CEQA FINDINGS OF FACT OF THE PLACER COUNTY PLANNING COMMISSION

for the

TAHOE VISTA PARTNERS, LLC AFFORDABLE HOUSING AND INTERVAL OWNERSHIP DEVELOPMENT PROJECT

July 7, 2008

I. CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT

On June 26, 2008, a joint document serving as the final environmental assessment (EA) prepared on behalf of the Tahoe Regional Planning Agency (TRPA) and the final environmental impact report (EIR) prepared on behalf of Placer County was released for public review. The Final Environmental Assessment and Environmental Impact Report (Final EA/EIR) for the Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership Development Project is hereby certified pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). The Planning Commission for Placer County (Planning Commission) hereby certifies that the Final EA/EIR has been completed in compliance with the requirements of the CEQA. The Planning Commission further certifies that the Final EA/EIR was presented to it and that the Commission reviewed and considered the information contained in the Final EA/EIR prior to approving the project. Finally, the Commission certifies that the Final EA/EIR reflects the Commission's independent judgment and analysis.

II. EVIDENCE IN SUPPORT OF FINDINGS

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project and the EA/EIR. The findings and determinations constitute the independent findings and determinations by this Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft EA/EIR and Final EA/EIR in support of various conclusions reached below, the Planning Commission has no quarrel with, and thus incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Planning Commission's approval of the mitigation measures recommended in the Final EA/EIR, and the reasoning set forth in responses to comments in the Final EA/EIR. The Planning Commission further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this Planning Commission with respect to any particular subject matter of the project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

III. INTRODUCTION

Placer County, California, (County) as lead agency, prepared an EA/EIR for the project. In its entirety, the documents consist of the January 2008 Draft EA/EIR and the June 2008 Final EA/EIR (State Clearinghouse No. 2006022100). The EA/EIR prepared for the project addresses the environmental impacts associated with the development of approximately 6.25 acres in the unincorporated Tahoe Vista area within the County. These findings have been prepared to comply with the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

IV. ACRONYMS AND ABBREVIATIONS

Like the EA/EIR itself, these findings use a number of acronyms. To make the findings easier to follow, key acronyms are defined at the end of this document. Although the findings define most such acronyms the first time they are introduced, the listing of acronyms is also provided as a means of identifying such terms. Where terms are defined in the body of these findings in a manner that differs from the list of acronyms at the end of these findings, the definition in the body of these findings shall prevail.

V. PROJECT DESCRIPTION

A. LOCATION

The project site is located in unincorporated Placer County, California, in the Tahoe Vista area. Regional access to the site is provided by California State Route (SR) 28 and SR 267. The approximately 6.25-acre (272,303 square foot [sf]) project site is located at 6873 North Lake Tahoe Boulevard (SR 28), approximately 250 feet north of Lake Tahoe and about one mile west of the intersection of SR 28 and SR 267. The Placer County Assessors Parcel Number (APN) for the project site is 117-071-029. The TPRA verified existing land coverage is 174,324 sf, or 64% of the project site. (Draft EA/EIR, p. 3-1.)

The site is largely unpaved and contains Sandy Beach Campground (a 27-space campground and recreational vehicle [RV] park), an approximately 7,300-sf 2-story commercial building fronting SR 28, and several other smaller buildings. Surrounding land uses include residential uses to the west; vacant land to the north, which is also the location of the proposed Vista Village Workforce Housing Project (currently on indefinite hold); residential uses, a nursery, and other commercial uses to the east; and Sandy Beach Public Recreation Area, a small 200-foot beach currently maintained by the North Tahoe Public Utility District (NTPUD), just south of the site and across SR 28. (Draft EA/EIR, p. 3-1.)

B. OVERVIEW

The original proposed project was identified in the Draft EA/EIR as "Alternative A." Alternative A would include the construction of 45 TAUs (also referred to as fractional or interval ownership units), a clubhouse/administration building, 10 affordable/employee housing units, improvements to the existing main 2-story commercial building (including the likely replacement of the roof), and SR 28 frontage improvements. All buildings would be designed to comply with TRPA building height standards (TRPA Code of Ordinances Chapter 22). All buildings would be equipped with fire sprinklers. Access to the site would be via two driveway entrances on SR 28. All two-way onsite roads are proposed to be 25 feet wide and one-way onsite roads would be 15 feet wide. A new resort monument sign would be constructed along SR 28 near the western driveway and the existing restaurant sign would be setback from SR 28. Snow storage would occur in the landscaped areas throughout the project site. (Draft EA/EIR, p. 3-10.)

Following the circulation of the Draft EA/EIR and community meetings on the project, the applicant, the County and TRPA developed a revised project. The aim of the project revisions was to address community concerns regarding the Project.

The revised project is identified as "Alternative E" in the Final EA/EIR. The applicant has requested approval of Alternative E. Alternative E thus represents the project approved by the Planning Commission pursuant to these findings. When these findings use the term "project," that term refers to Alternative E.

Alternative E incorporates several modifications to the Alternative A site plan to reduce environmental impacts or address other environmental issues. Alternative E:

- reduces the number of TAUs from 45 to 39,
- increases TAU unit size from those proposed in Alternative A (reduces TAU unit size relative to Alternatives B and C),
- reduces the number of affordable/employee housing units from 10 to 6,
- provides additional space for snow storage on the site,
- preserves 30 additional on-site trees (removing 100 on-site trees, compared to 130 with Alternative A).

(Note: Alternative E would also remove 32 off-site trees to accommodate construction of the secondary emergency access road described below. These trees would also have to be removed under Alternative A in order to provide secondary emergency access. Thus, the total number of trees removed under Alternative E is 132, versus 162 for Alternative A.)

- increases the main roadway width to 26 feet, and
- provides a secondary fire access road at the north end of the site via a 5,363 square-foot (sf) easement on the
 adjacent vacant parcel consistent with NTFPD direction.

(Final EA/EIR, p. 2-17.)

The maximum number of full-time occupants associated with the six affordable/employee housing units would be six persons per residence (two persons per bedroom per 3-bedroom housing unit) for a total of up to 36 residents. Assuming the maximum occupancy rates would be similar for the fractional units, the 39 TAUs would add 206 occupants to the site assuming all units were fully occupied. The combined total for the affordable/employee housing units and TAUs is estimated to be 242 occupants, compared to 302 occupants for Alternative A (see Chapter 3, "Revisions and Corrections to Draft EA/EIR"). (Final EA/EIR, p. 2-18.)

A secondary emergency access road has been identified at the north end of the project site to address needs of the NTFPD. The emergency access would pass through approximately 139 feet of the vacant parcel to the north (location of the proposed Vista Village Workforce Housing Project site) and would join Toyon Road at its western terminus. The emergency access road would be gated on both ends to ensure that it remains available primarily for use by emergency vehicles. Its location could also allow use as part of a future bike path, indicated in Alternative A as joining the Project roadway at the northeast corner of the site. (Final EA/EIR, p. 2-18.)

The project parcel, APN 117-071-029, would be split into three separate parcels such that distinct site uses would be separated. The subdivision requires the approval of both Placer County and TRPA. The applications for this subdivision have been submitted; the County and TRPA are processing these applications concurrently with the proposed project. This subdivision is to allow the project applicant to obtain financing for the development of the project. The subdivision has undergone separate environmental review and a Negative Declaration has been prepared and circulated. (Draft EA/EIR, p. 3-13; Final EA/EIR, p. 3-5.)

The project applicant would retain control of the three parcels, but the proposed subdivision would allow the separate uses to operate under individualized covenants, conditions, and restrictions (CC&Rs). Generally, Parcel 1 would include the development of affordable/employee housing units. Parcel 2 would include development of the proposed TAUs and clubhouse/administration building. On Parcel 3, alterations would be made to the existing main commercial building, and street frontage improvements (including a sidewalk, curbed roadway, and landscaping) along SR 28 would be implemented. The three parcels would be separated from each other by a six-foot tall wood fence, except in those areas where the access road(s) would require an opening. Shared access to SR 28 for ingress and egress to Parcel 1 through Parcel 3 would be ensured through an easement agreement. The project applicant would record a deed restriction for shared parking between the main commercial building and the proposed TAU units and affordable/employee housing units. (Draft EA/EIR, p. 3-13.)

An easement in the northern part of the site would be granted to the NTPUD (or jointly to several agencies including the NTPUD) for a future multiple use public trail (including bicycles). The easement would accommodate the future development of a multiple use public path consistent with the TVCP and NTPUD's plans for a trail alignment within the vicinity of the project property, and more specifically, with NTPUD's plans to construct a connection between the North Tahoe Regional Park and the intersection of SR 28 and National Avenue. The portion of the trail within this easement would be constructed as part of the project. (Draft EA/EIR, p. 3-10.)

With the exception of the "Manager's Cabin," the other ancillary buildings near the main commercial building along with the campground restroom facility and RV dump station would be demolished and removed from the site. The "Manager's Cabin" would be advertised for sale and relocation for a 2-week period to the public and agencies. If there is a lack of interest in its acquisition and removal, the "Manager's Cabin" would also be demolished. (Draft EA/EIR, p. 3-10.)

See Chapter 3, *Project Description*, of the Draft EA/EIR and Section 2.5.7 of Chapter 2, *Comments and Response to Comments on the Draft EA/EIR*, of the Final EA/EIR for a detailed description of the Project. This includes diagrams and tables illustrating and describing the proposed Project. (Draft EA/EIR, pp. 3-8 to 3-41; Final EA/EIR, pp. 2-17 to 2-25.)

C. PROJECT OBJECTIVES

As set forth in the Draft EA/EIR, the purpose and objectives for the Project are as follows:

- To create very high quality, low-density affordable homes that would be sold or leased to local families that are service providers and first time homebuyers.
- To restore the existing restaurant/office/apartment building to a quality, attractive building that resembles the historic character of Tahoe Vista.
- To install an attractive street frontage that improves the parking and vehicle safety for local residents.
- To enhance maintenance of the Sandy Beach Recreation Area across the street from the property.
- To create a multiple use public trail easement and rest stop for bicyclists.
- To develop the remainder of the site into tourist accommodation homes used under a shared ownership program.

(Draft EA/EIR, pp. 3-9 to 3-10.)

D. DISCRETIONARY APPROVALS

Project approval requires the County, as lead agency, as well as certain "responsible agencies" to take discrete planning and regulatory actions to approve the overall Project. Described below are the discretionary actions necessary to fully carry out the Project. In addition to certifying the Final EA/EIR and adopting these Findings and Mitigation Monitoring Plan (CEQA requirements), the County itself must take the following actions:

- Approve the Conditional Use Permit;
- Conduct Design Review;
- Approve the Grading Permit, Improvement Plans, and Building Permits;
- Approve the Landscaping Plan;
- Approve the Deed Restrictions for Affordable/Employee Housing Units;
- Approve the Tree Removal Permit;
- Approve the Tentative Map and Final Map for Minor Subdivision.

(DEIR, p. 3-41.)

Other Project approvals and associated entitlements to be granted by responsible agencies include or may include the following:

- TRPA: Approval of the Landscaping Plan, the Deed Restrictions for Affordable/Employee Housing Units, the Tree Removal Permit, and the Subdivision of Existing Structures.
- North Tahoe Design / Site Review Committee: Approval of a subsequent design/site review.
- California Department of Transportation (Caltrans): Approval of Encroachment Permits if required.
- North Tahoe Public Utility District (NTPUD): Approval of Encroachment Permits if required.
- North Tahoe Fire Protection District: Approval of Sewer and Water Connection Permits.

- Lahontan Regional Water Quality Control Board (RWQCB): Approval of Construction Storm Water Permit.
- Cal-Fire: Timber Harvest Plan/Exemption.

(Draft EA/EIR, p. 3-41.)

VI. ENVIRONMENTAL REVIEW PROCESS

In accordance with section 15082 of the CEQA Guidelines, the County prepared a Notice of Preparation (NOP) of an EA/EIR, which was published on February 21, 2006. The NOP was distributed for a 30-day comment period that ended on March 22, 2006. A Scoping Summary Report was developed that summarizes the environmental issues raised during the scoping period, and can be found in Appendix A of the Draft EA/EIR. The County held an agency and public scoping meeting on the proposed project on February 28, 2006, in Truckee. The scoping meeting was an opportunity for agencies and the public to obtain information about the proposed project and to provide input regarding the issues they wanted addressed in the Draft EA/EIR. Comments on the NOP received during the scoping meeting were considered in the preparation of the Draft EA/EIR. (Draft EA/EIR, pp. 1-7 to 1-8.)

The EA/EIR includes an analysis of the following issue areas:

- Scenic Resources
- Air Quality
- Vegetation and Wildlife
- Cultural Resources
- Geology, Soils, and Land Capability and Coverage
- Hazards and Hazardous Materials

- Hydrology and Water Quality
- Land Use
- Noise
- Recreation
- Traffic, Parking, and Circulation
- Public Services and Utilities
- Cumulative Impacts

(See Draft EA/EIR, pp. 1-4 to 1-5.)

The County distributed the Draft EA/EIR to various public agencies, citizen groups, and interested individuals for a 60-day public review period, from January 9, 2008 through March 10, 2008. This period satisfied the requirement for a 45-day public review period as set forth in Section 15105 of the CEQA Guidelines. The Draft EA/EIR was circulated to state agencies for review through the State Clearinghouse of the Governor's Office of Planning and Research. Copies of the Draft EA/EIR were available for public review during normal business hours at the County. Copies of the Draft EA/EIR were also available for review on the County's website. (Final EA/EIR, p. 1-1.)

During the review period, consistent with Section 15202 of the CEQA Guidelines, the public was invited to public comment hearings held by the TRPA Advisory Planning Commission (APC) and the County. The first hearing was held during the February 13, 2008 TRPA APC meeting at The Chateau in Incline Village, Nevada. The second hearing was held during the February 14, 2008 Placer County Planning Commission meeting at the North Tahoe Conference Center in Kings Beach, California. The public was asked to provide written comments at the meeting or before closure of the public review period. Written comments were received from members of the public and several agencies. (Final EA/EIR, p. 1-1.)

On June 26, 2008, the County released the Final EA/EIR for the Project. The Final EA/EIR includes comments on the Draft EA/EIR, responses to those comments, revisions to the text of the Draft EA/EIR, and other information required by CEQA. The County distributed copies of the Final EA/EIR to public agencies submitting comments on the Draft EA/EIR, as required by Public Resources Code section 21092.5.

For further information regarding community meetings, document circulation, public hearings, and other opportunities for input, please see Final EA/EIR section 2.5.6.

VII. RECORD OF PROCEEDINGS

In accordance with Public Resources Code section 21167.6, subdivision (e), the record of proceedings for the County's decision on the Project includes the following documents:

- The NOP and all other public notices issued by the County in conjunction with the Project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft EA/EIR for the Project (January 2008) and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EA/EIR;
- The Final EA/EIR for the Project, including comments received on the Draft EA/EIR, and responses to those comments and appendices (June 2008);
- Documents cited or referenced in the Draft EA/EIR and Final EA/EIR;
- The mitigation monitoring and reporting program for the Project;
- All findings and resolutions adopted by the Planning Commission in connection with the Project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the Project;
- All documents submitted to the County by other public agencies or members of the public in connection with the Project, up through the close of the Planning Commission public hearing on July 10, 2008;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
- The Placer County General Plan and all environmental documents prepared in connection with the adoption of the General Plan:
- The Placer County Zoning Ordinance and all other County Code provisions cited in materials prepared by or submitted to the County;
- Any and all resolutions adopted by the County regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the Placer County Community Development Resource Center,

3091 County Center Drive, Auburn, CA 95603. The custodian of these documents is Environmental Coordination Services.

VIII. FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute provides that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of Projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EA/EIR for a Project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EA/EIR. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EA/EIR. (CEQA Guidelines, § 15091.) As explained elsewhere in these findings, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715.) Moreover, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors." (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417 (City of Del Mar).)

For purposes of these findings (including the table described in section X below), the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

CEQA requires that the lead agency adopt feasible mitigation measures or, in some instances, feasible alternatives to substantially lessen or avoid significant environmental impacts that would otherwise occur.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the agency found the project's benefits to outweigh its unavoidable adverse environmental effects.

In this case, the Planning Commission finds that, through implementation of the mitigation measures included in the EIR, all significant and potentially significant impacts associated with the Project have been avoided and all remaining impacts are less than significant. The Commission, therefore, is not required to adopt a Statement of Overriding Considerations for the Project.

IX. MITIGATION MONITORING AND REPORTING PLAN

The County has prepared a Mitigation Monitoring and Reporting Plan (MMRP) for the Project. The County is approving the MMRP by the same Resolution that adopts these findings. The County will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is attached to and incorporated into the Project and is approved in conjunction with certification of the EA/EIR and adoption of these Findings of Fact. In the event of any conflict between these findings and the MMRP with respect to the requirements of an adopted mitigation measure, the more stringent measure shall control, and shall be incorporated automatically into both the findings and the MMRP.

X. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The Draft EA/EIR identified a number of significant and potentially significant environmental effects (or impacts) that the Project will cause or contribute to. All of these significant effects can be avoided through the adoption of feasible mitigation measures.

The Planning Commission' findings with respect to the Project's significant effects and mitigation measures are set forth in the table attached to these findings. The findings set forth in the table are hereby incorporated by reference.

This table does not attempt to describe the full analysis of each environmental impact contained in the Final EA/EIR. Instead, the table provides a summary description of each impact, describes the applicable mitigation measures identified in the Draft EA/EIR or Final EA/EIR and adopted by the Planning Commission, and states the Planning Commission's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EA/EIR and Final EA/EIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the Final EA/EIR's determinations regarding the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the Planning Commission ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft EA/EIR and Final EA/EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft EA/EIR and Final EA/EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The Planning Commission has adopted all of the mitigation measures identified in the table. Some of the measures identified in the table are also within the jurisdiction and control of other agencies. To the extent any of the mitigation measures are within the jurisdiction of other agencies, the Planning Commission finds those agencies can and should implement those measures within their jurisdiction and control.

A. Findings Regarding Mitigation Measures Proposed by Commenters

Some of the comments on the Draft EA/EIR suggested additional mitigation measures and/or modifications to the measures recommended in the Draft EA/EIR. In considering specific recommendations from commenters, the County has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The County recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, or perhaps changed significantly, in order to more effectively, in the commenter's view, reduce the severity of environmental effects. The County is also cognizant, however, that the mitigation measures recommended in the Draft EA/EIR represent the professional judgment and experience of the County's expert staff and environmental consultants. The County therefore believes that these recommendations should not be lightly altered. Thus, in considering commenters' suggested changes or additions to the mitigation measures as set forth in the Draft EA/EIR, the County, in determining whether to accept such suggestions, either in whole or in part, has considered the following factors, among others: (i) whether the suggestion relates to a significant and unavoidable environmental effect of the Project, or instead relates to an effect that can already be mitigated to less than significant levels by proposed mitigation measures in the Draft EA/EIR; (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; (iii) whether the proposed language is sufficiently clear as to be easily understood by those who will implement the mitigation as finally adopted; (iv) whether the language might be too inflexible to allow for pragmatic implementation; (v) whether the suggestions are feasible from an economic, technical, legal, or other standpoint; (vi) whether the proposed language is consistent with the project objectives; and (vii) whether the suggestions may result in other impacts that are more severe than the impacts that the suggestions are designed to address, such that on the whole the suggestions do not reflect an improvement over those measures identified in the EIR.

As is evident from the specific responses given to specific suggestions, County staff and consultants spent significant time carefully considering and weighing proposed mitigation language, and in many instances adopted much of what a commenter suggested. In some instances, the County developed alternative language addressing the same issue that was of concern to a commenter. In no instance, however, did the County fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions.

Based on this review, as is evident from the Final EA/EIR and the above-described table, the County modified several of the original proposed measures in response to such comments (see, in particular, Final EA/EIR, pp. 3-9 to 3-11). The Planning Commission commends staff for its careful consideration of those comments, agrees with staff in those instances when staff did not accept proposed language, and hereby ratifies, adopts, and incorporates staff's reasoning on these issues.

With respect to mitigation measures proposed by commenters, the Planning Commission adopts the following findings:

- (1) Jeff Dowling of the Department of Forestry and Fire Protection commented that the California Code of Regulations, per section 1103, and Public Resources Code 4581 require that a Timberland Conversion Permit and/or Timber Harvest Plan is filed with the Department of Forestry and Fire Protection if the project involves the removal of a crop of trees of commercial species. (Final EA/EIR, p. 2-36.) Mitigation Measures 12.A-3, 12.B-3, and 12.C-3 of the Draft EA/EIR require the applicant to develop a Timber Harvest Plan (THP) with specific performance measures prior to tree removal and obtain an Exemption from Timberland Conversion Permit for Subdivision. (Final EA/EIR, p. 2-37.) Therefore, no changes to the Draft EA/EIR or additional mitigation are required.
- (2) William A. Davis of the Department of Transportation commented that any impact to Caltrans drainage facilities, bridges, or other State facilities arising from effects of development on surface water runoff discharge from the peak storm event should be minimized through project drainage mitigation measures. (Final EA/EIR, p. 2-39.) As described on pages 3-31- through 3-36 of the Draft EA/EIR, as illustrated in Exhibit 3-15 of the Draft EA/EIR and as required by Mitigation Measure 8.A-1c, the project will include temporary and permanent drainage facilities and best management practices (BMPs). Furthermore, the Preliminary Drainage Report (K.B. Foster Civil Engineering 2006) included as Appendix B of the Draft EA/EIR, provides the calculations that support the conclusion that post-project peak runoff discharge for the 10- and 100-year storm events would be decreased from the pre-project (existing) condition. (Final EA/EIR, p. 2-41.) Therefore, no changes to the Draft EA/EIR or additional mitigation are required.
- (3) Katy Sanchez of the Placer County Planning Department commented that a mitigation plan was necessary for identification and evaluation of accidentally discovered archeological resources, artifacts, and Native American human remains. (Final EA/EIR, pp. 2-44 to 2-45.) Recommendations for the treatment of unintentionally discovered archaeological materials and human remains are outlined in the project's cultural resources assessment report was prepared by EDAW in July of 2006 and was submitted to the Tahoe Regional Planning Agency, Placer County Planning Department, and the NCIC. Mitigation Measures 11.A-2 and 11.A-3 were incorporated into the Draft EA/EIR and are adequate to address these potential impacts. (Final EA/EIR, p. 2-46.) Therefore, no changes to the Draft EA/EIR or additional mitigation are required.
- (4) Jason Kuchniki of the State of Nevada Department of Conservation and Natural Resources proposed the following mitigation measures:
 - a. Mr. Kuchniki commented that mitigation should include development and implementation of a TRPA-certified fertilizer management plan. (Final EA/EIR, p. 2-48.) Mitigation Measure 8.A-3c has been revised per this suggestion. (See Final EA/EIR, p. 2-49.) This change does not change the significance of any conclusions presented in the Draft EA/EIR.
 - b. Mr. Kuchniki commented that short term admissions of pollution during construction could potentially impact Lake Tahoe water quality, but he recognized that implementation of Mitigation Measure 15.A-1 should ensure the impact is less than significant. In addition, he requested that the County consider including periodic street sweeping with PM 10-efficient vac trucks and paving or graveling dirt roads at access points. (Final EA/EIR, p. 2-48.) Emissions of particulate matter less than or equal to 10 microns in

diameter (PM₁₀) are mitigated to the fullest extent recommended by TRPA and discussed under Impact 15.A-1, on page 15-23 of the Draft EA/EIR. Mitigation Measure 15.A-1 specifically addresses those measures identified by the commenter. TRPA and/or Placer County have the discretion to require the use of street sweepers with a vacuum-type system as part of its approval of the dust control measures. Additionally, soil binders are to be applied to all non-paved road surfaces. (Final EA/EIR, p. 2-49.) Therefore, no changes to the Draft EA/EIR or additional mitigation are required.

- c. Mr. Kuchniki commented mitigation should be included to require the developer pay into an air quality mitigation fee to address cumulative VMT impacts. (Final EA/EIR, p. 2-48.) The proposed project would pay the required mitigation fees prior to project construction to reduce the cumulative VMT impact. The proposed project would implement Mitigation Measures 14.A-1a (Contribute to TRPA Air Quality Mitigation Fund to Reduce VMT) and 14.A-1b (Contribute to Placer County Road Network Traffic Limitation Zone and Traffic Fee Program) as identified in Chapter 14, "Traffic, Parking and Circulation." (Final EA/EIR, pp. 2-49 to 2-50.) Therefore, no changes to the Draft EA/EIR or additional mitigation are required.
- (5) Thomas M. Goebel of the North Tahoe Public Utility District (NTPUD) proposed the following mitigation measures:
 - a. NTPUD commented that, while Mitigation Measure 7.A-2 provides funding for replacement of campsites on NTPUD-owned properties, the NTPUD Board of Directors has not yet voted to approve the construction of campsites on any NTPUD-owned properties. (See Final EA/EIR, p. 2-58.) Mitigation Measure 7.A-2 of the Draft EA/EIR has been revised to provide a mechanism to allow the funds to be used for other recreation facility needs if unused within a 5-year period. (Final EA/EIR, p. 2-66; see also Final EA/EIR, p. 2-158.) This change does not change the significance of any conclusions presented in the Draft EA/EIR.
 - b. NTPUD requested that the NTPUD's National Avenue Water Treatment Plant and lake intake is shown on the watershed map required for the Project. (Final EA/EIR, p. 2-59.) The first bullet of Mitigation Measure 8.A-3a has been revised per this suggestion. (Final EA/EIR, p. 2-69.) This change does not change the significance of any conclusions presented in the Draft EA/EIR.
- (6) Karen Van Epps of North Tahoe Development Watch proposed the following mitigation measures:
 - a. Ms. Van Epps commented mitigation measures or alternatives are required to address traffic impact on the surrounding community and flow through traffic. (Final EA/EIR, p. 2-92.) The project would add new project trips to the transportation network year round as documented in Chapter 14, "Traffic, Parking, and Circulation," of the Draft EA/EIR. The project's transportation impacts and VMT impacts were analyzed and, where necessary, mitigation measures to reduce any impacts to less than significant were identified. The traffic analysis analyzed the worst case scenario, which included fully occupied units during summer months. The plus project summer traffic volumes at the study intersections within Tahoe Vista are approximately 12% higher than the winter volumes during morning hours and 20% higher than the winter volumes during afternoon hours. In addition, the VMT for the basin was modeled based on the TRPA TRANPLAN Model, which models volumes for the summer condition. Therefore, the analysis is consistent with the TRPA model. (Final EA/EIR, p. 2-116.) No changes to the Draft EA/EIR or additional mitigation are required.
 - b. Ms. Van Epps commented that pre-grading prior to construction would leave the site vulnerable to sedimentation and erosion. She recommended the inclusion of mitigation measures restricting site grading to individual phases to address this concern. (Final EA/EIR, p. 98.) Proposed grading would be limited to that necessary to implement any phase of construction, as approved by Placer County during improvement plan review. Impact 8.A-1 of the Draft EA/EIR recognizes the potential for short-term accelerated erosion and sedimentation and/or release of pollutants to nearby water bodies during project construction. Mitigation Measures 8.A-1a through 8.A-1c would reduce this impact to a less-than-significant level. (Final EA/EIR, p. 118.) Therefore, no changes to the Draft EA/EIR or additional mitigation are required.

- c. Ms. Van Epps commented that fees are inadequate to mitigate for water supply impacts because tanks to supply for increased demand are not in place. (Final EA/EIR, p. 104.) NTPUD conducted an analysis of existing water facilities to determine if there is sufficient water supplies and water systems, including water storage capacity, to meet project demands. As part of their analysis, the NTPUD compared existing water demand and wastewater flows to the project water demand and wastewater flows to determine if additional water or wastewater facilities are required. In a letter dated May 28, 2008, the NTPUD confirmed that no additional sewer or water facility improvements are needed outside of the project site to serve the project needs. (Final EA/EIR, p. 2-121.) Therefore, no changes to the Draft EA/EIR or additional mitigation are required.
- (7) Barbara K. Haas proposed that mitigation other than the payment of fees should be required to address the increase in vehicle trips in the Tahoe Vista community. (Final EA/EIR, p. 2-146.) Chapter 14, "Traffic, Parking, and Circulation," of the Draft EA/EIR analyzes the level of service of the study area intersections and roadways based on traffic volumes that include all planned projects within and near Tahoe Vista including Tahoe Sands, Vista Village, North Tahoe Marina, Kings Beach CEP projects, and Crystal Bay CEP projects. The level of service analysis, which is used to measure congestion levels and vehicle delay, indicated that the study intersections can accommodate the proposed project plus the cumulative growth without changes to the intersections. If there had been a level of service impact, the project would need to construct a specific improvement to mitigate the impact. The fees paid to TRPA and Placer County are intended to be used to enhance programs that reduce dependency on the private automobile. (Final EA/EIR, p. 2-149.) Therefore, no changes to the Draft EA/EIR or additional mitigation are required.
- (8) Leah Kaufman of Kaufman Planning and Consulting proposed the following mitigation measures:
 - a. Ms. Kaufman commented that, while Mitigation Measure 7.A-2 provides funding for replacement of campsites on NTPUD-owned properties, the NTPUD Board of Directors has not yet voted to approve the construction of campsites on any NTPUD-owned properties. She, thus, recommended that the impact fee be made available for other specified recreational uses after five years. (Final EA/EIR, p. 2-162.) Mitigation Measure 7.A-2 of the Draft EA/EIR has been revised to provide a mechanism to allow the funds to be used for other recreation facility needs if unused within a 5-year period. (Final EA/EIR, p. 2-165.) This revision does not change the significance of any conclusions presented in the Draft EA/EIR.
 - b. Ms. Kaufman commented that the VMT mitigation fee should be made available for specified projects with a local nexus. (Final EA/EIR, p. 2-163.) Mitigation options recommended by the commenter will be considered by the lead agencies. Placer County Road Network Traffic Limitation Zone and Traffic Fee Program funds have and will continue to be used locally in Tahoe Vista. The primary project that was recently constructed in Tahoe Vista with County traffic fee program funds was the signal at National Ave/SR28; this was a joint Caltrans and Placer County funded project. Other projects that have been partially or completely funded through traffic fees in the North Tahoe area include signal at West River/SR89, the widening/improvements to the bridge on Squaw Valley Road, the signalization of Squaw Valley Road/SR 89, the Tahoe City Project, and a contribution was made to the TCPUD Lakeside Trail Project. (Final EA/EIR, p. 2-166.) Therefore, no changes to the Draft EA/EIR or additional mitigation are required.
- (9) Maywan Krach of Environmental Coordination Services commented that, while Mitigation Measure 7.A-2 provides funding for replacement of campsites on NTPUD-owned properties, the NTPUD Board of Directors has not yet voted to approve the construction of campsites on any NTPUD-owned properties. (Final EA/EIR, p. 2-212.) Mitigation Measure 7.A-2 of the Draft EA/EIR has been revised to provide a mechanism to allow the funds to be used for other recreation facility needs if unused within a 5-year period. (Final EA/EIR, p. 2-218.) This change does not change the significance of any conclusions presented in the Draft EA/EIR.
- (10) Several commenters questioned the adequacy of mitigation fees as mitigation. (Final EA/EIR, p. 2-11.) The use of fees as a means of providing mitigation for significant impacts is provided for in the State CEQA Guidelines and in CEQA case law. The State CEQA Guidelines Section 15130(a)(3) states in part: "A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact." Further, CEQA case law supports the use of fees for mitigation of impacts where the agency reasonably expects that such fees will be used for mitigation (Save Our

Peninsula Committee v. Monterey County Board of Supervisors (2001) 87 Cal. App. 4th 99, 140). CEQA requires "a reasonable plan for mitigation" and the EA/EIR should explain how the fee program will address the impact. There are mitigation measures in the Draft EA/EIR that require payment of mitigation fees. The Draft EA/EIR explains how the fees would be used to physically mitigate the project's impact. The use of these fees to mitigate the associated project impacts is appropriate and adequate pursuant to TRPA and CEQA. (Final EA/EIR, p. 2-11.) Therefore, no changes to the Draft EA/EIR or additional mitigation are required.

B. Findings Regarding Recirculation of the Draft EA/EIR

The Planning Commission adopts the following findings with respect to the need to recirculate the Draft EA/EIR. Under section 15088.5 of the CEQA Guidelines, recirculation of an EA/EIR is required when "significant new information" is added to the EA/EIR after public notice is given of the availability of the Draft EA/EIR for public review but prior to certification of the Final EA/EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EA/EIR is not "significant" unless the EA/EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

"Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EA/EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5.)

Recirculation is not required where the new information added to the EA/EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) "Recirculation was intended to be an exception, rather than the general rule." (*Ibid.*)

The Planning Commission recognizes that the Final EA/EIR incorporates information obtained by the County since the Draft EA/EIR was completed, and contains additions, clarifications, modifications, and other changes. As noted above, several comments on the Draft EA/EIR either expressly or impliedly sought changes to proposed mitigation measures identified in the Draft EA/EIR as well as additional mitigation measures. As explained in the Final EA/EIR (Text Changes and Responses to Comments), some of the suggestions were found to be appropriate and feasible and were adopted in the Final EA/EIR and included in the MMRP. As discussed in the previous section of these findings, where changes have been made to mitigation measures to respond to comments, these changes do not change the significance of any conclusions presented in the Draft EA/EIR.

Notably, CEQA case law emphasizes that "[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) "CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.' [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.)

Here, the changes made to mitigation measures are exactly the kind of project improvements that the case law recognizes as legitimate and proper.

The changes to Mitigation Measures 7.A-2, 7.A-3, 7.B-3, 7.C-3, 8.A-3a, and 8.A-3c, described above and in the Text Changes to the Draft EA/EIR (Final EA/EIR, p. 3-6 to 3-13) supplement or clarify the existing language. None of these changes involves "significant new information" triggering recirculation because the changes to the mitigation measures do not result in any new significant environmental effects, any substantial increase in the severity of any previously identified significant effects, or otherwise trigger recirculation. Instead, the modifications were either environmentally benign or environmentally neutral, and thus represent the kinds of changes that commonly occur as the environmental review process works towards its conclusion. Under such circumstances, the County finds that recirculation of the EA/EIR is not required.

The Commission finds that the identification of "Alternative E" does not require recirculation of the Draft EA/EIR. This alternative was developed by the applicant, the County and TRPA in order to respond to public comment on the original proposed project. Alternative E would reduce the impacts of Alternative A. The applicant has not refused to proceed with Alternative A. Thus, the identification of Alternative A does not require recirculation. (See CEQA Guidelines, § 15088.5, subd. (a)(3); Final EA/EIR, § 2.5.7.)

XI. PROJECT ALTERNATIVES

A. FINDINGS REGARDING PROJECT ALTERNATIVES

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EA/EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Because all of the environmental impacts associated with Alternative A - the original proposal - may be reduced to less than significant levels with mitigation, the Planning Commission goal in evaluating the project alternatives was to select an alternative that feasibly attains the project objectives, while further reducing the proposed project's impacts. (Final EA/EIR, p. 2-17.)

The Draft EA/EIR and Final EA/EIR discussed several alternatives to the Project in order to present a reasonable range of options. The alternatives evaluated included:

- 1. Alternative A Original Proposal
- 2. Alternative B Reduced Development
- 3. Alternative C Reduced Development with Recreation Elements
- 4. Alternative D No Project
- 5. Alternative E Modified Reduced Development
- 6. Alternative Off-Site Location
- 7. Increased Density / Increased Affordable/Employee Housing Alternative

- 8. Mixed Use-On-Site Campsites / TAUs / Affordable/Employee Housing and Commercial Alternative
- 9. No Project Alternative-47 RV / Tent Sites

The Planning Commission finds that that a good faith effort was made to evaluate all feasible alternatives in the EA/EIR that are reasonable alternatives to the Project and could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the Project objectives and might be more costly. As a result, the scope of alternatives analyzed in the EA/EIR is not unduly limited or narrow. The Planning Commission also finds that all reasonable alternatives were reviewed, analyzed and discussed in the review process of the EA/EIR and the ultimate decision on the Project. (See, e.g., Draft EA/EIR, pp. 4-1 to 4-19; Final EA/EIR, pp. 2-16 to 2-28.)

1. Project Objectives

As set forth in the Draft EA/EIR, the purpose and objectives for the Project are as follows:

- To create very high quality, low-density affordable homes that would be sold or leased to local families that are service providers and first time homebuyers.
- To restore the existing restaurant/office/apartment building to a quality, attractive building that resembles the historic character of Tahoe Vista.
- To install an attractive street frontage that improves the parking and vehicle safety for local residents.
- To enhance maintenance of the Sandy Beach Recreation Area across the street from the property.
- To create a multiple use public trail easement and rest stop for bicyclists.
- To develop the remainder of the site into tourist accommodation homes used under a shared ownership program.

(Draft EA/EIR, pp. 3-9 to 3-10.)

B. ANALYSIS OF PROJECT ALTERNATIVES

1. Alternatives Eliminated from Further Consideration in the Draft EA/EIR

A number of alternatives were considered in the initial screening and were not considered or further analyzed in the EA/EIR. The Commission hereby incorporates by reference the discussion of these alternatives in the Draft EA/EIR. (Draft EA/EIR, pp. 4-17 to 4-19.)

2. <u>Alternatives Analyzed in the Draft EA/EIR and Final EA/EIR</u>

The goal for developing a set of possible alternatives was to identify other means to attain the project objectives while further reducing the less than significant environmental impacts caused by Alternative A – the original proposal. For the most part, comparisons are made qualitatively rather than quantitatively.

The following alternatives will be discussed below:

- 1. Alternative A Original Proposal
- 2. Alternative B Reduced Development
- 3. Alternative C Reduced Development with Recreation Elements
- 4. Alternative D No Project
- 5. Alternative E Modified Reduced Development

Alternative A: Original Proposal

Alternative A was the originally proposed Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership Development Project, discussed in detail in Chapter 3 of the Draft EA/EIR, which would result in the construction of 45

tourist accommodation units (TAUs), a clubhouse/administration building, 10 affordable/employee housing units, improvements to the existing 2-story commercial building containing Spindleshanks Restaurant, and SR 28 frontage improvements on approximately 6.25 acres (272,303 square feet [sf]) of partially developed land in Tahoe Vista. Alternative A is discussed in detail in Chapter 3 of the EA/EIR and illustrated in Exhibit 3-4. (Draft EA/EIR, pp. 4-1 to 4-3; Final EA/EIR, p. 3-6.)

Alternative B: Reduced Development

The Reduced Development Alternative is substantially similar to Alternative A, but has a different site plan and would reduce the number of TAU units to reduce direct and indirect impacts associated with Alternative A. Alternative B would be constructed on the same site, and would include 39 TAUs on Parcel 2, which is 6 TAUs (or about 13%) fewer than Alternative A. The 39 TAUs or fractional ownership units would include: 13 two-bedroom units (Unit Type "A" at 2,302 sf each), 16 three-bedroom units (Unit Type "B" at 2,902 sf each), 5 four-bedroom units (Unit Type "C" at 3,598 sf each), and 5 upper floor (above the clubhouse/administration building) two-bedroom units (Unit Type "D" at 1,230 sf each). The square footages of the TAUs for Unit Types "A," "B," and "C" would increase relative to their corresponding Alternative A units to maintain a floor area ratio between the TAUs and the 10 affordable/employee housing units, because the TAUs are needed to offset the costs of providing the affordable units. Therefore, while there would be an overall reduction in the number of TAU units relative to Alternative A, the TAU building square footage would be reduced by just 604 sf (from 101,102 sf with Alternative A to 100,498 sf with Alternative B). Alternative B would also result in 10 fewer parking spaces than Alternative A (two fewer spaces in each of Buildings GB1, GB4, GB5, GB6, and GB7). The four decked spas proposed under Alternative A would be eliminated with Alternative B. As with Alternative A, buildings would be designed to comply with TRPA building height standards (TRPA Code of Ordinances Chapter 22). The density of TAUs on Parcel 2 would be reduced to 7.9 units per acre. The Reduced Development Alternative would result in approximately 3.75 acres (163,459 sf) of coverage (excluding the impervious surfaces in the linear public facility area - 1,133 sf of impervious surface area in the multiple use public trail easement), resulting in 60% total site coverage, approximately 2% less coverage than Alternative A. The estimated maximum occupancy at the site for the 10 affordable/housing units and 39 TAU units would be 268 occupants. For further information regarding Alternative B, please see Draft EA/EIR, pp. 4-3 to 4-4 and Final EA/EIR, pp. 3-6 to 3-7.

Alternative C: Reduced Development with Recreation Elements

Like Alternative B, the Reduced Development with Recreation Elements Alternative would be substantially similar to Alternative A. Alternative C would have a different site plan and would reduce the number of TAU units by 6 to reduce direct and indirect impacts. Alternative C would be constructed on the same site and would include 39 TAUs on Parcel 2. The TAU building size, design, height, density, occupancy, and reduction in parking spaces would be the same as that described for Alternative B. The Reduced Development with Recreation Elements Alternative would result in approximately 3.75 acres (163,459 sf) of coverage (excluding the impervious surfaces in the linear public facility areas: 1,261 sf and 2,511 sf of impervious surface area in the multiple use public trail area and the pedestrian walkway discussed below, respectively), resulting in 61% total site coverage, approximately 2% less coverage than Alternative A. The estimated maximum occupancy at the site for the 10 affordable/housing units and 39 TAU units would be 268 occupants.

The primary distinction between Alternatives B and C is the recreation elements that have been incorporated into Alternative C. These recreation elements include the addition of a Kayak/Bicycle Rental Concessionaire to the main commercial building, development of a public pedestrian path connection to the multiple use public trail easement, additional of bicycle racks, and shared day use parking for Sandy Beach Recreation Area in the commercial building parking lot. For further information regarding Alternative B, please see Draft EA/EIR, pp. EA/EIR, pp. 4-10 to 4-16 and Final EA/EIR, p. 3-7.

Alternative D: No Project

This alternative proposes no project and no action. With this alternative, the 45 TAUs, clubhouse/administration building, 10 affordable/employee housing units, and 2-story main commercial building and SR 28 frontage improvements would not be constructed. The project site would remain a partially developed campground and RV park, with a 2-story main commercial building and small ancillary buildings fronting SR 28, as it is today. This alternative assumes the continued operation and use of these existing facilities at the site. It is acknowledged that project objectives could possibly be met by

other means in the future. However, for the purposes of this EA/EIR, it is assumed that even into the future, no new development would occur at the project site. (Draft EA/EIR, p. 4-17.)

Alternative E: Modified Reduced Development

Alternative E proposes several modifications to the Alternative A site plan to reduce environmental impacts or address other environmental issues or community concerns. Alternative E:

- reduces the number of TAUs from 45 with Alternative A to 39,
- increases TAU unit size from those proposed in Alternative A (reduces TAU unit size relative to Alternatives B and C),
- reduces the number of affordable/employee housing units from 10 with Alternative A to 6,
- provides additional space for snow storage on the site,
- preserves 30 additional on-site trees (removing 100 on-site trees compared to 130 with Alternative A). (Note: Alternative E would also remove 32 off-site trees to accommodate construction of the secondary emergency access road described below. In sum, Alternative E would remove two more trees than Alternative A),
- increases the main roadway width to 26 feet, and
- provides a secondary fire access road at the north end of the site via a 5,363 square-foot (sf) easement on the adjacent vacant parcel consistent with NTFPD direction.

These site plan modifications address concerns relating to open space, number and density of units, and unit size. Table 1 below provides information about on-site land coverage with Alternative E compared to Alternative A. Table 2 provides information about off-site land coverage on the adjacent parcel to the north; Alternative A would not include this off-site coverage and is therefore not included in Table 2.

The maximum number of full-time occupants associated with the six affordable/employee housing units would be six persons per residence (two persons per bedroom per 3-bedroom housing unit) for a total of up to 36 residents. Assuming the maximum occupancy rates would be similar for the fractional units, the 39 TAUs would add 206 occupants to the site assuming all units were fully occupied. The combined total for the affordable/employee housing units and TAUs is estimated to be 242 occupants, compared to 302 occupants for Alternative A (see Chapter 3, "Revisions and Corrections to Draft EA/EIR").

A secondary emergency access road has been proposed at the north end of the project site to address needs of the NTFPD (see Comment F-1). The emergency access would pass through approximately 139 feet of the vacant parcel to the north (location of the proposed Vista Village Workforce Housing Project site) and would join Toyon Road at its western terminus. The emergency access road would be gated on both ends to ensure that it remains available primarily for use by emergency vehicles. Its location could also allow use as part of a future bike path, indicated in Alternative A as joining the proposed project roadway at the northeast corner of the site. (Draft EA/EIR, pp. 2-17 to 2-18.)

3. Summary of Alternatives Analyzed in the Draft EA/EIR and Final EA/EIR

The EA/EIR contains a detailed analysis of the impacts of the project, and of the identified alternatives to the project. The Commission hereby incorporates by reference this analysis. (Draft EI/EIR, Chapters 4 et seq.) The following table summarizes the impacts of the alternatives identified in detail in the Draft EA/EIR. The table also addresses "Alternative E," which was identified in the Final EA/EIR. The corresponding analyses of the alternatives in the Draft and Final EA/EIR are incorporated by reference into these findings.

Summary Comparison of the Project Alternatives

	Impacts	Alternative A Proposed Project	Alternative B Reduced Development	Alternative C Reduced Development with Recreation Elements	Alternative D No Project	Alternative E Modified Reduced Development
6	Land Use					
6-1	Consistency with Regional Plan Land Use Goals and Policies and TVCP Policies.	LTS	LTS	LTS	NI	LTS
6-2	Potential for Conversion of Land Use.	LTS	LTS	LTS	NI	LTS
6-3	Potential for Division of an Existing Community (or Land Use Compatibility and Density).	LTS	LTS	LTS	NI	LTS
7	Recreation					
7-1	Granting of an Easement to the NTPUD for Proposed Future Multiple Use (including bicycles) Public Trail.	В	В	В	NI	В
7-2	Closure of Sandy Beach Campground/Loss of Recreation Capacity.	LTS	LTS	LTS	NI	LTS
7-3	Increase in Use of Parks and Other Recreation Facilities.	LTS	LTS	LTS	NI	LTS
8	Hydrology and Water Quality					
8-1	Potential Short-Term Accelerated Soil Erosion and Sedimentation and/or Release of Pollutants to Nearby Water Bodies During Construction.	LTS	LTS	LTS	NI	LTS
8-2	Interception of Groundwater Table During Construction.	LTS	LTS	LTS	NI	LTS
8-3	Impervious Surface Area and Runoff.	LTS	LTS	LTS	NI	LTS
8-4	Possible Increased Urban Contaminants in Surface Runoff.	LTS	LTS	LTS	NI	LTS
9	Geology, Soils, and Land Capability and Coverage					
9-1	Land Coverage.	LTS	LTS	LTS	NI	LTS
9-2	Seismic Hazards.	LTS	LTS	LTS	NI	LTS
9-3	Non-Seismic Geologic Hazards.	LTS	LTS	LTS	NI	LTS
10	Scenic Resources					
10-1	Scenic Quality of Roadway Travel Unit 20A.	LTS	LTS	LTS	NI	LTS
10-2	Scenic Quality of Shoreline Travel Unit 21.	LTS	LTS	LTS	NI	LTS
10-3	Scenic Quality Impact from Public Recreation and Bicycle Trail Areas.	LTS	LTS	LTS	NI	LTS
10-4	Consistency with Plans, Policies, and Guidelines.	LTS	LTS	LTS	NI	LTS
10-5	Increased Light and Glare.	LTS	LTS	LTS	NI	LTS
11	Cultural Resources					
11-1	Effects on Known Cultural Resources.	LTS	LTS	LTS	NI	LTS

Summary Comparison of the Project Alternatives						
	Impacts	Alternative A Proposed Project	Alternative B Reduced Development	Alternative C Reduced Development with Recreation Elements	Alternative D No Project	Alternative E Modified Reduced Development
11-2	Previously Undiscovered Cultural Resources.	LTS	LTS	LTS	NI	LTS
11.3	Previously Undiscovered Burials.	LTS	LTS	LTS	NI	LTS
12	Vegetation and Wildlife					
12-1	Common and Sensitive Habitats.	LTS	LTS	LTS	NI	LTS
12-2	Vegetation Removal.	LTS	LTS	LTS	NI	LTS
12-3	Tree Removal.	LTS	LTS	LTS	NI	LTS
12-4	Wildlife Movement Corridors.	LTS	LTS	LTS	NI	LTS
12-5	Nesting Raptors and Migratory Birds.	LTS	LTS	LTS	NI	LTS
12-6	Special-Status Species and Common Wildlife.	LTS	LTS	LTS	NI	LTS
12-7	Bat Species.	LTS	LTS	LTS	NI	LTS
13 P	Public Services and Utilities					
13-1	Increased Demand for Water Supply, Treatment, Distribution, and Storage.	LTS	LTS	LTS	NI	LTS
13-2	Increased Demand for Wastewater Service.	LTS	LTS	LTS	NI	LTS
13-3	Increased Demand for Solid Waste Services.	LTS	LTS	LTS	NI	LTS
13-4	Increased Demand for Electricity and Required Extension of Electrical Infrastructure.	LTS	LTS	LTS	NI	LTS
13-5	Increased Demand for Natural Gas and Required Extension of Natural Gas Infrastructure.	LTS	LTS	LTS	NI	LTS
13-6	Increased Demand for Telecommunications Service.	LTS	LTS	LTS	NI	LTS
13-7	Emergency Access During Construction.	LTS	LTS	LTS	NI	LTS
13-8	Increased Demand for Fire Protection.	LTS	LTS	LTS	NI	LTS
13-9	Increased Demand for Police Services.	LTS	LTS	LTS	NI	LTS
13-10	Increased Student Enrollment in Tahoe Vista Schools.	LTS	LTS	LTS	NI	LTS
13-11	Increased Demand for Postal Service.	LTS	LTS	LTS	NI	LTS
14	Traffic, Parking, and Circulation					
14-1	Vehicle Miles of Travel (VMT).	LTS	LTS	LTS	NI	LTS
14-2	Existing Plus Alternative A Level of Service.	LTS	LTS	LTS	NI	LTS
14-3	Vehicular Access and Circulation.	LTS	LTS	LTS	NI	LTS
14-4	Pedestrian and Bicycle Circulation.	LTS	LTS	LTS	NI	LTS
14-5	Transit.	LTS	LTS	LTS	NI	LTS

Summary Comparison of the Project Alternatives						
	Impacts	Alternative A Proposed Project	Alternative B Reduced Development	Alternative C Reduced Development with Recreation Elements	Alternative D No Project	Alternative E Modified Reduced Development
14-6	Parking Supply.	LTS	LTS	LTS	NI	LTS
14-7	Construction Traffic.	LTS	LTS	LTS	NI	LTS
15	Air Quality					
15-1	Short-Term Construction Emissions of ROG, NO_{X} , and $\mathrm{PM}_{\mathrm{10}}$.	LTS	LTS	LTS	NI	LTS
15-2	Long-Term Operational (Regional) Emissions.	LTS	LTS	LTS	NI	LTS
15-3	Long-Term Operational (Local) Mobile-Source Carbon Monoxide Emissions.	LTS	LTS	LTS	NI	LTS
15-4	Odor Emissions.	LTS	LTS	LTS	NI	LTS
15-5	Toxic Air Contaminant Emissions.	LTS	LTS	LTS	NI	LTS
16	Noise					
16-1	On-site Construction Noise Levels.	LTS	LTS	LTS	NI	LTS
16-2	Off-site Construction Traffic Noise Levels.	LTS	LTS	LTS	NI	LTS
16-3	Stationary- and Area-Source Noise.	LTS	LTS	LTS	NI	LTS
16-4	Long-term Operational Increases in Daily Off-site Traffic Noise Levels.	LTS	LTS	LTS	NI	LTS
16-5	Land Use Compatibility with On-site Noise Levels.	LTS	LTS	LTS	NI	LTS
17	Hazards and Hazardous Materials					
17-1	Create a Safety Hazard to Construction Workers.	LTS	LTS	LTS	NI	LTS
17-2	Create a Significant Hazard to the Public or the Environment.	LTS	LTS	LTS	NI	LTS
17.3	Increased Exposure to Wildland Fire Hazard.	LTS	LTS	LTS	NI	LTS

Significance levels for Alternatives A through E reflect the levels of significance after mitigation.

(Final EA/EIR, pp. 2-25 to 2-29.)

4. <u>Alternative E</u>

As noted above, in response to input from agencies and the public, the County and TRPA have identified "Alternative E" as the appropriate alternative to approve. Because the County is approving Alternative E, the County hereby adopts the following findings with respect to the relative impacts of Alternative A versus Alternative E.

NI = No Impact

B = Beneficial

LTS = Less than Significant

S = Significant

PS = Potentially Significant

SU = Significant and Unavoidable

Land Use: The site plan for Alternative E would be similar to that for Alternative A, including conversion of existing land uses. Alternative E would be consistent with Regional Plan Land Use Goals and Policies and TVCP Policies. No new significant impacts or substantially more severe impacts would result with Alternative E, and the land use impacts of Alternative E would be similar to or less than those identified for Alternative A because of a lower density of housing units.

Recreation: Uses at the project site would be the same with Alternative E as with Alternative A, although the density of development would be somewhat reduced. An easement would continue to be granted to the NTPUD for a proposed future multiple use public trail. Closure of the Sandy Beach Campground would result in a loss of recreational capacity, and mitigation would reduce this impact to a less-than-significant level. Based on the occupancy of the project with Alternative E, this alternative would create demand for an additional 1.21 acres of recreational facilities. As with Alternative A, if the project site cannot support that additional amount of recreational facilities, the project applicant would pay additional park fees to account for the shortfall. No new significant impacts or substantially more severe impacts would result with Alternative E, and, by virtue of fewer occupants, the recreational impacts of Alternative E would be slightly less than those identified for Alternative A.

Hydrology and Water Quality: Impacts relating to hydrology and water quality with Alternative E would be similar to those for Alternative A; stormwater best management practices (BMPs) would be required, and a dewatering plan and groundwater quality BMPs would be included in the stormwater pollution prevention plan (SWPPP). Development of Alternative E would result in approximately 3.8 acres (165,644 sf) of on-site impervious surfaces (approximately 61%), a slight reduction compared to Alternative A. Alternative E would also result in 2,672 sf of off-site coverage (<1%) on the undeveloped parcel north of the site for the secondary emergency access road. The combined on- and off-site coverage for Alternative E would be 168,316 sf, which would be slightly below the Alternative A coverage. Mitigation for this additional runoff and mitigation for increased urban contaminants in runoff would be required as was identified for Alternatives A, B, and C and these same measures would apply to the coverage on the vacant parcel to the north. No new significant impacts or substantially more severe impacts would result with Alternative E, and the hydrology and water quality impacts of Alternative E would be similar to those identified for Alternative A.

Geology, Soils, and Land Capability and Coverage: Development of Alternative E would result in approximately 3.8 acres (165,644 sf) of on-site impervious surfaces (approximately 61%), and 0.06 acre (2,672 sf) of off-site coverage, together resulting in a slight reduction in coverage compared to Alternative A. The secondary fire access connection to Toyon Road would result in an incremental increase in grading because of the necessary off-site grading that would occur with this alternative. However, all impacts relating to geology, soils, and land capability and coverage would be similar in magnitude to those described for Alternative A, with the exception of that reduction. No new significant impacts or substantially more severe impacts would result with Alternative E, and the geology, soils, and land capability and coverage impacts of Alternative E would be similar to or less than those identified for Alternative A.

Alternative E–On-Site Land Coverage Calculations Compared with Alternative A				
	Alternative A	Alternative E		
Net Lot Area:				
Including Coverage Within Future Linear Public Facility Area:	272,303 sf	272,303 sf		
Excluding Coverage Within Future Linear Public Facility Area:	271,170 sf	271,503 sf		
Land Capability District (TRPA Verified):	6 sf	6 sf		
Allowable Coverage (Bailey–30%):				
Including Coverage Within Future Linear Public Facility Area:	81,691 sf	81,691 sf		
Excluding Coverage Within Future Linear Public Facility Area:	81,351 sf	81,451 sf		
Allowable Coverage (TVCP w/transfer–50%):				
Including Coverage Within Future Linear Public Facility Area:	136,152 sf	136,152 sf		
Excluding Coverage Within Future Linear Public Facility Area:	135,585 sf	135,752 sf		
Existing On Site:				
Site Land Coverage (TRPA Verified):	174,324 sf	174,324 sf		
Existing Coverage:				

-	Altomotive	∧Ita==at!: □
	Alternative A	Alternative E
Asphalt:	16,489 sf	16,489 sf
Buildings:	6,778 sf	6,778 sf
Decks & Patio:	2,036 sf	2,036 sf
Gravel:	39,129 sf	39,129 sf
Compacted Dirt:	109,708 sf	109,708 sf
Concrete Pads:	184 sf	184 sf
Total:	174,324 sf (64%)	174,324 sf (64%)
Existing Off Site Land Coverage:	3,800 sf	3,800 sf
roposed On Site Land Coverage (detail below):		
Including Coverage Within Future Linear Public Facility Area:	170,194 sf	165,925 sf
Excluding Coverage Within Future Linear Public Facility Area:	169,061 sf	165,644 sf
uture Linear Public Facility Area:	T	
Multiple Use (including bicycles) Public Path in Trail Easement:	1,133 sf	281 sf
Road & Parking Areas:	64,996 sf	65,196 sf
Sidewalk at SR 28 frontage:	1,450 sf	1,450 sf
uildings:		
Affordable/Employee Housing Units:	6,365 sf	4,092 sf
Interval Ownership Buildings (TAUs):	48,318 sf	44,615 sf
Garage Buildings:	9,605 sf	8,246 sf
Clubhouse/Administration Building:	4,781 sf	4,781 sf
Restaurant/Office/Apartment Building:	3,774 sf	3,774 sf
Pool Equipment Building:		380 sf
Restaurant Deck:		800 sf
Total Buildings:	72,843 sf	66,688 sf
taised Decks: (Coverage Shadow)	2,409 sf	
taised Deck Posts:	344 sf	
estaurant Deck:	1,000 sf	
andings & Walks:	13,318 sf	10,041 sf
ool and Deck Area:	8,437 sf	8,057 sf
spa Decks and Tubs:	2,216 sf	2,140 sf
tone Monuments & Signs:	98 sf	98 sf
rash Enclosures:	846 sf	720 sf
Play Area:	718 sf	3,082sf
fultiple Use Public Path Access:	386 sf	,
otal (Including Coverage Within Future Linear Public Facility Area):	170,194 sf (63%)	165,925 sf (61%)
otal (Excluding Coverage Within Future Linear Public Facility Area):	169,061 sf (62%)	165,644 sf (61%)
roposed Off Site Land Coverage:	427 sf	427 sf
and Coverage to be Transferred:	0 sf	0 sf
and Coverage to be Banked:	4.400.5	0.000 -5
Including Coverage Within Future Linear Public Facility Area: Excluding Coverage Within Future Linear Public Facility Area:	4,130 sf 5,263 sf	8,399 sf 8,680 sf

Alternative E–On-Site Land Coverage Calculations Compared with Alternative A				
	Alternative A	Alternative E		
Excess Land Coverage:				
Including Coverage Within Future Linear Public Facility Area:	88,503 sf	84,474 sf		
Excluding Coverage Within Future Linear Public Facility Area:	87,710 sf	84,193 sf		

Note: For the purposes of this EA/EIR, the land coverage in the multiple use (including bicycles) public path area (281 sf) at the rear of the site is included in this table. However, this easement would be dedicated to a public entity for use as a future linear public facility, which would allow its coverage to be excluded under TRPA Code of Ordinances, Section 20.3.4. Sources: Lundahl & Associates 2008; K. B. Foster Civil Engineering, Inc. 2008

(Final EA/EIR, pp. 2-22 to 2-23.)

Alternative E-Off-Site Land Coverage Calculations				
Not Let Area (approximately 12.2 agree pared), ADN 112.050, 001);	532.925 sf			
Net Lot Area (approximately 12.2-acre parcel; APN 112-050-001): Allowable Coverage By Land Capability District:	332,923 51			
Land Capability District 6 (TRPA Verified; Bailey - 30%):	156,347 sf			
Land Capability District 4 (TRPA Verified; Bailey - 20%):	2,354 sf			
Total Allowable Coverage:	158,701 sf			
Proposed Emergency Access Road Coverage:	2,672 sf (< 1%)			
Land Coverage to be Transferred:	0 sf			
Land Coverage to be Banked:	0 sf			
Excess Land Coverage:	0 sf			
Sources: Auerbach Engineering Corporation 2008; EDAW 2007				

(Final EA/EIR, p. 2-24.)

Scenic Resources: Alternative E would have similar but reduced scenic impacts compared to Alternative A. Fewer trees (100 compared to 130) would be removed due to construction. The buildings would continue to require an increase in the maximum building height to the same extent as described for Alternative A, but fewer buildings would be constructed. The increase in light and glare would require mitigation to control lighting as with Alternative A, but fewer buildings and thus fewer lighting fixtures would be constructed. No new significant impacts or substantially more severe impacts would result with Alternative E, and the scenic resource impacts of Alternative E would be slightly less than those identified for Alternative A.

Cultural Resources: Impacts on cultural resources would be the same for Alternative E as for Alternative A. No new significant impacts or substantially more severe impacts would result with Alternative E, and the scenic resource impacts of Alternative E would be similar to those identified for Alternative A.

Vegetation and Wildlife: Impacts to vegetation and wildlife would be similar with Alternative E because the site would continue to be developed. Approximately 30 trees that would be removed from the project site with Alternative A would remain with Alternative E. An additional 32 trees would need to be removed from the easement to accommodate construction of the secondary emergency access road. In sum, Alternative E would remove two more trees than Alternative A. Impacts on special-status species, bats, and raptors would be the same. No new significant impacts or substantially more severe impacts would result with Alternative E, and the vegetation and wildlife impacts of Alternative E would be similar to those identified for Alternative A.

Public Services and Utilities: Impacts on public services and utilities would be reduced with Alternative E from Alternative A because the smaller development would accommodate approximately 242 occupants rather than 302 with Alternative A. These impacts were identified as being less than significant for Alternative A and would remain so for Alternative E. The impact on emergency access during construction, identified as significant before mitigation with

Alternative A, would remain significant but would be mitigated for Alternative E. However, Alternative E would have a reduced impact on emergency service over the long term because secondary emergency access would be provided at the north end of the project site. No new significant impacts or substantially more severe impacts would result with Alternative E, and the public services and utilities impacts of Alternative E would be similar to those identified for Alternative A.

Traffic, Parking, and Circulation: Alternative A is evaluated as generating approximately 299 net new daily trips during the peak summer months. Because fewer fractional ownership units and fewer affordable housing units would be constructed with Alternative E, the number of net new daily summertime trips would be reduced to 211; therefore, while the project applicant would still be required to contribute to the Air Quality Mitigation Fund and the County's Traffic Impact Fee, the total amount of these fees would be reduced compared to Alternative A. Because the emergency access road would be gated on both ends to ensure that it remains available primarily for use by emergency vehicles and restricted from use by through traffic, Alternative E would not create new traffic impacts on National Avenue not previously considered in the Draft EA/EIR. Its location could also allow use as part of a future bike path, indicated in Alternative A as joining the proposed project roadway at the northeast corner of the site. No new significant impacts or substantially more severe impacts would result with Alternative E, and the traffic, parking, and circulation impacts of Alternative E would be reduced from those identified for Alternative A.

Air Quality: As with vehicle miles traveled, the amount of air pollutant emissions resulting with Alternative E would be reduced relative to Alternative A because fewer occupants would be present. Construction emissions would be slightly reduced because fewer units would be constructed. The project applicant would be required to implement emissions control measures to mitigate for construction impacts, and to pay the Air Quality Mitigation Fee to mitigate for long-term vehicle trip-related impacts. No new significant impacts or substantially more severe impacts would result with Alternative E, and the air quality impacts of Alternative E would be reduced from those identified for Alternative A.

Noise: Construction noise would remain significant with Alternative E, and mitigation would be required to reduce that impact to a less-than-significant level. Mitigation would still be required for HVAC noise, and land use compatibility would remain a concern that requires mitigation. No new significant impacts or substantially more severe impacts would result with Alternative E, and the noise impacts of Alternative E would be the same as those identified for Alternative A.

Hazards and Hazardous Materials: Impacts relating to hazards and hazardous materials would remain unchanged by the changes to the project between Alternative A and Alternative E, and mitigation for construction impacts would continue to be required. No new significant impacts or substantially more severe impacts would result with Alternative E, and the hazards and hazardous materials impacts of Alternative E would be the same as those identified for Alternative A. (Draft EA/EIR, pp. 2-18 to 2-25.)

4. Environmentally Superior Alternative

As summarized above, and as discussed in the Draft EA/EIR and Final EA/EIR, Alternatives A, B, C, and E all result in less than significant environmental impacts after mitigation. Section 19.5 of the Draft EA/EIR, "Environmentally Superior Alternative/Environmentally Preferred Alternative," explains that the No Project Alternative would avoid the less than significant impacts generated by the project, and would therefore be considered the environmentally superior alternative with respect to CEQA. The No Project Alternative would not meet the project objectives stated in Chapter 3, "Project Description," of the Draft EA/EIR. CEQA Guidelines Section 15126(d)(2) requires that the EA/EIR identify another alternative as environmentally superior. Alternative C is identified in Section 19.5 of the Draft EA/EIR as the environmentally superior alternative among the other development alternatives because it would:

- reduce the amount of land coverage, which would reduce soils, hydrologic, and biological impacts;
- reduce the number of tourist accommodation units and occupants at the complex, which would reduce the associated traffic, air quality, noise, and utilities and public services impacts;
- include several recreational elements such as a kayak/bicycle concessionaire's facility, a public pedestrian footpath, bicycle racks, and a Sandy Beach Recreation Area shared day use parking area; and meet the project objectives listed in Section 3.3 of Chapter 3, "Project Description."

(Draft EA/EIR, p. 19-3; Final EA/EIR, p. 2-4.)

The Commission notes that Alternative E is similar to Alternative C, except that Alternative E does not incorporate the recreational elements incorporated into Alternative C. (See Final EA/EIR, § 2.5.7.)

C. <u>CONCLUSION</u>

As explained above, the Planning Commission has balanced the benefits of each alternative along with other environmental, economic, social, and technological considerations and has concluded that the Alternative E is the appropriate alternative to approve. Because all of the environmental impacts associated with Alternative A (the original proposal) may be reduced to less than significant levels with mitigation, the Planning Commission goal in evaluating the project alternatives was to select an alternative that feasibly attains the project objectives, while further reducing the proposed project's impacts. After balancing environmental factors against the benefits of each alternative, the Planning Commission has concluded that Alternative E feasibly attains the project objectives and further reduces the proposed project's impacts. Furthermore, the Commission finds that the proposed project's benefits to the Placer County community and economy outweigh the less than significant environmental impacts of the project.

ACRONYMS AND ABBREVIATIONS

μin 1 micro inch

μg/m3 micrograms per cubic meter

AADT annual average daily traffic

AB Assembly Bill

AB 2588 Air Toxics Hot Spots Information and Assessment Act of 1987

ACM asbestos-containing materials

ADT daily traffic volumes

ANSI American National Standards Institute
APC Advisory Planning Commission
APCO Air Pollution Control Officer
APN Assessors Parcel Number

ASTM American Society for Testing and Materials

ATCM Airborne Toxics Control Measure

BACT best available control technology for toxics
Basin Plan Water Quality Control Plan for the Lahontan Basin

bgs below ground surface
BMP Best Management Practices

CAA federal Clean Air Act

CAAA federal Clean Air Act Amendments of 1990
CAAQS California ambient air quality standards

California Division of Mines and Geology California Geological Survey

California Geological Survey

California Division of Mines and Geology

Cal-OSHA California Occupational Safety & Health Administration

Caltrans
CASQA
California Department of Transportation
CASQA
California Stormwater Quality Association
CBC
California Building Standards Code
CC&R
covenants, conditions, and restrictions

CCAA California Clean Air Act
CCAP Center for Clean Air Policy
CCR California Code of Regulations

CDF California Department of Forestry and Fire Protection

CDMG California Department of Conservation, Division of Mines and Geology

CEQA California Environmental Quality Act

CEP Lake Tahoe Community Enhancement Program

CESA California Endangered Species Act
CFR Code of Federal Regulations
cfs cubic feet per second

CHABA Committee of Hearing, Bio Acoustics, and Bio Mechanics

CHP California Highway Patrol

CIWMA California Integrated Waste Management Act
CNDDB California Natural Diversity Database

CNELs community noise levels
CNPS California Native Plant Society

CO carbon monoxide

Community Noise Equivalent Level CNEL

Conservancy California Tahoe Conservancy
County General Plan Placer County General Plan

CPUC California Public Utilities Commission
CRHR California Register of Historical Resources

CTC California Tahoe Conservancy
CWA federal Clean Water Act

CY cubic yards

 $\begin{array}{ccc} \mbox{Day-Night Noise Level} & & \mbox{L_{dn}} \\ \mbox{dB} & & \mbox{decibels} \end{array}$

dBA A-weighted decibels

dBA/DD A-weighted decibels per doubling of distance

dbh diameter at breast height

DFG California Department of Fish and Game

diesel PM PM from diesel-fueled engines

DOT U.S. Department of Transportation

DPR Department of Parks and Recreation

DRC Placer County Department of Resource Conservation

DTSC Department of Toxic Substances Control

DU Dwelling Unit

EA environmental assessment

EIAQ environmental impact assessment questionnaire

EIP Environmental Improvement Program

EIR environmental impact report

EPA U.S. Environmental Protection Agency

ERC Placer County Environmental Review Committee

ESA federal Endangered Species Act
ESA Environmental Site Assessment

ETCC environmental threshold carrying capacities

Fed-OSHA Federal Occupational Safety and Health Administration

FEMA Federal Emergency Management Agency

FHWA Federal Highway Administration
FIP Federal Implementation Plan
FPR Forest Practice Rules
FTA Federal Transit Authority

gpm gallons per minute
GVW gross vehicle weight

HAP hazardous air pollutants

HCD California Department of Housing and Community Development

HCPhabitat conservation plansHDPEhigh density polyethyleneHEPAHigh Efficiency Particulate Air

hp horsepower

HPS high pressure sodium

HUD U.S. Department of Housing and Urban Development

HVAC heating, ventilation, and air conditioning

Hz hertz

in/sec inch per second

ISA International Society of Arboriculture
ISO Insurance Service Organization
ITE Institute of Transportation Engineers

lbs/day pounds per day

LCD Land Capability District LDM Land Development Manual **Equivalent Noise Level** L_{eq} LEV Low Emission Vehicle LID low impact development L_{max} Maximum Noise Level Minimum Noise Level L_{min} LOS Level of service

LRWQCB Lahontan Regional Water Quality Control Board

LTAB Lake Tahoe Air Basin

LTRTC Lake Tahoe Railway and Transportation Company

m meters

MACT maximum available control technology for toxics

MBTA Migratory Bird Treaty Act
MLD Most Likely Descendant(s)
MMP Mitigation and Monitoring Plan

MMRP Mitigation Monitoring and Reporting Program

mph miles per hour

MRF Material Recovery Facility
MRZ Mineral Resource Zone
MSDS Material Safety Data Sheets

msI mean sea level MW Megawatts Mwh Megawatt hours

NAAQS national ambient air quality standards
NAHC Native American Heritage Commission
NCCP natural community conservation plan
NCIC North Central Information Center

NEHRP National Earthquake Hazards Reduction Program
NEHRPA National Earthquake Hazards Reduction Program Act

NESHAP national emissions standards for HAPs

NIST National Institute of Standards and Technology

NMHC non-methane hydrocarbon

NO₂ nitrogen dioxide

NOA Naturally occurring asbestos

NOAA Fisheries Service National Oceanic Atmospheric Administration, National Marine Fisheries Service

NOD Notice of Determination
NOP Notice of Preparation

NPDES National Pollution Discharge Elimination System

NSF National Science Foundation

NTFPD North Tahoe Fire Protection District

NTPUD North Tahoe Public Utility District

NTRAC North Tahoe Regional Advisory Council

NTU Nephelometric Turbidity Units

OEHHA Office of Environmental Health Hazard Assessment

OES Office of Emergency Services
OHP Office of Historic Preservation

OHV Off-highway vehicle

ONRW Outstanding National Resource Water

OPR State of California, Governor's Office of Planning and Research

OSHA Occupational Safety and Health Administration

PAOT persons at one time
PAS Plan Area Statement

Pathway Lake Tahoe Regional Plan update process
PCAPCD Placer County Air Pollution Control District

PCB polychlorinated biphenyls

PCDEH Placer County Department of Environmental Health

PCSD Placer County Sheriff's Department

PM₁₀ aerodynamic diameter of 10 micrometers or less PM_{2.5} aerodynamic diameter of 2.5 micrometers or less

ppm parts per million
PPV peak particle velocity
PRC Public Resources Code

Quimby Act California Government Code Section 66477

REC recognized environmental conditions
Regional Boards Regional Water Quality Control Boards
Regional Plan Regional Plan for the Lake Tahoe Basin

RMS root mean square
ROG reactive organic gases

RPF Registered Professional Forester

RV recreational vehicle

RWQCB Regional Water Quality Control Board

SBC SBC Communications

SCADA Supervisory Control and Data Acquisition

sec per second

SENL Single-Event [Impulsive] Noise Level

SEZ stream environment zones

sf square feet

SIP State Implementation Plan

SMARA Surface Mining and Reclamation Act

 SO_2 sulfur dioxide SO_X sulfur dioxide

SPPC Sierra Pacific Power Company
SQIP Scenic Quality Improvement Program

SR State Route

SRA State Responsible Areas

State Water Board State Water Resources Control Board

Statistical Descriptor L_X

SWMM Storm Water Management Manual SWPPP Storm Water Pollution Prevention Plan

TAC toxic air contaminants
TART Tahoe Area Regional Transit
tourist accommodation units

T-BACT best available control technology for TACs

TCP Traffic Control Plan

TDM transportation demand management

THP Timber Harvesting Plan
TLCP Timberland Conversion Permit
TMP Tree Management Plan

TP test pit
TPY tons per year

TRPA Tahoe Regional Planning Agency

TRT Tahoe Rim Trail

TSM Transportation System Management
T-TSA Tahoe Truckee Sanitation Agency

TTSD Tahoe-Truckee Sierra Disposal Company, Inc.
TTUSD Tahoe-Truckee Unified School District

TVCP Tahoe Vista Community Plan

U.S. 50 U.S. Highway 50
UBC Uniform Building Code
USC United States Code

USDA U.S. Department of Agriculture USFWS U.S. Fish and Wildlife Services USGS U.S. Geological Survey UST underground storage tank

UV ultraviolet

VdB vibration decibels

VFD variable frequency drives
VMP Vegetation Monitoring Plan
VMT vehicle miles traveled
VOC volatile organic carbon

WQ Water Quality