

KUTZADIKA'A TRIBE REQUEST TO DELAY HEARING

- State Attorney General's office update & clarifications as of 15 Dec
- Tribal consultation notices sent in compliance with AB 52 and SB 18; received no responses except a declination from Washoe Tribe
- County met and communicated with Tribe in 2019 and thought we had reached resolution; responded to comments submitted to Board
- CEQA: No significant impacts to tribal cultural resources identified, therefore no basis to impose mitigation measures, CEQA document now certified and closed
- Voluntary mitigation measure of paid tribal monitoring included in project
- Any other concessions would also be voluntary; applicant has some responses today and other offers could be negotiated outside the specific plan approval
- Applicant commits to meeting with Tribe at their convenience, County will also attend
- Applicant wishes to proceed; policy matter for Board.

**TIOGA COMMUNITY HOUSING PROJECT
(SPECIFIC PLAN)
AMENDMENT #3**

**MONO COUNTY
BOARD OF SUPERVISORS
MEETING**

15 December 2020

Project files located at:

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

RECOMMENDATION

Recommended Action (applies to all options):

- Receive staff report and presentation, hold public hearing, and receive public testimony on the Tioga Inn Specific Plan Amendment #3 (“Project”) and Alternative #7-Hybrid Plan (“Preferred Alternative”)

Option 1: Approve the Project and Preferred Alternative #7, Incorporating Board Direction from the 13-14 October 2020, Public Hearing as Presented, or with Further Modifications.

- Adopt proposed Resolution: 1) adopting the Mitigation Monitoring and Reporting Program as recommended by the Planning Commission and revised, or with further modifications; and 2) approving the Project (Preferred Alternative #7) as presented or with further modifications. Direct staff to file a Notice of Determination for the Final Subsequent Environmental Impact Report.

Option 2 – Deny the Project.

- If the Board is unable to make one of the Specific Plan findings listed in the proposed Resolution, then it is recommended that it articulate which (or all) of those finding(s) cannot be made and explain its reasoning. (If the Board determines to make this finding, staff may ask for a short recess to develop appropriate language for the Board to make a formal motion.)

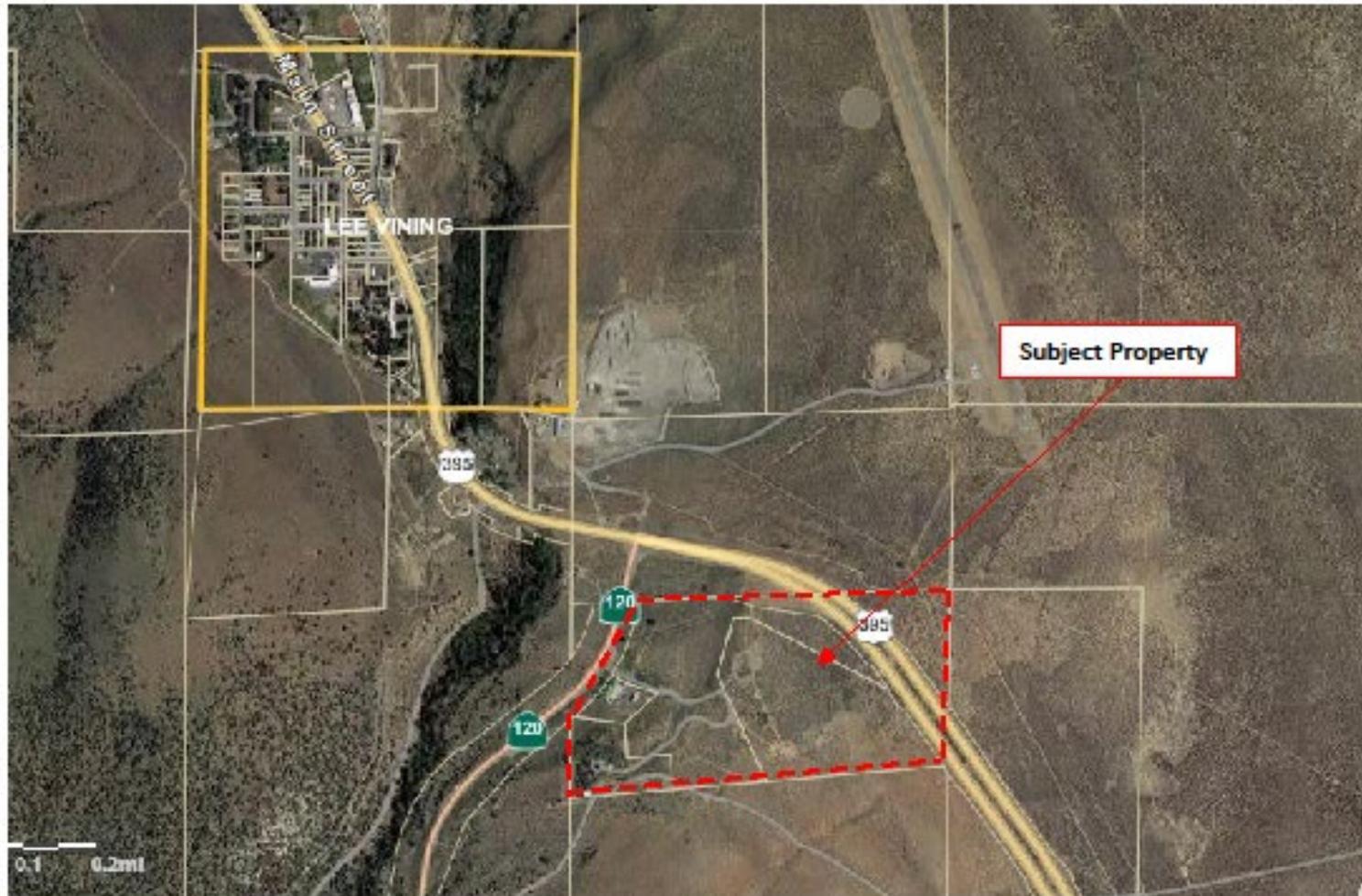
OVERVIEW

- The public hearing held at the Board of Supervisors meeting of 29-30 June 2020, discussed document availability, history, current project with a preferred alternative, public comments and testimony, Tribal Consultation, housing demands, bike/ped access to the project site and Eastern Sierra Unified School District concerns, modifications to mitigation measure for visual impacts and lighting. The Board directed staff to make modifications prior to the next project meeting in August.
- On August 6, the Board directed a new alternative be crafted by combining Project elements from two different alternatives analyzed in the SEIR (Alternative 6 and the Cluster Alternative) in order to further reduce visual impacts of the Project, creating a Hybrid Plan Alternative. This included public comments and testimony, a site plan with a greater level of detail , project clarifications and phasing, additional hydrology concerns, grading and visual concerns, Lee Vining Fire Protection District issues, evacuation routes, bike / ped connectivity, and housing restrictions.
- At the Board of Supervisors meeting on 13-14 October 2020, staff was directed to refined site plan layout for each of the three project phases, refined the Landscape Plan, clarification of proposed grading and required infrastructure for each phase, list voluntary project measures, evacuation route discuss to US 395, Lee Vining Fire Protection District concerns, the bike/ped connection to and from town and a third round of public comment and testimony.

CEQA Certification

At your October 2020 meeting, the Board adopted Resolution R20-94 certifying the Tioga Inn Specific Plan Final Subsequent Environmental Impact Report (FSEIR). The Board directed staff to further work on two remaining issues: 1) A commitment from Caltrans to work on pedestrian connectivity solutions to and from town and,2) the developer should meet with the Kutzadika'a Tribe.

PROJECT LOCATION



PROJECT HISTORY

TIOGA SPECIFIC PLAN (1993):

- Hotel (2 stories, 120 rooms)
- Full-service Restaurant
- 10 hilltop Residential Units (8 were built)
- Gas Station with 2 Gas Pump islands
- Convenience Store (4,800 square feet);
- note that the expansion of the deli kitchen was approved via Director Review in 2012
- Infrastructure (water storage, propane, septic system)

SPECIFIC PLAN AMENDMENT #1 (1995):

- Allowed construction of a 2-bedroom apartment above the convenience store
- Shifted location of the water storage tank
- Revised phasing to construct convenience store before the hotel

SPECIFIC PLAN AMENDMENT #2 (1997):

- Clarified promontory location of full-service restaurant
- Affirmed that water & sanitation facilities could serve only the Tioga Specific Plan
- Prohibited project access onto US 395 due to grading requirements, associated visual impacts, and access limitations
- Clarified Specific Plan financing
- Allowed public restroom/shower/laundry facilities in the hotel
- Set development standards for the hotel and full-service restaurant
- Provided new details regarding Master Sign Program and night lighting

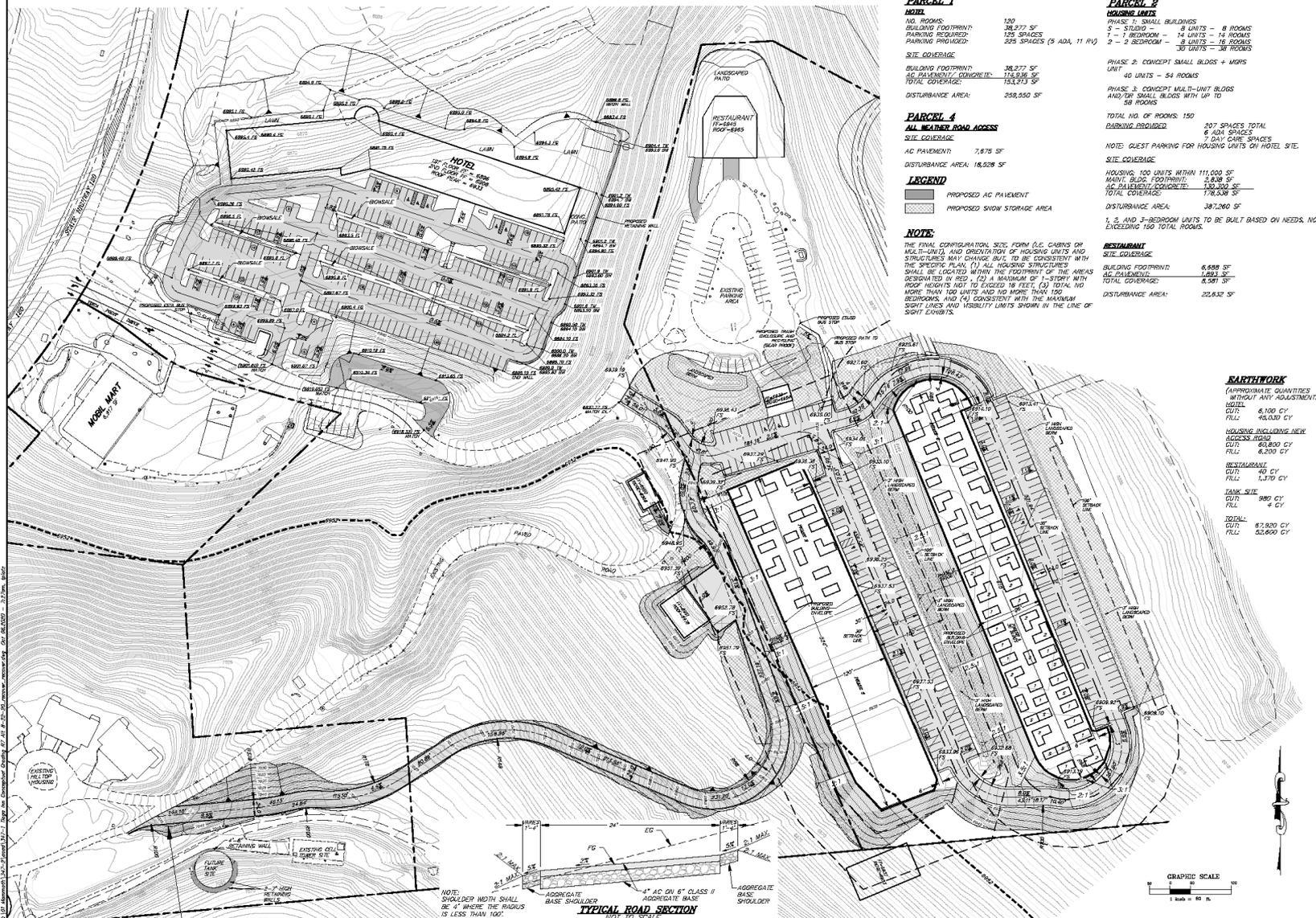
PROJECT DESCRIPTION

Note that the hotel, restaurant, and 10-unit residential components are existing entitlements and are not a part of Amendment #3.

1. **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);
2. **Day Care Center:** Allow construction of a staffed day care center for use by community housing residents and residents of the Mono Basin;
3. **Gas Island:** Allow construction of a third gas pump island with 4 new fueling stations, one new underground gasoline storage tank and an overhead canopy and lighting;
4. **Water Storage:** Allow demolition of the existing 300,000-gallon water storage tank and its replacement with a new 300,000-gallon water storage tank on a pad located in the same approximate location as the existing tank;
5. **Parking:** Allow additional parking to serve oversize vehicles, park & ride vehicles, ESTA & Yosemite transit;
6. **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;
7. **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;
8. **Parcel Boundaries:** Modify the acreage and boundaries of the four parcels;
9. **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;
10. **Equipment & Personal Storage:** Construct a new building for storage of residents' items and maintenance vehicles and equipment;
11. **Open Space:** Allow a change in the location of designated open space areas including a 13.0-acre increase in Open Space-Preserve acreage, a 0.9-acre decrease in Open Space-Facilities, and an 11.4-acre decrease in Open Space-Support.

SITE PLAN

Tioga Inn SP3 - Attachment 3, Concept Plans



PARCEL 1
HOTEL
 NO. ROOMS: 120
 BUILDING FOOTPRINT: 38,277 SF
 PARKING REQUIRED: 125 SPACES
 PARKING PROVIDED: 225 SPACES (5 ADA, 11 RV)
SITE COVERAGE
 BUILDING FOOTPRINT: 38,277 SF
 AC PAVEMENT FOOTPRINT: 174,538 SF
 TOTAL COVERAGE: 153,873 SF
 DISTURBANCE AREA: 358,550 SF

PARCEL 4
ALL WEATHER ROAD ACCESS
SITE COVERAGE
 AC PAVEMENT: 7,875 SF
 DISTURBANCE AREA: 18,028 SF

LEGEND
 [Pattern] PROPOSED AC PAVEMENT
 [Pattern] PROPOSED SNOW STORAGE AREA

NOTE
 THE FINAL CONFIGURATION, SPEC. FORM (I.E. CURBS OR MULTISIDE) AND ORIENTATION OF HOUSING UNITS AND STRUCTURES MAY CHANGE BUT, TO BE CONSISTENT WITH THE SPECIFIC PLAN. (1) ALL HOUSING STRUCTURES SHALL BE LOCATED WITHIN THE FOOTPRINT OF THE AREAS DESIGNATED IN RED. (2) A MAXIMUM OF 3-STORY WITH ROOF HEIGHTS NOT TO EXCEED 18 FEET. (3) TOTAL NO MORE THAN 140 UNITS AND NO MORE THAN 100 BEDROOMS, AND (4) CONSISTENT WITH THE MAXIMUM SIGHT LINES AND VISIBILITY LIMITS SHOWN IN THE LINE OF SIGHT CORRIDORS.

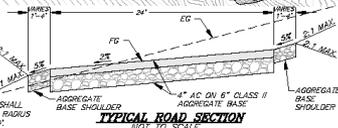
PARCEL 2
HOUSING UNITS
 PHASE 1: SMALL BUILDINGS
 5 - STUDIO - 8 UNITS - 8 ROOMS
 7 - 1 BEDROOM - 14 UNITS - 14 ROOMS
 2 - 2 BEDROOM - 8 UNITS - 16 ROOMS
 10 UNITS - 30 ROOMS
 PHASE 2: CONCEPT SMALL BLDGS + MIXED UNIT
 40 UNITS - 80 ROOMS
 PHASE 3: CONCEPT MULTI-UNIT BLDGS AND/OR SMALL BLDGS WITH MIX TD
 50 ROOMS

SITE COVERAGE
 TOTAL NO. OF ROOMS: 150
 PARKING PROVIDED: 307 SPACES TOTAL
 6 ADA SPACES
 201 CAR SPACES
 NOTE: GUEST PARKING FOR HOUSING UNITS ON HOTEL SITE.

SITE COVERAGE
 HOUSING: 100 UNITS WITHIN 111,000 SF
 BLDG. FOOTPRINT: 2,838 SF
 AC PAVEMENT FOOTPRINT: 130,300 SF
 TOTAL COVERAGE: 178,538 SF
 DISTURBANCE AREA: 387,260 SF

RESTAURANT
SITE COVERAGE
 BUILDING FOOTPRINT: 8,888 SF
 AC PAVEMENT: 1,884 SF
 TOTAL COVERAGE: 8,581 SF
 DISTURBANCE AREA: 20,637 SF

EARTHWORK
 (APPROXIMATE QUANTITIES WITHOUT ANY ADJUSTMENTS)
WHEEL
 CUT: 6,100 CY
 FILL: 65,030 CY
HOUSING INCLUDING NEW ACCESS ROAD
 CUT: 46,800 CY
 FILL: 6,200 CY
RESTAURANT
 CUT: 40 CY
 FILL: 1,170 CY
TANK SITE
 CUT: 289 CY
 FILL: 4 CY
TOTAL:
 CUT: 87,550 CY
 FILL: 52,600 CY



trifid/homes classic
time saving

MANAMOTH LAKES
BISHOP
REWOOD CITY

DATE: _____

PROJECT NO: _____

REVISIONS:

NO.	DATE	DESCRIPTION

TIOGA INN

ALTERNATIVE 7 GRADING PLAN

FOR TIOGA INN REVISED SPECIFIC PLAN

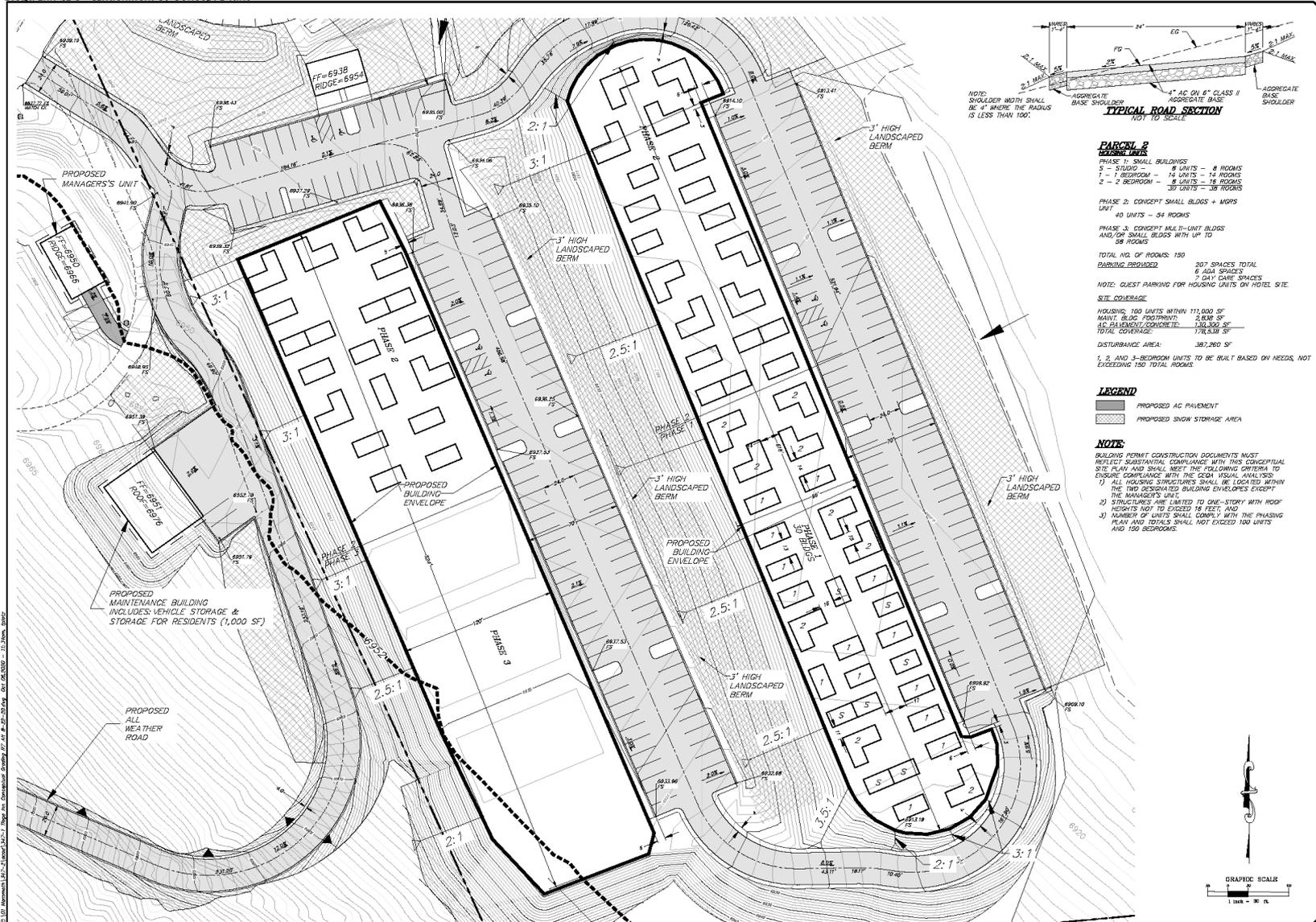
DATE: 09/10/2020
 SCALE: 1"=60'
 DRAWN: SD, JLD
 CHECKED: 01.03/7.2
 TIOGA INN

C2

SHEET 2 OF 3

PREFERRED ALT 7 -HYBRID PLAN

Tioga Inn SP3 - Attachment 3. Concept Plans



thd
trial/holmes esser
civil engineering
land architecture

1100 N. MAIN ST.
MAMMOTH LAKES
BISSON
REDWOOD CITY

PROJECT: S. BRANTLEY DR
SHEET: 2 OF 3
DATE: 09/28/2020
SCALE: 1" = 30'

DESIGNED BY: DENIS DOMALLE
P.L.C. REG. NO. 2337
MAMMOTH LAKES, CA
20046

PROJECT FOR:
DENIS DOMALLE
P.L.C. REG. NO. 2337
MAMMOTH LAKES, CA
20046

TIOGA INN
ALT #7 HOUSING CONCEPT SITE PLAN
FOR TIOGA INN REVISED SPECIFIC PLAN

DATE: 09/28/2020
SCALE: 1" = 30'
DATE: 01/03/22
SHEET: 2 OF 3

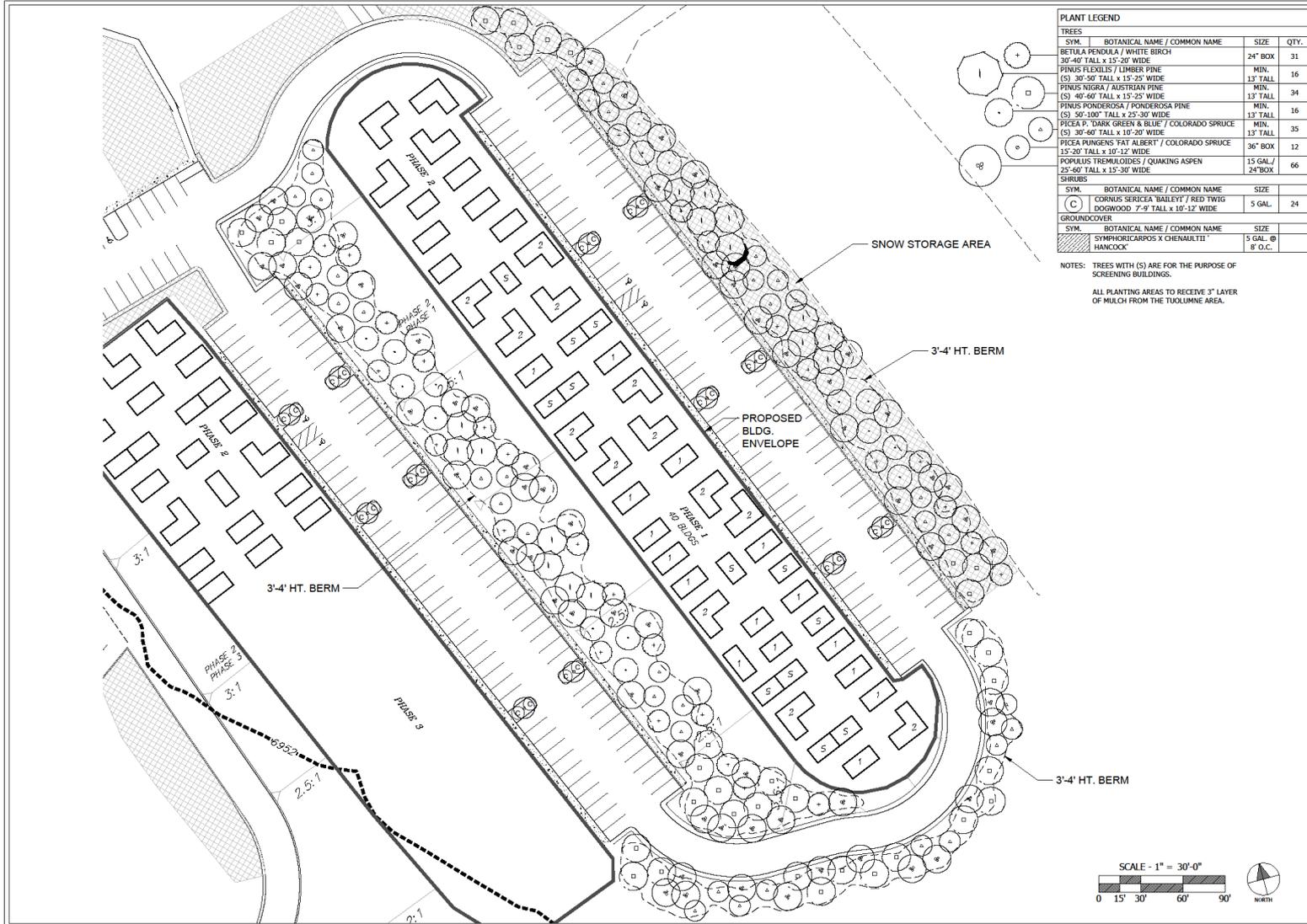
C4

GRAPHIC SCALE
1 INCH = 30 FEET

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LANDSCAPE SCREENING PLAN

Tioga Inn SP3 - Attachment 3, Concept Plans



PLANT LEGEND				
TREES				
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	QTY.	
	BETULA PENDULA / WHITE BIRCH	24" BOX	31	
	30'-40' TALL x 15'-20' WIDE			
(S)	30'-50' TALL x 15'-25' WIDE		16	
	PINUS FLEXILIS / LIMBER PINE	MIN.	16	
	PINUS NIGRA / AUSTRIAN PINE	MIN.	34	
(S)	40'-60' TALL x 15'-25' WIDE			
	PINUS PONDEROSA / PONDEROSA PINE	MIN.	16	
(S)	50'-100' TALL x 25'-30' WIDE			
	13' TALL			
(S)	30'-60' TALL x 10'-20' WIDE		35	
	PICEA P. 'DARK GREEN & BLUE' / COLORADO SPRUCE	MIN.	12	
(S)	30'-60' TALL x 10'-20' WIDE			
	PICEA PUNGENS 'FAT ALBERT' / COLORADO SPRUCE	36" BOX	12	
	15'-20' TALL x 10'-12' WIDE			
	POPULUS TREMULOIDES / QUAKING ASPEN	15 GAL / 24" BOX	66	
	25'-60' TALL x 15'-30' WIDE			
GROUNDCOVER				
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	QTY.	
(C)	CORNUS SERICEA 'BAILEY' / RED TWIG DOGWOOD	7'-9' TALL x 10'-12' WIDE	5 GAL.	24
GROUNDCOVER				
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	QTY.	
	SYMPHORICARPOS X CHENAULTII "HAWCKOCK"	5 GAL. @ 6" O.C.		

NOTES: TREES WITH (S) ARE FOR THE PURPOSE OF SCREENING BUILDINGS.
ALL PLANTING AREAS TO RECEIVE 3" LAYER OF MULCH FROM THE TUOLUMNE AREA.



TIOGA INN
LANDSCAPE CONCEPT PLAN

REVISIONS	DATE



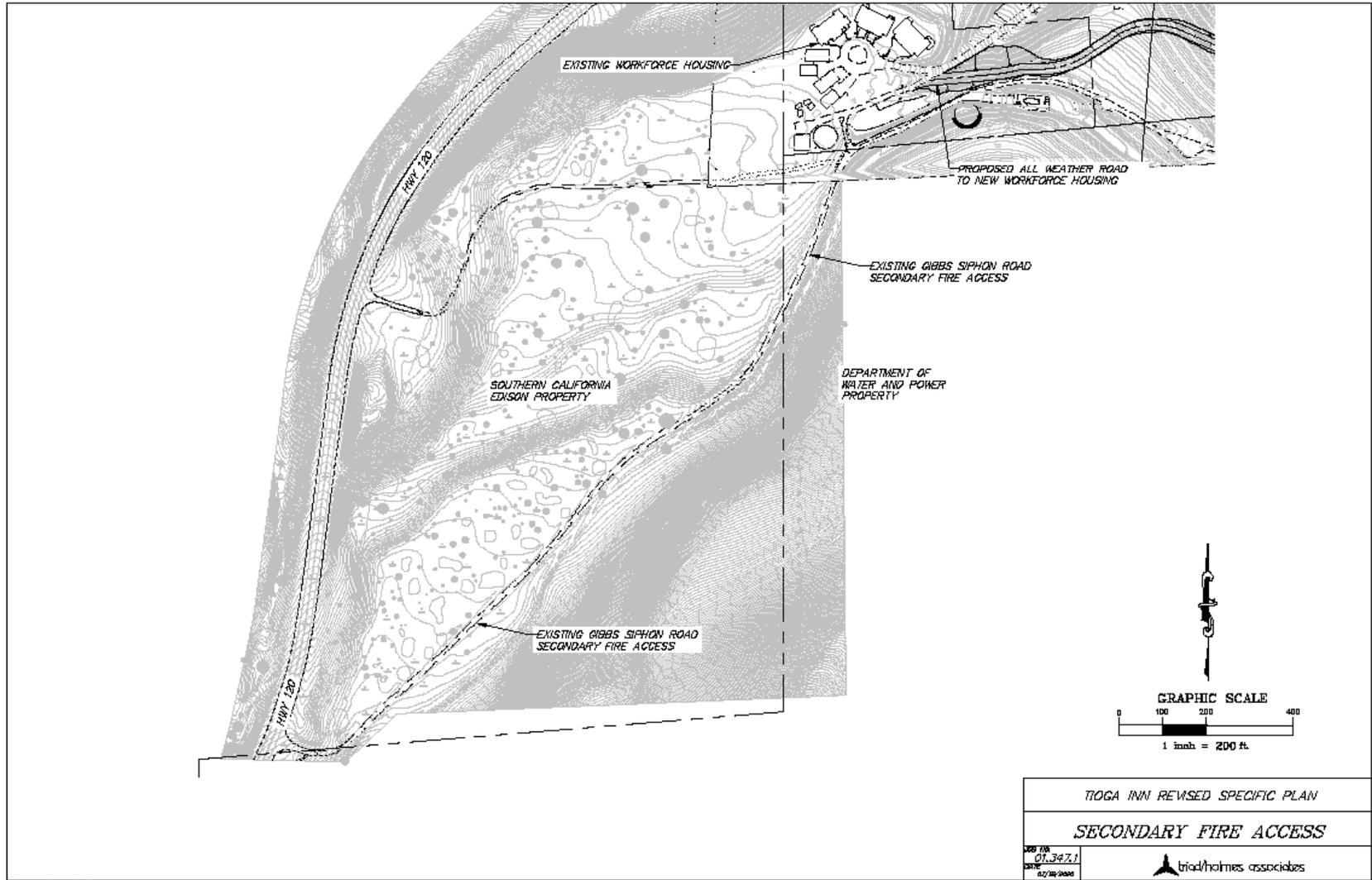
DATE: 09/08/20
SCALE: SEE SHEET
JOB #: 20-077
DRAWN BY: NL
SHEET: 1 OF 1

EMERGENCY EGRESS ROAD CLARIFICATIONS

- Voluntary – no CEQA impact was identified so no mitigation required, and no regulatory requirement (only recommended by CalFire)
- Intended as emergency egress road only, proposal is to use existing road
- Required project condition; however, third party approvals are necessary:
 - Southern California Edison for easement and access permission
 - Potentially Caltrans for modifications to SR 120 access point
 - Add Los Angeles Department of Water and Power for access permission
- Applicant requests “Gibbs Siphon” road be removed for flexibility to provide the most economically efficient solution
- Recommend clarifying this is a Specific Plan condition in MMRP:

*Mitigation Measure SFTY 5.7(e-3) **Specific Plan condition:** ~~The Gibbs Siphon Emergency Access Road onto SR 120~~ **An emergency egress access to SR 120 shall be provided prior to issuance of Phase I building permits and may** ~~will~~ include a 40-foot irrevocable easement from SCE to the property owner, shall be bladed annually to maintain ~~full easement~~ **required road** width, and shall be maintained to be passable by vehicles year round, ~~to be recorded prior to issuance of project building permits.~~*

EMERGENCY EGRESS ROAD TO SR 120



ALTERNATIVE 7 HYBRID PLAN

Housing Phase 1

- Phase 1 comprises the 30 units that would, in the absence of screening, be least visible from offsite locations. The 30 Phase I units consist entirely of small units including studios, 1-bedroom units, and 2-bedroom units.
- Most of the units will be designed as individual stand-alone, detached units. A small percentage might be two-unit attached structures. Phase 1 units are located on the lower-level project site.
- All building permits will be in substantial compliance with site plan.

ALTERNATIVE 7 HYBRID PLAN

Housing Phase 2

- Phase 2 consists of 40 units. Roughly half (about 20 units) would be on the lower-elevation eastern row, and half on the higher elevation western row. Phase 2 units have mid-level visibility: without screening, these units would be slightly more visible from offsite locations than the Phase 1 units.
- Phase 2 units consist of studios, 1-bedroom and 2-bedroom units with approximately 52 bedrooms, plus one Manager's unit with 3 bedrooms. As with Phase 1, most of the Phase 2 units are in stand-alone unattached cabins; a small number of the studio units would be designed as two-unit attached structures.
- All building permits will be in substantial compliance with site plan.

ALTERNATIVE 7 HYBRID PLAN

Housing Phase 3

- Phase 3 consists of up to 30 units located at the south end of the housing complex, on the higher-elevation western row. Without screening, the Phase 3 units would have the highest level of visibility from offsite locations.
- The housing unit type, layout and orientation of the 30 Phase 3 units remains flexible, allowing future construction of individual units, multi-unit structures, or a mix of both.
- The final design of Phase 3 units will be determined in response to housing demands in Phases 1 and 2, and in response to the demographic characteristics of future tenants.
- Demographic research suggests that compared with current workers, the future workforce will be older, more educated, and with more females, but a declining share of mothers with young children, increasing numbers of unmarried individuals, and more racially and ethnically diverse than the current workforce.
- If these trends materialize, it is possible that the 3-bedroom units will not be in demand. Flexibility in design and layout will enable the final phase of project units to respond to changing tenant needs.
- In all cases, however, the Phase 3 unit total will not exceed 30 units, and the overall project will not exceed 150 bedrooms.

LANDSCAPING / SCREENING PLAN

- The Landscape Concept Plan identifies the number, size, location and species of trees to be planted and is specifically designed to assure comprehensive screening of project elements which would otherwise be visible from offsite locations including South Tufa, Navy Beach, and US 395.
- Mitigation Measure 5.12(a,b-2)(Visual Screening & Landscaping) provides for the timing of the plantings and monitoring to assure plant establishment and survival approved on October 20, when the Board certified the FSEIR.
- The Plan was prepared by Bob Weiland of Weiland Design Group, Inc., who specializes in landscape architecture.

MONO COUNTY BEHAVIORAL HEALTH DEPARTMENT

- In all of Mono County Behavioral Health's community outreach, housing is consistently rated a top need.
- Housing was also identified as a critical need in the Community Health Improvement Plan completed by Mammoth Hospital and Mono County public health.
- Stable housing is closely intertwined with both physical and mental health outcomes, and Behavioral Health looks forward to more housing in Mono County.

Housing is a social determinant of health.

MONO COUNTY ECONOMIC DEVELOPMENT DEPARTMENT

- 2018 Mono County Business Retention & Expansion Survey: Housing is greatest barrier to workforce retention and recruitment.
 - 79% of businesses consider housing the overriding barrier
 - 62% of businesses consider housing most critical for seasonal frontline employees
 - 59% mention housing scarcity for year-round employees
 - Almost 40% of business attempt to provide some employee lodging but only 34% of those say the amount is adequate
- Not providing housing for hotel and restaurant employees would greatly exacerbate the housing barrier specifically in the Mono Basin.

BOARD REQUESTED FOLLOW UP ISSUES

Pedestrian Connectivity

- Caltrans is committed to partnering with the County to explore potential pedestrian/bicycle connectivity solutions between the project site and the town of Lee Vining.
- Caltrans has memorialized its partnering commitment through a letter. The County, Caltrans, the property owner, and other partners will work together to explore and evaluate potential pedestrian/bicycle connectivity and funding solutions.
- While some of the funding will be provided by the development project on a “fair share” basis if a feasible alternative is identified, additional funding would be needed to fully cover all project costs including environmental analysis, potential right-of-way purchase, design, and construction.
- Caltrans District 9 has already applied for supplemental funding to pursue a multi-use path between the project site and Lee Vining.

BOARD REQUESTED FOLLOW UP ISSUES

Kutzadika'a Tribe

- See staff report for complete chronology of tribal outreach from 2016 to present
- AB 52 letter sent in 2018, SB 18 letters sent in 2019 and 2020, no responses from area tribes except declination from Washoe Tribe
- Meetings held in 2019, received written tribal approval of mitigation measure in Jan. 2020.
- **October 2020:** The Board requested the applicant meet with the Kutzadika'a Tribe
- **Early Nov:** Applicant sent invitation, the scheduled meeting was cancelled and rescheduled for December 4.
- **Mid-Nov:** County responded to inquiries from the State Native American Heritage Commission and Attorney General's office for SB 18 and AB 52 documentation.
- **Late Nov:** Response to public records act request from Tribe's attorney.
- **30 Nov:** Letter from Tribe's attorney requesting postponement of the 4 December meeting, response advised the applicant is willing to meet at any time and project is scheduled for the 15 December Board meeting.
- The applicant sent a second email invitation to meet onsite.
- **7 Dec:** County received request from Tribe's attorney to postpone 15 Dec. meeting.

Response to Kutzadika'a Tribe Letter

Dated 14 Dec 2020

Confidential map of trails and Cry Dance District:

- **Trails** do not intersect with proposed project components, does bisect approved hotel site and some existing roads which are outside the scope of the project.
- Proposed Specific Plan Condition addition: *Property owner shall work with the Kutzadika'a Tribe on easements for historic tribal trails indicated on the confidential map submitted to Mono County provided the easements do not affect existing approvals and uses.*
- **Cry Dance site:** The County and applicant had previously offered (see 13 October 2020 Board meeting staff report, Attachment #5) to assist with finding a different location.
 - Even if the SEIR was open, CEQA does not require the preservation of an entire area where historic activities may have occurred; a variety of options exist to address.
 - The letter received while the SEIR was open indicated a Cry Dance site "in the area" but not specifically on this property, and so no project analysis was applicable.
- Proposed Specific Plan Condition addition: *Property owner shall work with the Kutzadika'a Tribe to establish a Cry Dance area onsite or shall assist with coordination with other agencies (e.g., SCE, LADWP, USFS) for a potential off-site location.*

Response to Kutzadika'a Tribe Letter

Dated 14 Dec 2020

- Looting:
 - *§ 5097.99: Prohibition of possession of Native American artifacts and remains*
Prohibits acquisition or possession of Native American artifacts or human remains taken from a Native American grave or cairn after January 1, 1984, except in accordance with an agreement reached with the Native American Heritage Commission.
 - *§ 5097.993-5097.994: Native American Historic Resource Protection Act*
Establishes as a misdemeanor, punishable by up to a \$10,000 fine or both fine and imprisonment, the unlawful and malicious excavation, removal or destruction of Native American archeological or historic sites on public lands or on private lands. Exempts certain legal acts by landowners. Limits a civil penalty to \$50,000 per violation.
- Animal and plant species and habitats were analyzed, no information was submitted now or then about specific biological resources important to the tribe.
- Noise, air, water, and light (dark sky) pollution were analyzed. No specific tribal information was submitted.
- Safety impacts were analyzed at the project level including population increase; the project is not responsible generally for wildfire, pandemics and climate change more broadly.
- The 1993 approvals are not part of this project, and the appropriate legal requirements for consultation in place at the time were followed.
- The project was refined in 2017, following that, the project record includes written, phone, and in-person communication with the Tribe from Jan. 2018-today.
- Current request for applicant to meet with Tribe is voluntary and not defined as consultation.

COMMENTS AND QUESTIONS