

## An Open Letter regarding the Tioga Inn Project

June 24, 2020

Mono County Board of Supervisors  
P.O. Box 715  
Bridgeport, CA 93517

Dear Honorable Supervisors,

On June 29 you will be asked to vote on a resolution to override the concerns of local Agencies, residents, and the public in order to approve the Tioga Inn Project and accept its significant adverse impacts on the Mono Basin.

We the undersigned community members write to you today because these significant adverse unaddressed impacts result from a Project that ignores public input, disregards the guidance of the Mono Basin Community Plan, and refuses to pay its own way. Mono County can do better.

The final Project analysis (FSEIR) shows that the Project as proposed will create significant adverse impacts to the service level of local schools, the capacity of the volunteer fire department, the safety of pedestrians and cyclists, the traffic safety at a major highway intersection, the health of the local deer herd, and the visual integrity of Mono County's prized scenic and economic resource—Mono Lake and the gateway to Yosemite National Park.

A vote to override and ignore these impacts and public concerns will not make them go away. Instead, a vote to override will offload millions of dollars of unfunded responsibilities for expanded services to local schools, the Lee Vining Volunteer Fire Department, Mono County, and residents and taxpayers.

Mitigation of the Project impacts is feasible. Extensive public comment provided ideas and solutions, but the Developer rejected opportunities to improve his Project.

### **The Project violates the Mono Basin Community Plan Vision and Principles**

The Tioga Inn Project will construct a privately-owned city with three times the current population of Lee Vining on top of a highly visible ridgeline with limited emergency access that is physically separated from Lee Vining by major highways. This is not sound community development.

Let us be very clear, our Mono Basin Community Plan supports appropriate development that preserves our community character. The community created the Mono Basin Community Plan in 2012, after years of meetings with the County Community Development Department, and the Board of Supervisors adopted it to establish a set of principles for how development should occur within the Mono Basin. The Community Plan recognizes the real need for workforce housing, appropriate affordable housing, and a sustainable economy with diverse job opportunities. The Community Plan eloquently documents our community's character and establishes pathways to guide successful growth in our town.

The Tioga Inn Project presented to you repeatedly undermines the core Community Plan values of "*small compact communities*" featuring a walkable town, "*safe, friendly communities*" where children have high quality education opportunities, and "*a healthy natural environment*" that includes scenic grandeur and dark-night skies, where the natural character of the land is protected "*by minimizing the intrusiveness of structures.*"

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A vote to accept the significant adverse effects of the Project will effectively repeal the Board-adopted Mono Basin Community Plan and abandon the principle that Mono County communities can define and protect their community character. This is a dangerous precedent for every community in Mono County.

### **The Project is bad for kids, schools, businesses, Mono Lake, and Lee Vining**

The Tioga Inn Project will create so many large, permanent impacts that it raised widespread alarm. Mono County received more comments of concern and opposition than any Mono County project we can recall. These include critical public safety and education problems raised by Agencies such as the Lee Vining Volunteer Fire Department, Eastern Sierra Unified School District, and the Mono County Sheriff.

Auto accidents will increase, the costs for our local schools will skyrocket, fire and emergency services will be stretched beyond capacity, and the world-renowned scenic qualities of Mono Lake and the gateway to Yosemite National Park will be forever diminished. The list of problems revealed in comments and the Project documents is even longer.

*Are there really no feasible alternatives?*

To pick an example, the Project provides no safe route for kids to walk the  $\frac{3}{4}$  mile from the Project site to school, making it a classic example of leapfrog development. The FSEIR states “there is no feasible way at this time to provide connectivity between the Project site and downtown Lee Vining” (p.103). But inquiries by community members have found that Southern California Edison is willing to explore use of its land to provide exactly this connectivity. Here “no feasible way” appears to mean the Developer is unwilling to solve the problem his Project will create.

### **The Project sticks the community and County with millions of dollars in unfunded obligations—who is going to pay for this?**

The Developer’s choice of Project size and location creates significant expensive and complex problems; a housing development of modest size located in town, for example, could take advantage of Lee Vining’s existing walkable community. But because that is the Developer’s choice, the cost of providing safe routes to school, fire protection, school resources, and visual screening should be the responsibility of the Developer.

Instead, you are being asked to approve the permanent adverse impacts of this Project. *A yes vote on the override resolution will offload millions of dollars of unfunded obligations onto the Mono Basin community and Mono County taxpayers who will have to provide the development with expanded fire, road, school, safety, and other County services.*

### **The Project ignores Agency, resident, and public solutions**

Scoping for the Tioga Inn Project began in 2016. Agencies, residents, and the public have offered constructive comments and common-sense solutions to the problems the Project creates over the last four years through thousands of pages of comments and hours of testimony. We recognize that some Project changes have been made to date—but they don’t go far enough. The Project’s damaging impacts remain. Workable solutions offered during the public process that could fix the Project are very achievable. There is no need to accept the permanent damaging impacts contained in the Proposal before you.

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### A better project is possible

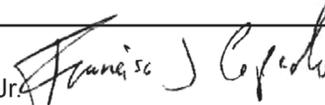
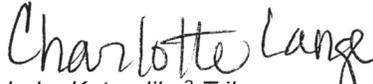
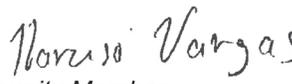
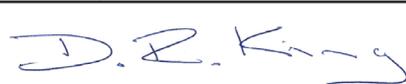
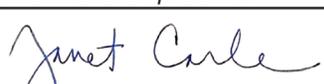
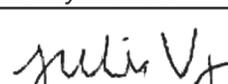
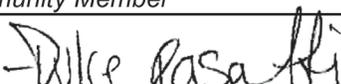
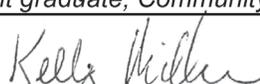
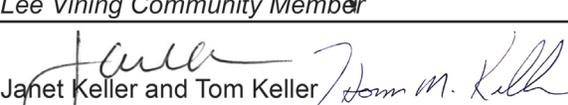
It is feasible to vastly improve this Project. Your Board does not need to vote to override citizens and local Agencies and accept permanent significant adverse impacts on our community.

We all share a desire to provide affordable housing for our community members but this Project as proposed is not the solution. In fact, local efforts are already underway to plan affordable housing in Lee Vining and we welcome your help in making them a reality.

Feasible mitigations that have been suggested throughout the Project process are ignored in the final proposal before you. Three important examples are attached. Including these plus other suggested mitigations for wildlife, sustainability, and numerous other items would go a long way to fixing the failures of the current Proposal, heading off future financial burdens to the schools, fire department, and county, and preserving Mono County's reputation for successful community planning.

Lee Vining and Mono County deserve better. The Project should not be approved as proposed because it creates too many unacceptable impacts. If you determine that fixing the Project is worthwhile, you can send it back to the Developer with the direction that he work with the community to accomplish a redesign that can be brought back to you in a new proposal that mitigates significant impacts and aligns with the vision and values of the Mono Basin Community Plan.

Sincerely,

 Tim and Stephanie Banta Lakeview Lodge, Fourth Generation Family Owners	 Francisco Copado, Jr. Owner, Mono Cone
 Geoffrey McQuilkin and Bartshe Miller Mono Lake Committee	 Paul McFarland Lee Vining Community Member
 Charlotte Lange Chairman, Mono Lake Kutzadika <sup>a</sup> Tribe	 Narciso Vargas Lee Vining Community Member
 Cecily and Joey Audenried Murphey's Motel and Mono Cup Coffee	 Duncan King Lee Vining Community Member
 Janet Carle Lee Vining Community Member	 Julie Vargas LVHS recent graduate, Community Member
 Dulce Pascetti Lee Vining Community Member	 Kelly Miller Owner, El Mono Motel and Latte Da Coffee Café
 Janet Keller and Tom Keller Family of Anna Keller Mattly, wife of Chris Mattly, 1926 founder of Lee Vining	

## **MONO COUNTY CAN DO BETTER**

### **Examples of the Many Feasible Tioga Inn Project Mitigations**

Feasible mitigations that have been suggested throughout the Project planning process are missing from the final proposal before you. Including these, plus other suggested mitigations for wildlife, sustainability, and numerous other items, would go a long way to fixing the failures of the current Proposal, heading off future financial burdens to the schools, fire department, and county, and preserving Mono County's reputation for successful community planning.

#### **Require a safe foot and bicycle connection between the Project site and Lee Vining. Period.**

***Problem: The lack of connectivity is a huge danger to future residents, visitors, and children and a source of significant liability.***

Existing site development has already increased pedestrian traffic between the site and Lee Vining due to impacts that were approved but never analyzed in past specific plan amendments. The Developer now proposes to add a population that is three times larger than Lee Vining is today yet refuses to build a safe walking and biking connection between his development and Lee Vining.

The FSEIR concludes, "there is no feasible way at this time to provide connectivity between the project site and downtown Lee Vining" (p.103), but the Developer only considered highway-side solutions. The community's recommended options were not pursued by the Developer.

One example is the opportunity to build a pedestrian and bicycle pathway between the Project and Lee Vining in the vicinity of the Southern California Edison (SCE) utility road. Informal conversations between community members and SCE have found it is indeed possible to negotiate a renewable license agreement for a County trail that would be paid for by the Developer. Such an agreement would be similar to the decades-long license that the County holds with SCE for the Lundy Canyon campgrounds.

When the lives of our children, residents, and visitors are at stake, it is NOT acceptable to sidestep building safe routes to school and town.

Mono County can do better.

#### ***Feasible proposed Mitigations that the Developer has rejected:***

*Construct a safe foot and bicycle trail across Southern California Edison land to link the project site and the existing sidewalk network in Lee Vining. A trail would be a County facility and the Developer would offset cost by contributing the project's fair share of costs to a mitigation fund held by Mono County before any Project construction begins.*

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### **Clearly Link Project Phasing to Actual Construction of the Hotel and Restaurant**

***Problem: The large Project size and weak connection to its described purpose is a major source of the Project's numerous significant unresolved impacts on the Mono Basin Community.***

The FSEIR states that the Project “will provide stable, year-round housing for all [Tioga Inn hotel and restaurant] project employees who wish to live on the project site.” The FSEIR also identifies the fees from the hotel and restaurant as providing the vast majority of the hoped-for revenue benefits to Mono County.

Yet, after 27 years, the hotel and restaurant remain unbuilt and the Project provides no commitment that these facilities will ever be constructed. Mono County may never receive the anticipated Hotel/Restaurant revenue, saddling County residents with all significant Project impacts AND all costs to address them.

Mono County can do better.

#### ***Feasible proposed Mitigations that the Developer has rejected (partial list):***

*Mandate Project construction phases that are clearly linked to the hotel construction. For example, require that Project building permits may only be issued after hotel construction is 50% complete and that the Project certificate of occupancy may only be issued after issuance of a certificate of occupancy for the hotel.*

### **Require Complete Visual Screening from High-Value Tourist Destinations**

***Problem: The Tioga Inn Project remains highly and unnecessarily visible from key Mono Basin tourist destinations.***

The FSEIR states that, despite design adjustments, the Project “will not reduce aesthetic impacts to less than significant levels” (p. 105). The Project impairs the scenic views from Mono Lake’s South Tufa shoreline, the number one tourist destination in Mono County.

Tourism is critical to Mono County’s economy. Yet the Developer unnecessarily asks the County to approve significant adverse impacts to the scenic vistas and dark night skies that comprise a major draw to hundreds of thousands of visitors annually.

Mono County can do better.

#### ***Feasible proposed Mitigations that the Developer has rejected (partial list):***

*Design Project so that no buildings are visible in the sightline from the South Tufa and Navy Beach shoreline. Restrict all building phases to one-story height. Relocate parts of the Project to other naturally screened locations on the large Project site. Use earth berms, grading, and other physical measures to physically block the sightline of buildings, windows, and any other elements that create reflection from morning and evening sun angles or transmit interior or exterior Project lighting. Limit grading to the amount needed for each development phase, rather than grading the entire site all at once.*