicle service or repair) and delivery bays, storage areas, publicly accessible air supply, vehicle water supply, trash receptacle area

- Facility for the disposal of sewage from recreational vehicles (an RV “dump” station)
- Underground fuel tanks (one per fuel island).
- Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity – subject to individual review and approval by the Planning Director.

EXHIBIT 7-1 (Figure 7). Tioga Specific Plan Amendment #3 Land Use Plan



- Live indoor and outdoor music events and concerts shall be permitted in the Convenience Store/Deli/Picnic areas.

Implementation measure 1d(2): Site development standards for the Convenience Store/~~Deli~~/Fuel Sales land use designation shall be:

- Maximum building height: twenty feet (20') from the top of the stem wall to the top of the roof line. Chimneys, gables, solar panels and snow control devices shall not be counted in the height calculation.
- Building envelope: The convenience store, fuel islands, and site parking lot shall be sited in substantial conformance with the location of the facility as shown in Figure 7.
- Waste disposal containers: Shall be fitted with bear-and raven-exclusion devices.
- Parking Requirements:
 - A minimum of ten (10) standard-sized vehicle parking spaces.
 - A minimum of two (2) bus or recreation vehicle-sized parking spaces.
 - A minimum of two (2) spaces for vehicles towing trailers.
 - Parking shall be paved and striped in conformance with the Mono County Code prior to the use or occupancy of the hotel.
- Location of mechanical equipment, telecommunications antennae: All mechanical equipment (heating, ventilation, air conditions and similar exterior mechanical equipment) located outside of the structure shall be sited so that the equipment cannot be seen from SR 120 or US 395. No roof mounted antennae shall be permitted to be higher than the roofline.
- All exterior lighting shall conform to Mono County Dark Sky regulations.
- Signs – *See Master Sign Plan.*

Policy 1e: The **Residential** land use designation shall be implemented as permitting the following land uses:

Implementation measure 1e(1): The Residential land use permits a maximum of ten residential dwelling units. The units may be constructed in a configuration of either single-family residences, or five (5) structures with two dwelling units (duplex).

- Accessory uses shall be limited to one storage building of not more than two hundred square feet per dwelling unit. Accessory buildings shall be constructed in a compatible architectural style to the main building if the accessory structure is visible from SR 120 or US 395.
- Attached private garage or covered parking shall be permitted
- Home businesses in conformance with the single family residential zoning district provisions of the Mono County Code shall be permitted
- One or more of the residential units may be made available as employee housing
- No signs shall be permitted
- Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity – subject to individual review and approval by the Planning Director.
- All exterior lighting shall conform to Mono County Dark Sky regulations

Implementation measure 1e(2): Site development standards for the Residential land use designation shall conform to the requirements of the Mono County Code for the Multi-Family Residential, Low (MFR-L), Moderate (MFR-M), High (MFR-H) zoning district. The residential units shall be constructed within the building envelopes identified on the Site Plan whether the units are attached duplexes or detached single-family homes. Private kennel facilities or fenced areas for pets shall be permitted in the residential area to restrain the pets from reaching deer foraging areas.

Implementation measure 1e(3): The area on which residences are sited shall not be further subdivided.

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

Implementation measure 1f(1): The ~~Community~~**Workforce** Housing land use permits a maximum of 150 workforce bedrooms and a maximum of approximately 100 workforce units. Units will be designed with the flexibility

to accommodate changes in the mix of studio, 1-bedroom, 2-bedroom and 3+-bedroom units, but in no event may the number of units exceed 100 (including the manager's unit) or the number of bedrooms; this may increase or decrease the unit count, but the number of bedrooms shall not exceed 150. The layout, orientation and design of the community housing/workforce units must conform to the Concept Site Plan as approved by the Mono County Board of Supervisors. ~~may be constructed in a configuration of single structures, or structures with two (duplex) or three (triplex) dwelling units, or in apartment structures.~~

Implementation measure 1f(2): The Community Housing land use shall permit the following land uses:

- Accessory buildings shall be constructed in an architectural style that is compatible with the main building, if the accessory structure is visible from SR 120 or US 395.
- Uncovered parking for residents and guests shall be provided at a minimum ratio of ~~1-75~~ 2 spaces per ~~workforce~~ unit
- Onsite child-care facilities shall be permitted and made available for use by residents of the project site and residents of the Mono Basin
- A community center and recreational/ social/ picnic/BBQ/play area and structure shall be permitted and may be combined with the day-care facility.
- Shared laundry facilities shall be permitted and may be combined with the day-care facility.
- Home businesses in conformance with the multi single family residential zoning district provisions of the Mono County Code shall be permitted
- Community/Workforce housing must comply be occupied with occupancy standards approved by the Mono County Board of Supervisors. ~~by persons working at onsite or offsite businesses and locations, and may include one or more~~
- A separate residential structure shall be provided ~~units~~ for occupancy by a housing manager(s) and his/her ~~their~~ family(ies).
- Workforce housing shall be reserved for exclusive use by employed persons and their families.
- Shared kennel facilities or fenced areas for pets shall be permitted in the workforce residential area, provided that such facilities and fenced areas must be designed to prevent pets from reaching deer foraging areas.
- ~~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.~~ 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.
- Short-term (i.e., for less than 30 days) and transient rentals are prohibited.
- All exterior lighting shall conform to Mono County Dark Sky regulations, Scenic Combining District regulations, and provisions of the Outdoor Lighting Plan as approved by the Community Development Department.
- Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity – subject to individual review and approval by the Planning Director.

Implementation measure 1f(3): Site development standards for the Workforce Housing land use designation shall conform to the requirements of the Mono County Code for the Multi-Family Residential-High (MFR-H) zoning district. The "MFR-H" designation is intended to encourage multifamily units by allowing for higher population densities and to provide for commercial lodging facilities; i.e., hotels, motels.

Implementation measure 1f(4): The residential units shall be constructed in the locations identified on the Site Plan, regardless of the size or type of the workforce residential unit.

Implementation measure 1f(5): Solar panels shall be permitted on any and all workforce housing structures.

Implementation measure 1f(6): The land on which the workforce housing units are sited shall not be further subdivided.

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 two advisory noncompliance notices by the housing manager."

Implementation measure 1f(8): Valid causes for eviction of Community Housing residents include:

- *short-term (i.e., less than 30-days) subletting of units (first offense),*
- *unleashed/unfenced pets (more than 2 offenses),*
- *disposing of trash outside of, or failing to properly close the lid of, bear-resistant receptacles (more than 2 offenses).*

All eviction provisions will be subject to state law, and will be revised if required for compliance purposes.

Policy 1g: The **Open Space-Preserve** designation shall permit the following uses.

Implementation measure 1g(1): Improved or undisturbed landscaped areas consisting of native materials shall be a permitted part of the open space-preserve group.

Implementation measure 1g(2): With one exception for a water pump control structure (see Implementation Measure 1g(3) below), physical development within Open Space-Preserve areas is limited to underground utilities. New overhead utilities shall be classified as surface structures and are not permitted in this classification, except that existing overhead utility lines may be retained. Snow storage shall be permitted.

Implementation measure 1g(3): Permitted uses shall include underground leach tanks, underground sewage/reclaimed water pipelines, underground reclaimed water irrigation lines, one above-surface sewage/reclaimed water pump control structure with up to 100' feet of area, and other underground utility structures.

Implementation measure 1g(4): With the exception of the sewage/reclaimed water pump control structure (maximum 100 square feet), no above ground structures of any type shall be permitted in the Open Space-Preserve designation as shown on Figure 7.

Policy 1h: The **Open Space-Facilities** designation shall permit the following uses.

Implementation measure 1h(1): The Open Space-Facilities land use is intended to provide a land area for private utility service development. All of the uses permitted within the Mono County General Plan Open Space designation are permitted in the Facilities designation. In addition, above-ground and subsurface appurtenance structures, such as the wastewater treatment system, the well houses, a building (up to 5,000 square feet) for storage of project equipment and residents' belongings, a pad for the propane tank, and other similar uses are also permitted. The land use shall also permit an on-site nursery for the purpose of growing and cultivating replacement landscaping, increasing transplant capacity of native species, and growing flowers or other landscape amenity storage.

Policy 1i: The **Open Space-Support** designation shall permit the following uses.

Implementation measure 1i(1): The Open Space-Support designation is intended for accessory type buildings that are used for storage of supplies and equipment, a kennel for guests' pets, stable or horse corral, parking area expansion when and if needed, and other similar uses. Examples of accessory buildings include the buildings for storing snow removal equipment, amendments and nutrients for introduced landscaping, wastewater treatment, the water storage tank (existing and proposed replacement tank), and irrigation supplies. These identified sites would permit construction of small utility structures and storage sheds, provided that the facilities are not generally visible within the scenic view corridors from SR 120 and US 395. The land use shall also permit an onsite nursery for the purpose of growing and cultivating

replacement landscaping, increasing transplant capacity of native species, and growing flowers or other ornamentals; final design of the nursery would be subject to Director Approval.

7.4.4.2 Facilities and Services

Goal 2: Ensure adequate facilities for the Specific Plan development

Policy 2a: All applicable permits shall be obtained for all gasoline, water production, water storage, propane, wastewater treatment and disposal, and subsurface irrigation facilities.

Implementation measure 2a(1): Prior to the issuance of any building permits, the Planning Director shall receive verification from the Mono County Health Department that the proponent has received applicable permits for all infrastructure improvements (water, water storage, gasoline, propane, wastewater treatment and disposal, and subsurface irrigation and any other relevant infrastructure components). This measure shall not apply to the construction of onsite storage buildings for security of supplies and materials.

Implementation measure 2a(2): Prior to the issuance of a certificate of occupancy for any development facilities, with the exception of storage facilities, the Planning Director shall receive a letter from the Mono County Health Department indicating that all water and wastewater facilities have been constructed to the satisfaction of the department.

Implementation measure 2a(3): The subsurface irrigation and all supply infrastructure will be maintained and operated so that it does not cause sustained surface wetting either due to leaks or to over-burdening of the system by operating it above its designed capacity.

Implementation measure 2a(4): Irrigation on any and all Specific Plan parcels shall be limited to subsurface irrigation (via the subsurface irrigation system or the septic disposal system, depending on season) and hand watering, on a year-round basis. Spray irrigation shall not be permitted in any areas of the project site except the lawn and picnic areas adjoining the approved uses (hotel, hilltop housing, deli and restaurant), and the playground and lawn inside the common area of the proposed workforce housing.

Policy 2b: Ensure that there is an adequate fire prevention management program

Implementation measure 2b(1): Prior to the issuance of any building or grading permits, the Planning Director shall ~~request receive confirmation a letter~~ from the Lee Vining Fire Protection District, and ~~CalFire the California Department of Forestry~~ indicating that the design and siting of roads and structures conforms to the California Fire Safe regulations and Lee Vining Fire Protection District requirements.

Implementation measure 2b(2): Prior to the use or occupancy of any structures, the Planning Director shall receive a letter from the Lee Vining Fire Protection District indicating that the buildings conform to fire safety and prevention requirements.

Implementation measure 2b(3): All fire suppression systems and facilities, locations of fire hydrants, sprinklers, valves, emergency water access, and fire doors shall be written into text and diagrams for a facilities fire management plan approved by the Lee Vining Fire Protection District.

Implementation measure 2b(4): All fire prevention systems shall be maintained in a usable and safe condition for the life of the project. An inspection shall be required on a periodic basis meeting the reasonable requirements of the Lee Vining Fire Protection District.

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.

7.4.4.3 Design

Goal 3: Strive to reduce the project's visual intrusiveness in the area**Policy 3a:** Minimize site disturbance.

Implementation measure 3a(1): Prior to the issuance of occupancy permits for any of the site facilities, the planning director shall [confirm that a Revegetation Plan has been prepared for the purpose of returning all areas that are temporarily disturbed by the project to a condition of predominantly native vegetation. Mono County will review this plan for approval within 60 days of the start of project construction. The measures outlined in Table 7-11 shall be used for the revegetation of all project areas that are temporarily disturbed during earthwork and grading.](#)

TABLE 7-11. Revegetation of Temporarily Disturbed Areas	
<u>TOPSOILS</u>	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.
<u>SCREENING</u>	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.
<u>BITTERBRUSH</u>	Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 7-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250 feet of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.
<u>PROTECTED CORRIDOR ALONG US 395</u>	The seed mix to be used adjacent to roads (including the protected corridor along US 395 as shown in Specific Plan Exhibit 7-2) shall consist of 1) curl-leaf rabbitbrush (<i>Chrysothamnus viscidiflorus</i>, 1-2 ft 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.
<u>WEED CONTROL</u>	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.
<u>MONITORING</u>	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

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

Implementation measure 3a(2): Vegetation clearing shall be kept to a minimum. Where feasible, existing vegetation shall be mowed so that after construction, the vegetation can reestablish more quickly and thereby help mitigate the potential for storm water impacts.

Implementation measure 3a(23): Buffer areas shall be identified and exclusion fencing shall be installed to protect surface water resources outside of the project area, and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters outside the project area. Construction equipment shall be required to use existing roadways to the extent possible. The revegetation plan shall conform to the mitigation measures and recommendations outlined in the Subsequent Final EIR Mitigation Program.

Policy 3b: Provide protections for sensitive biological resources on the site. ~~Maximize the use of indigenous plant species.~~

Implementation measure 3b(1): The construction contractor shall be required to install temporary fencing along the western edge of the existing roadway where it approaches the Masonic rockcress population, in order to prevent accidental damage due to incursion by equipment. Fencing shall remain in place through the completion of all construction phases. The landscaping plan shall identify areas that have been or will be temporarily disturbed during construction. All such areas shall be revegetated using the native shrubs and herbaceous species that are dominant within project designated Open Space lands. Native species also are to be used to the greatest extent possible throughout areas of formal landscaping within the project area.

Implementation measure 3b(2): A pre-disturbance nesting bird survey shall be conducted within seven days prior to the start of vegetation and ground-disturbing project activities, by a qualified biologist, if construction is scheduled to begin during the period March 15 – August 15. All potential nesting habitat within 200 feet (passerine birds) or 600 feet (raptors) from the project-related disturbance limits will be included in the survey. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Appropriate measures (at a minimum including nest buffering and monitoring) will be decided in consultation with CDFW on a nest-by-nest basis. Prior to issuance of any building or grading permits, the project proponent shall submit a detailed landscape plan to the Mono County Planning Department for review and approval. The species of native vegetation and how they will be procured and introduced (seeding, transplanting) will be included in the landscaping plan and subject to approval. Revegetation methods detailed in the landscape plan shall be in substantial conformance with the conceptual landscape standards and objectives contained in Table F. Mono Basin

Implementation measure 3b(3): A pre-disturbance nesting bird survey shall be conducted within seven days prior to the start of vegetation and ground-disturbing project activities, by a qualified biologist, if construction is scheduled to begin during the period March 15 – August 15. All potential nesting habitat within 200 feet (passerine birds) or 600 feet (raptors) from the project-related disturbance limits will be included in the

survey. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Appropriate measures (at a minimum including nest buffering and monitoring) will be decided in consultation with CDFW on a nest-by-nest basis.

Implementation measure 3b(4): A pre-disturbance denning badger survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 100 feet in all directions. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active dens will be buffered by a minimum distance of 100 feet, until the biologist finds that den occupation has ended.

Implementation measure 3b(5): All areas burned in 2000 within the property (14.8 acres, minus acres that are permanently converted to approved Tioga Specific Plan facilities) will be seeded using locally collected bitterbrush (*Purshia tridentata*), at a rate of 4 pounds/acre pure live seed. In addition, diverse shrubs and grasses with available locally collected seed (acceptable species are: antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses) will be spread, bringing the total application rate to 10 pounds/acre. Seeding will be performed just prior to the onset of winter snows in the same year that project construction is initiated. If, after a period of five growing seasons has passed, a qualified botanist finds that total live cover provided by native shrub and grasses has not increased to 20% above that measured at adjacent (unseeded) burn scar areas, then the entire burn area will be seeded again as described above.

Policy 3c: Utilize introduced vegetation that at maturity will provide additional screening to aid in the visual blending of the project into the natural landscape.

Implementation measure 3c(1): The landscaping plan shall include a map that shows all existing project site trees. Existing trees shall be retained on site and incorporated when consistent with the landscaping standards in Policy 3e.

~~Implementation measure 3c(2): The landscaping plan shall specify use of locally adapted species and appropriate plant husbandry that will cause the most rapid possible attainment of mature screening height or bulk in the Mono Basin climate.~~

~~Implementation measure 3c(3): All The landscaping plan shall be in accordance with the Conceptual Landscaping standards outlines in identify visually prominent areas where vegetation can be effectively used for screening and visual blending of the project into the native landscape. Landscape techniques in these areas shall include transplanting and focused husbandry of nursery grown native shrubs and trees to the greatest extent possible. Plant irrigation and protection from herbivory will be provided to the greatest extent possible to enhance survivorship and growth. This landscaping will be designed to screen or block views of the project from passenger vehicles on Highways 120 and 395, and shall be employed in the restaurant parking area, so that screening becomes effective within three to seven years after construction is completed. Table 7-12).~~

TABLE 7-12. Conceptual Landscaping Standards	
FORMAL LANDSCAPING	NATURAL LANDSCAPING
<p><u>Lawn Areas:</u> Landscaped areas planted with lawns or grasses shall be limited to cultivars requiring reduced or limited irrigation needs. The preference shall be for using grasses that will not invade into the project area's native plant</p>	<p><u>Shrublands:</u> Project areas that are temporarily disturbed during construction and that are intended as formal landscaping shall be returned to natural vegetation as rapidly as feasible. Such areas are to be revegetated</p>

<p><u>communities. Lawn areas shall be irrigated, kept free of invasive weeds, and maintained in a firesafe manner. Because avoiding lawn grasses that could spread and increase fire danger is a primary landscaping objective, it will be appropriate to consult Mono County Community Development Department when selecting grass species for introduction in landscaped areas. Landscape lawns and other areas that will be stabilized by introduced grasses will be planted within 9 months of the completion of project-related disturbance.</u></p>	<p><u>utilizing native species, either through seeding or by transplanting of nursery-grown shrubs. The revegetation species palette shall include at least five native perennial shrub and grass species so as to emulate the Great Basin Mixed Scrub that remains onsite. Seeding and planting will not commence until the species palette has been approved by Mono County Community Development Department. The objective is to rapidly restore a native shrublands appearance to temporarily disturbed project areas. Therefore, where feasible, more mature nursery-grown transplants and applied irrigation will be utilized in addition to seeding. Revegetation at areas that will be stabilized by native plants will commence within 9 months of the completion of project-related disturbance..</u></p>
<p><u>Shrubs, Flowers and Screening:</u> <u>The formal gardens and landscape areas around structures are intended to provide color, special attractions, and a degree of limited contrast to the colors of the natural environment. Another objective is to provide seasonal shading for residences and common areas. The intent is to have an attractive facility that would encourage walking and relaxation in the project area. Screening trees and shrubs shall be planted to provide a visual break of the views of the facilities from the Highway. The objective is to reduce the appearance of residence height and bulk as seen from the scenic highways.</u></p>	<p><u>Other Vegetation:</u> <u>Areas that currently are visibly scarred by wildfire will be seeded with native species, emphasizing bitterbrush. Conifers of the existing onsite tree species shall be introduced in a random pattern in reserve lands between the new and existing housing. The objective is to provide a "blended" appearance of native and created landscapes from the scenic highways.</u></p>

Implementation measure 3c(3): The Plant Palette for all landscaped areas shall be in conformance with Table 7-13.

TABLE 7-13. Tioga Specific Plan Amendment #3 Plant Palette		
<u>Landscape Stratum</u>	<u>Species – Common Name</u>	<u>Species – Scientific Name</u>
<u>tree</u>	<u>Jeffrey Pine</u>	<u><i>Pinus jeffreyi</i></u>
<u>tree</u>	<u>Single-leaf Pinyon</u>	<u><i>Pinus monophylla</i></u>
<u>tree (irrigated during summer)</u>	<u>Quaking Aspen</u>	<u><i>Populus tremuloides</i></u>
<u>shrub</u>	<u>Mountain Mahogany</u>	<u><i>Cercocarpus ledifolius</i></u>
<u>shrub</u>	<u>Desert Peach</u>	<u><i>Prunus andersonii</i></u>
<u>shrub</u>	<u>Yellow Rabbitbrush</u>	<u><i>Chrysothamnus viscidiflorus</i></u>
<u>Shrub</u>	<u>Bitterbrush</u>	<u><i>Purshia tridentata</i></u>
<u>shrub</u>	<u>Wild Buckwheat</u>	<u><i>Eriogonum fasciculatum</i>, and/or <i>E. umbellatum</i>, <i>E. microthecum</i></u>
<u>shrub (irrigated during summer)</u>	<u>Willow</u>	<u><i>Salix exigua</i></u>
<u>shrub (irrigated during summer)</u>	<u>Wild Rose</u>	<u><i>Rosa woodsii</i></u>
<u>herb</u>	<u>Silvery Lupine</u>	<u><i>Lupinus argenteus</i></u>
<u>herb</u>	<u>Chicalote</u>	<u><i>Argemone munita</i></u>
<u>herb</u>	<u>Douglas' sedge</u>	<u><i>Carex douglasii</i></u>
<u>herb</u>	<u>Basin Wildrye</u>	<u><i>Elymus cinereus</i></u>
<u>herb</u>	<u>Needlegrass</u>	<u><i>Stipa hymenoides</i> and/or <i>S. comata</i>, <i>S. occidentalis</i></u>

herb (irrigated during summer)	Needlegrass	Stipa occidentalis
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Policy 3e: [Provide a Protected Corridor along US 395.](#)

[Implementation measure 3d\(1\):](#) To minimize mule deer mortality along US 395 adjacent to the project site, the corridor between US 395 and all Tioga project elements (see Exhibit 7-2 below) shall remain 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 measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.



EXHIBIT 7-2. Protected Corridor Location

[Implementation measure 3d\(2\):](#) Ensure that introduced landscaping plants are irrigated, fertilized and maintained as necessary to prevent plantings from failing or becoming weedy.

[Implementation measure 3d\(3\):](#) The landscaping plan shall describe adaptive contingency measures should planting fail to thrive. Vegetation in formal landscaping areas shall be maintained in a vigorous and healthy condition for the life of the project. Routine project operations shall include at least weekly inspection and repair of irrigation and diligent removal of non-native plant growth. Introduced landscaping that does not survive shall be replaced using the species and husbandry techniques that are described in the approved landscaping plan.

Policy 3d: Provide landscaped areas for picnicking, walking and relaxation.

[Implementation measure 3e\(1\):](#) Picnic and walking areas shall be landscaped [in accordance with the Conceptual Landscaping Standards outlined above in Table 7-12.](#) ~~using locally adaptive native vegetation to the maximum possible extent.~~ The design for picnic and walking areas within developed portions of the project shall serve to implement water conservation, enhance visual attractiveness, and provide a visual complement to the area. Final plans shall be submitted for the approval of the planning director prior to use or occupancy of the Workforce Housing component.

Policy 3f: Ensure a visually attractive development.

[Implementation measure 3f\(1\):](#) All structures – including residences – shall be constructed in conformance with the appearance of the structures and architectural elevations that are a part of the Specific Plan.

[Implementation measure 3f\(2\):](#) All exterior materials shall be in harmony with the theme of a rustic, alpine appearance.

[Implementation measure 3f\(3\):](#) The roof materials shall be [constructed of materials with a dull finish and dark muted](#) ~~subtle~~ 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.

Implementation measure 3f(4): Dark or neutral colors found in the immediate surroundings should be used for vertical surfaces and structures. All east facing walls of the Community Housing shall be painted in 'Shaker Gray.'

Policy 3g: All exterior lighting shall comply with Mono County Land Use Element Chapter 23 (Dark Sky Lighting Requirements), and Chapter 8 (Scenic Combining District and State Scenic Highway 395), and the Outdoor Lighting Plan as approved by Mono County Community Development Department.

Implementation measure 3g(1): All onsite exterior lighting (including existing and proposed exterior light sources) shall comply fully with requirements of the Mono County Scenic Combining Element (General Plan *Land Use Element* Chapter 8) and with requirements of the Mono County Dark Sky Regulations (General Plan Chapter 23), and with requirements of the Outdoor Lighting Plan as outlined in Table 7-14 below.

TABLE 7-14. Outdoor Lighting Plan	
<u>Fixtures</u>	<u>Manufacturer-provided information shall be provided showing fixture diagrams and light output levels. The fixture type exceptions listed under Chapter 23.050.E(1, 2 and 3) will be prohibited in this project. Only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted.</u>
<u>Fixture Locations</u>	<u>The Outdoor Lighting Plan shall the proposed location, mounting height, and aiming point of all outdoor lighting fixtures</u>
<u>Elevation Drawings</u>	<u>Drawings for all relevant building elevations shall be provided to show 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.</u>
<u>Seasonal Lighting</u>	<u>The project 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.</u>

7.4.4.4 Natural Environment

Goal 4: Conserve habitat and forage areas on the site.

Policy 4a: Provide wildlife habitat through retention of naturally vegetated areas. Maintain open space areas where mule deer can forage and find concealing cover.

Implementation measure 4a(1): During project design and implementation, all reasonable efforts shall be undertaken to avoid the habitat with the greatest value to deer. The construction plans and disturbance limits as marked in the field shall clearly identify areas of the project where the soil and vegetation will not be disturbed. Native vegetation in all areas that are not converted into project structures, roads and landscaping shall be retained to provide forage for deer throughout the lifetime of the project.

Implementation measure 4a(2): The landscaping plan shall include any developed paths outside the housing development and indicate that they have been designed to avoid deer foraging areas. Informational signs explaining the purpose of the path system, the need to protect deer foraging areas, and the requirement for leashing of pets, shall be placed at pathway entry points.

Policy 4b: Livestock grazing shall continue to be precluded from the site.

Policy 4c: Avoid potential construction-related interference with local mule-deer migration. Avoid creating barriers or other construction-related impacts that would redirect deer movements onto the highways at any time of year.

Implementation measure 4c(1): Construction activities shall be limited to daylight hours. Implementation will be further accomplished by clearly marking the limits of construction zones and by instructing construction

personnel to recognize areas in which ground-disturbing activities and vegetation removal can take place. Construction personnel will also be instructed to leash any dogs brought onto the site. Night lighting will not be allowed in Open Space-Reserve designated areas during the critical migration times of April through June and October through November. At all times of year, linear barriers shall not be permanently or temporarily installed anywhere within the Open Space area lying between Tioga Inn project elements and the highways.

Policy 4d: Prohibit unauthorized off-road vehicle activity.

Implementation measure 4d(1): Road construction shall be limited to the areas identified on the approved land use plan (Figure 7). Public vehicle access shall not be permitted off of paved roads anywhere within areas designated as Open Space. In lieu of fences or other linear barriers, natural material shall be employed to block access. Large stones will be stockpiled during construction for distribution to areas of potential unpermitted vehicle access. Any incidence of unpermitted access will be mitigated by redistributing the stones.

Policy 4e: Provide facilities for pets to prevent domestic animals from wandering loose on the property.

Implementation measure 4e(1): Place limitations to exclude pets belonging to facility customers and guests from becoming a limiting predatory influence in the surrounding environment. Leases for tenants at the residential areas shall include a requirement that pets be contained in an enclosed area. Outdoor kennels serving guests and residents shall be provided within a central portion of the hotel and housing areas. The designated tenant and guest pet containment areas shall be fenced sufficiently to prevent pets from roaming unattended outside the human habitats of the project.

Implementation measure 4e(2): Pets including service animals shall be kept on leashes or otherwise restrained to prevent free roaming when not in a fencing containment area. Tenants shall agree to pet leashing rules as a condition of rental, and shall be evicted for noncompliance following two notifications by the housing manager. Signs that state the requirement for leashing will be maintained at the housing area and at any walking trails that are established within the project area.

Policy 4f: Avoid becoming an “attractive nuisance” for local wildlife.

Implementation measure 4f(1): To exclude wildlife from access to trash and to food items stored by residents, all waste receptacles will be fitted with exclusion devices sufficient to prevent access by ravens and bears. Signs will be clearly posted informing of the need to secure trash, pets and stored food from wildlife access. Rental agreements will include restriction against storage of trash or unsecured food items outside of the residences (including in vehicles) for any substantive length of time.

7.4.4.5 Traffic and Circulation

Goal 5: Maintain safe traffic access.

Policy 5a: Conform to the requirements of Caltrans for project access.

Implementation measure 5a(1): Prior to issuance of any permits for use or occupancy, the Planning Department shall receive a copy of the approved encroachment permit issued by the California Department of Transportation.

Implementation measure 5a(2): Other than access for authorized personnel to parcels adjacent to US 395, or emergency use, there shall be no access to the project from US 395.

Policy 5b: Internal traffic circulation shall conform to County and fire safe requirements.

Implementation measure 5b(1): Roads shall be constructed in conformance with standards identified in Table 7-15, and shall be designed to maintain safe access through all seasons.

TABLE 7-15: Road Standards

ROAD CLASSIFICATION	EASEMENT	PAVEMENT WIDTH	SPECIAL NOTES
Main Access Road	60 feet	24 feet	3 foot shoulder
Residential Access Road	40 feet	16 feet	10% grade
Utility/Facility Access Roads	Driveway	12 feet ¹⁶	No public use

Implementation measure 5b(2): All publicly-accessible roads shall be paved in conformance with the requirements of the Mono County Code for parking areas and parking access.

Implementation measure 5b(3): Parking shall be provided in accordance with this Specific Plan Amendment #3. If not specified herein, parking shall be in accordance with the Mono County Code. Additional parking may be allowed in appropriate locations following review and approval of the Planning Director in order to accommodate future demand.

7.4.5 Master Sign Program

6a) Intent: The Master Sign Program is a requirement and mitigation measure of the Tioga Inn Specific Plan. The Specific plan requires that all signs be coordinated in design and concept with all other facility signs. The Master Sign Plan will coordinate design, theme and placement of signs within the Tioga Inn Specific Plan area. This Specific Plan is one site with four separate parcels. All signs are required to be on site.

6b) General Provisions: These provisions apply to all signs within the Tioga Inn Specific Plan.

- Signs and sign faces will be constructed with natural materials like stone, wood and other natural materials to enhance the overall architectural theme of the Tioga Inn. Plastic, metal, and other materials may be used but should not be the dominant feature of any sign or sign face. The exceptions to this are directional signs which may be plastic or metal.
- Background or unused portions of the sign facing will be painted in muted earth-tone colors or left in a natural state.
- The sign area is calculated as the area that would enclose all words and letters of a sign face. The portions of the sign enclosed by the decorative border or frame and the foundation are not calculated as sign area.
- Illumination for all signs shall be indirect or back-lit channel letters.

6c) Permitted Signs.

- Monument Signs – The Tioga Inn Specific Plan is permitted three monument signs for the three commercial land uses. These signs will be visible to travelers on Highways 120 and 395. The maximum height will not exceed 10 feet. The total facing area for all three signs combined will not exceed 64 square feet. Approximately 21 square feet will be allocated for each commercial use (convenience store/deli/fuel sales, hotel, and full-service restaurant).

The three monument signs are permitted within the Tioga Inn Specific Plan on the 30-acre Hotel parcel. One sign may be installed along the Highway 120 corridor approximately 150 feet east of the gas station. Two monument signs may be installed below the restaurant knoll, as close as possible to the US 395 right-of-way. These signs are not permitted to be silhouetted against the skyline or located on top of the knoll. In compliance with Mitigation Measure 5.3(d-3) prohibiting brightly lit signs, all new signage along the US 395 and SR 120 scenic corridors shall be limited to a maximum 100 cd/m².¹⁷

A fourth monument sign is permitted in the vicinity of the hotel entrance site. This sign is an interior monument sign and will be used to primarily direct visitors to the various facilities within the Tioga Inn Specific Plan site. This sign will generally not be visible to travelers on SR 120.

- Directional Signs – Signs for air and water, registration, observation deck, parking, office or deliveries shall be permitted with a maximum area of three (3) square feet per sign facing. Directional signs may be combined subject to Director Approval.
- Other Signs

¹⁶ 12 feet of surface width, no paving.

¹⁷ Luminance (also known as brightness) is the level of light emitted by an LCD display. Luminance is measured in candelas per square meter (cd/m²). One candela is equal to one cd/m²; <https://www.lrc.rpi.edu/programs/solidstate/pdf/Freyssinier-SPIE6337-52.pdf>.

1. Convenience store/fuel sales – Signs identifying the property, name ownership and amenities shall be limited to a maximum of forty-eight (48) total square feet.
2. Hotel – Signs identifying the property, name, ownership, and amenities shall be limited to a maximum of sixty-four (64) total square feet.
3. Restaurant – Signs identifying the property, name, ownership and amenities shall be limited to a maximum of forty-eight (48) square feet.
4. Required Signs – Signs mandated by federal, state or local agencies (i.e., display of gas prices)

6d) Prohibitions.

- No temporary signs shall be permitted within the residential or workforce housing land use areas.
- No monument or freestanding signs shall be permitted off the Tioga Inn Specific Plan site.

7.4.6 Financing the Specific Plan

The Specific Plan represents a private project for which no public monies have been used; the proponent has to date been responsible for obtaining all funds for development. In conjunction with the workforce housing associated with Amendment #3, the applicant may seek funding in support of the workforce housing component and/or amenities to better serve the workforce housing component. The application for funding would follow, and be subject to prior approval of, Amendment #3. The implementation program contains components that tie use and occupancy of the project to completion of the various infrastructure, landscaping, and mitigation programs.

TIOGA COMMUNITY HOUSING DRAFT SUBSEQUENT EIR



SECTION 8.o

FSEIR ABBREVIATIONS AND ACRONYMS

A

AF	Acre-feet
AFY	Acre-feet per year

C

CDD	Community Development Department
CEQA	California Environmental Quality Act
CFS	Cubic feet per second
CHP	California Highway Patrol
COA	Condition of Project Approval

D

DSEIR	Draft Subsequent Environmental Impact Report
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E

ELI	Extremely Low Income (households)
ESTA	Eastern Sierra Transit Authority
ESUSD	Eastern Sierra Unified School District
EV	Electric Vehicle

F

FEHA	State and Federal Fair Employment and Housing Act
FSEIR	Final Subsequent Environmental Impact Report

G

GPD	Gallons per day
GPM	Gallons per minute
GHG	Green House Gases

H

HMO	Housing Mitigation Ordinance
HUD	U.S. Dept. of Housing and Urban Development

L

LOS	Level of Service
LRWQCB	Lahontan Regional Water Quality Control Board
LVFPD	Lee Vining Fire Protection District

M

MGD	Million gallons per day
MLC	Mono Lake Committee
MT	Million Tons

N

NOP	Notice of EIR Preparation
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R

R/W	Right-of-Way
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S

SCE	Southern California Edison
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T

TR	Topical Response
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V

VMT	Vehicle Miles Travelled
VQO	Visual Quality Objectives

W

WWTP	Wastewater Treatment Plant
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Y

YARTS	Yosemite Area Regional Transportation System
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Water Equivalents, Acronyms and Conversion Factors

1 cubic foot (cf) = 7.48 gallons
1 acre-foot (AF) = 43,560 cubic feet = 325,900 gallons
1 cubic foot per second (cfs) = 450 gallons per minute (gpm) = 646,320 gallons per day (gpd)
1 cfs for one year = 724 acre-feet
1 million gallons (mg) = 3.07 acre feet
1 million gallons per day (mgd) = 1,120 acre feet per year (afy)
1000 gallons per minute = 2.23 cfs = 4.42 acre-feet per day (afd)