

COUNTY OF PLACER COMMUNITY DEVELOPMENT/RESOURCE AGENCY

PLANNING SERVICES DIVISION

Michael J. Johnson, Agency Director

Paul Thompson, Deputy Director of Planning

HEARING DATE: October 18, 2011

ITEM NO.: 1

TIME: 10:05 am

TO:

Placer County Planning Commission

FROM: Development Review Committee

DATE: October 18, 2011

SUBJECT: Homewood Mountain Resort Ski Area (PSUB 20080052), Amendments to the West Shore Area General Plan, Conditional Use Permit, Planned Development Permit, Vesting Tentative Map, Development Agreement, Final Environmental Impact Report (SCH No. 2008092008)

LOCATION: The 1,250-acre Homewood Mountain Resort Ski Area is located on the west shore of Lake Tahoe, approximately five miles south of Tahoe City.

PROJECT APPLICANT: Art Chapman and David Tirman on behalf of Homewood Village Resorts, LLC

EXECUTIVE SUMMARY: The applicant is requesting approval of Amendments to the West Shore Area General Plan, a Conditional Use Permit for a Planned Development, a Vesting Tentative Subdivision Map, and a Development Agreement to allow for the development of a mixed-use ski resort project at the existing Homewood Mountain Resort Ski Area.

The proposed project is a joint development application with Placer County and the Tahoe Regional Planning Agency (TRPA). The project is a conceptual plan to redevelop the North Base area, which would include a variety of residential and resort-related improvements; the South Base area, which would include residential and Stream Environment Zone improvements; and the Mid-Mountain area, which would include a variety of ski facility and resort improvements.

A joint Environmental Impact Report/Environmental Impact Study has been prepared for the proposed project. Based upon comments received during the public review of the Draft EIR, the applicant revised the proposed project to address concerns raised by the community. The revised project (referred to as Alternative 1A in the environmental document), was analyzed as part of the Final EIR process, and the text for the Draft EIR was modified to incorporate this alternative, lower impact project.

Because of the project's location within the Lake Tahoe Basin, County staff and the applicant wanted to assure that the highest level of public outreach was provided. More than 10 Countysponsored meetings have been held to discuss the project, and the applicant has held more than 60 individual and community meetings to present the project. It was through comments received during this public outreach process, as well as during the comments received on the Draft EIR, that led the applicant to modify the design and placement of structures on the project site.

The Environmental Impact Report prepared for the proposed project identified a variety of impacts that may result from the implementation of the project. Mitigation measures have been identified to reduce the identified impacts to less than significant levels where feasible. Several identified impacts could not be reduced to less than significant levels. For such occurrences, the impacts were concluded to be significant and unavoidable. As required by the California Environmental Quality Act, special findings (i.e., Statement of Overriding Considerations) have been prepared for these significant and unavoidable impacts.

Based upon its analysis of the Draft and Final EIR, and based upon a thorough analysis of the project, staff has concluded the proposed project is an appropriate design solution for the project site, and staff recommends that the Planning Commission recommend the General Plan Amendments and Development Agreement to the Board of Supervisors, and approve the Conditional Use Permit and Vesting Tentative Subdivision Map for this project, subject to the Findings and Conditions of Approval included with this staff report.

BACKGROUND

The project site is within the West Shore Area General Plan boundaries. The General Plan designates the Homewood Mountain Resort as a major ski resort with related year-round development. The property is an active ski resort that opened in 1962 as a family run operation with simple tow lifts, but now has eight ski lifts and a full complement of 60 ski runs from beginner to advance. The resort has expanded over the years to include four main chairlifts and two distinct lodge areas at the base of the resort (the South Base off Tahoe Ski Bowl Way and the North Base located between Silver Street and Fawn Street west of Highway 89). The North Base lodge includes ticket sales, a restaurant, offices and ski patrol station and a substantial surface parking area. A small accessory pavilion is located at the mid-mountain section of the Madden lift above the North Base lodge. The mid-mountain area includes a membrane/tent structure that serves as a commissary. An abandoned concrete building foundation is directly to the east of the pavilion that was to be a commercial building to replace the temporary tent. The south lodge contains a three-story building with a restaurant, resort offices, and commercial storage. The ski maintenance yard and above ground fuel tank for the snow cats, groomers and snowmaking equipment are located directly south of the commercial South Base location.

Directly to the west and uphill from the resort buildings is Lake Louise, which is bisected by the United States Forest Service (USFS) jurisdiction boundary. The USFS land is part of the Homewood ski area but is under a USFS special use permit. The urbanized areas with existing neighborhoods along Highway 89 include "Homewood Residential" (Plan Area Statement 160) to the north and the "McKinney Tract" (Plan Area Statement 158) to the south, both of which straddle the highway and terminate at Lake Tahoe.

In July 2007, TRPA and Pathway 2007 partners launched the Community Enhancement Program (CEP), formerly known as the Demonstration Projects Program, which was designed to provide incentives to developers interested in creating mixed-use, transit-oriented development in the Lake Tahoe basin. The overriding goal of the CEP is to seek out projects that will demonstrate revitalization opportunities for local communities in a manner and context consistent with the needs of those communities in which they are being proposed. In order to participate in the CEP, projects are required to provide details and commitments on how their redevelopment project will provide these environmental improvements, above and beyond the normal project mitigation requirements. In early January 2008, the applicant submitted an application for participation in the program and to pursue the Master Plan Development through the CEP process. The environmental benefits proposed with the project include water quality improvements, retirement of sensitive lands, and an overall reduction in land coverage.



On February 27, 2008, the TRPA Governing Board approved the reservation of allocations for the Homewood Mountain Resort and eight other CEP projects through the adoption of Resolution 2008-11. The reserved allocations were initially set to expire on February 25, 2009 unless extended by TRPA upon a showing of adequate progress toward project approval. The Governing Board granted a one-year extension for all nine CEP projects in February 2009 and granted a second extension to all but one CEP project (KB Resorts) in February 2010. Earlier this year, TRPA received request letters from the project applicants and/or letters of support from the local jurisdictions to extend the reservation of allocations until the CEP projects completed their project review and approval process.

In response to comments received during the Draft EIR public review period, the applicant modified the project proposal and identified Alternative 1A as the proposed project. Changes to the project included moving the proposed parking structure from the existing gravel parking lot to the Highway 89 frontage just north of Fawn Street. The proposed commercial and residential building was moved to the existing gravel parking lot and will include only residential condominiums and some associated parking spaces. The modifications do not change the number of proposed multi-family residential or Tourist Accommodation Units (TAU's) or the amount of proposed Commercial Floor Area (CFA) at the North Base area. The total parking provided on-site increased by 11 surface spaces.

EXISTING SITE CHARACTERISTICS

Overall Site Characteristics

The majority of the existing Homewood ski facility is a mixture of forested second-growth trees with shrub understory. The area was previously logged, and very few of the largest trees remain. There are three perennial creeks that flow in an easterly direction into Lake Tahoe: Madden Creek which borders the north property line of Homewood with its headwaters starting at Ellis Peak (8,740 foot elevation) and flows through Lake Louise; Homewood Canyon (Ellis) Creek with its headwaters starting at Knee Ridge (8,416 feet); and Quail Creek which is the most southerly tributary on the Homewood property with its headwaters to the south of the property and flowing to Lake Tahoe through Quail Lake. There is also an unnamed intermediate creek between Madden and Homewood Canyon creeks. The creeks support riparian vegetation with mountain alder and willows.

North Base Area

The North Base site contains a two-story main ski lodge with a restaurant, ski rentals, and offices. There is a one-story building used for snowboard and ski rentals to the north of the lodge. Along with the buildings, there is a large parking area that includes approximately 700 surface parking spaces. To the west is a former schoolhouse building used for storage.

South Base Area

The South Lodge is a wooden three-story building containing a restaurant, offices, restrooms, and food storage area. There are also two smaller two-story buildings with offices, ticket sales, and a children's ski school. The base of the Quail Ski Lift is located west of the office building and the main maintenance building for the ski facility is located to the south balance of the lodge. Ellis Creek bisects the South Base area in an easterly direction, flowing into Lake Tahoe. The balance of the site is covered with asphalt and accommodates approximately 242 surface parking spaces.

Mid-Mountain Area

The mid-mountain area is located above (to the west) of the North Base and has a temporary white tent structure that is used during the winter. There is a concrete foundation for a previously approved 10,000 square foot restaurant that was never completed just to the east of the temporary tent.

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PROJECT DESCRIPTION

The applicant is requesting approval of a Conditional Use Permit (CUP), a Planned Development, and a Vesting Tentative Subdivision Map to allow for the proposed redevelopment of the Homewood Mountain Resort Ski Area. As proposed by the applicant, the project site is divided into three separate and distinct project areas: a mixed-use base in the north area of the resort, a residential development in the south area of the resort, and a mid-mountain lodge and support facilities in the upper area of the resort. The Vesting Tentative Subdivision Map allows for the creation of ten lots with two remainder lots. The applicant has the option to record one Final Map or multiple Final Maps based on the separation between the North and South Base project areas.

The applicant's vision for the Homewood Mountain Resort is to revitalize the aging facility and improve the ski area to allow for year-round use of the facilities, thereby allowing visitors to stay for extended periods of time. The upgrading of the resort is also intended to revitalize the surrounding neighborhoods through key redevelopment amenities that include shops such as a grocery store, and ice cream parlor, and a hardware store. The resort upgrade will also allow the resort not only to function during the winter with skiing, ice-skating and winter play, but it will also be improved to allow summer activities like the summer farmers market, public art display, and an amphitheater.

Removal of Existing Structures

The initial step of the Project development would include the removal of existing structures and ski area facilities. At the North Base area, the proposed project will remove four existing ski lifts (including beginner lifts and the base of the Madden Ski Lift) and associated pads, footings and utilities; buildings and concrete foundations; storm drain structures; asphalt parking surfaces; overhead transmission lines; and a pumphouse.

At the South Base area, the proposed project will remove one existing ski lift (the beginner surface lift) and associated pads, footings and utilities; buildings and concrete footings; asphalt parking surfaces; and overhead transmission lines..

At the Mid-Mountain area, the proposed project will remove existing shacks, an abandoned foundation, the white tent structure, the top station of the existing Madden Ski Lift and associated pads, footings and utilities.

Design Concept

The design concept for the proposed project integrates the "Old Tahoe" architectural style. Architectural features include hipped and gabled roofs, dormers, exposed timber, and natural materials. Consistent with this historic architectural style, buildings will be clustered to conserve natural areas and reduce the visual prominence of structures. All construction materials will be consistent with the requirements of the building construction type per the California Building Code and appropriate for a wildland interface area. As proposed by the applicant, two-story structures will be located along project perimeter and the Highway 89 frontage, with three- to four-story buildings set back from the roadway and behind shorter structures and a pedestrian plaza.

Proposed Winter Operations

Homewood Mountain Resort is currently operated as a winter ski facility. Through the proposed project, the applicant is proposing to improve the resort operations by updating aging infrastructure, adding lodging, condominium, and timeshare amenities. Other upgrades would include food services and skier support facilities as well as a skating rink at North Base. The upgrading of the facilities with overnight accommodations will allow resort guests to extend their stay.

Proposed Summer Operations

In an effort to create a true year-round resort, the project applicant proposes to provide new amenities during the summer months that will create a key gathering place for visitors and surrounding neighbors. These summer amenities would include a new outdoor amphitheatre and a miniature golf course.

Approval of the CUP would allow for the following uses on each lot. Minor adjustments in the building floor area noted below may be approved, subject to the review and approval of the Planning Director.

North Base Area Improvements

The approximately 17-acre North Base area will include six new mixed-use structures and eight new townhouse structures to provide up to:

- 36 residential condominiums (multi-family residential units);
- 16 townhouses (multi-family residential units);
- 20 fractional or whole ownership units (TAUs with 10 percent or more units with kitchens);
- A resort lodge with 75 traditional hotel rooms (TAUs with less than 10 percent of units with kitchens),
- 40 two-bedroom for sale condominium/hotel units and 30 penthouse condominium units (TAUs with 10percent or more units with kitchens located on the upper floors of the hotel);
- 25,000 square feet of commercial floor space (a portion of which may be provided at the Mid-Mountain lodge);
- 13 employee/workforce housing units (multi-family residential bonus units);
- A 272-space day skier parking structure on four levels; and
- 30,000 square feet of skier services to provide food and beverage service, adult and children's ski school services, rental shop, locker facilities, restrooms, first aid, and mountain administration and operations offices.

Under the proposed project, day-skier access and ski resort amenities and services will be relocated to the North Base in Buildings A and B. The proposed project will provide 729 parking spaces at the North Base (with potentially up to 770 spaces provided based on final parking layout design), including 272 day-use parking spaces in a four-level parking structure located adjacent to Building P, 47 limited surface parking spaces at the retail and skier drop-off area, and 410 underground valet stacked and single parking spaces below the hotel and skier services buildings (Buildings A and B).

The proposed 75-room, five-star boutique-style hotel (Building B) will feature resort amenities that are expected to include full service restaurant, spa and fitness facility. In addition to the Hotel rooms, there will be combined with up to 40 two-bedroom, two-bath condominium/hotel units and 30 individually-owned penthouse condominium units. The condominium/hotel units and penthouse condominium units will be individually owned and owners will be offered full hotel services. The 36 residential condominiums and up to 20 fractional ownership units will be spread between the other north base buildings.

The proposed project locates Building C within the existing gravel parking area south of Fawn Street and across from the existing single-family residences along Sacramento Avenue. The commercial floor area formerly included in Building C will be included on the northwest side of the parking structure (Building P) to remain adjacent to the proposed pedestrian plaza. Some of these residential condominium units will be located in buildings with village retail space on the ground floor. Thirteen employee/workforce housing apartments, some with up to four bedrooms each, will be located on the perimeter of Building P.

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Vehicle access to 16 townhouses in eight buildings in the North Base area would be via an approximately 1,500-foot-long extension of Tahoe Ski Bowl Way from the South Base area. Per Placer County requirements, a secondary emergency access road is required to be constructed to serve these townhomes due to the length of Tahoe Ski Bowl Way extension, as dead end roads must not be more than 1,320 feet long. The secondary emergency access will utilize the existing South Street public highway easement located between Sacramento Avenue and the extension of Tahoe Ski Bowl Way.

The buildings within the North Base area will range from one- to four-stories in height, and the maximum height of the structures will be 50 feet above average grade. To reduce the overall vehicle trips associated with the proposed project, a water-taxi will be provided that will shuttle customers from Tahoe City and other locations to the project site, thereby eliminating the need to drive to the resort. This alternative mode of transportation will be provided during the summer months.

An earthen outdoor amphitheater with non-fixed seating for up to 1,500 persons, located in the common area between Lots 5 and 6. A gathering area to include an ice skating pond in the winter and a miniature golf course in the summer, located in the common area between Lots 4 and 8.

South Base Area Improvements

Under the proposed project, the South Base area will be converted to a neighborhood residential area, with day-skier access and skier amenities re-located to the North Base area. The approximately six-acre South Base area will include up to 95 residential chalets and condominiums (multi-family residential units). The condominiums (up to 47 total) will be located in a central lodge building know as Building A. The balance of the residence units will include 48 chalets that will be clustered to the north and south of the central lodge. The chalets and condominium lodge structure will be located at the present location of the children's facilities, ski school, and day lodge buildings that would be removed. Two of the condominium buildings from the prior plan (A1 and B) will be replaced with 24 Chalet buildings, each containing two multi-family residential units for a total of 48 units. Nine of the Chalets would be located in the approximate footprint of Building A1 (units A1-1 to A1-9) and 15 of the Chalets would be located in the approximate footprint of Building B (units B1 to B15). The northern-most Chalets would be located farther up the hillside from Tahoe Ski Bowl Way than Building B to provide greater separation from existing single-family homes. Up to 47 additional multi-family residential condominiums would be provided in Building A, for a total of up to 95 residential units under Alternative 1A.

There will be underground parking spaces provided located directly below the central lodge/condominium footprint, which utilizes the excavation required for the building foundations and allows for more pervious landscape surfaces around the buildings in lieu of surface parking. As proposed by the project, 49 spaces would be provided underground below Building A, along with two-car garages for each of the 48 multifamily residential unit located in the Chalets, totaling 145 parking spaces. During peak seasons, the area will include a small skier service/snack bar in the residential building.

The South Base area will include access to 16 new townhouses located slightly above the North Base area off an extension of Tahoe Ski Bowl Way. At its crossing of Homewood Creek adjacent to the existing base lodge, Tahoe Ski Bowl Way will be realigned slightly to the east and the existing culvert will be removed and replaced with a bridge span and an extensive stream embankment restoration. County requirements for the realigned segment of Tahoe Ski Bowl Way include a 40-foot minimum right-of-way width and a turnaround with public road easement dedication at the end of the Tahoe Ski Bowl Way public road easement (just north of the proposed South Base area buildings). The existing maintenance facility and surface parking areas will be removed from the South Base area.

Buildings in the South Base area will range from one- to three-stories in height, and the maximum height of the structures will be 50 feet above the existing grade. Additional site improvements at the South Base Area will include culvert removal and Stream Environment Zone (SEZ) restoration and enhancement of Homewood Creek ecosystem within the realignment of Tahoe Ski Bowl Way.

Mid-Mountain Area Improvements

The Mid-Mountain area will include:

- A 15,000 square feet day-use lodge with a detached gondola terminal linked to the lodge by a covered passage;
- A learn-to-ski lift;
- A food and beverage facility with indoor & outdoor dining (part of day lodge);
- A small sundry outlet (part of the proposed day lodge);
- An outdoor swimming facility for use during the summer months by West Shore residents (adjacent to the day lodge);
- A snow-based vehicle (e.g., grooming equipment) maintenance facility; and
- Two water storage tanks located up-hill from the day-use lodge.

The Mid-Mountain lodge will replace the existing white tent structure and the abandoned concrete foundation located at Mid-Mountain near the top of the Madden ski lift. As part of the proposed project, the composting toilet/restroom will be removed and replaced with connections to the public sewer system. The learn-to-ski lift will be located north of the proposed lodge on gently sloping terrain. The snow-based vehicle shop/maintenance facility (i.e., no rubber-tired vehicles) will be relocated from the South Base area to the Mid-Mountain area in an 8,000 square foot facility directly behind the gondola terminal. Two 250,000-gallon water storage tanks will be constructed at Mid-Mountain area on the slope above the vehicle shop/maintenance facility to serve the entire Homewood Mountain Resort project area.

The mid-mountain lodge will include the following accessory uses:

- Office of Emergency Services (OES) communication room, repeater antennas and emergency generator room;
- An emergency cache room (firefighting equipment) for North Tahoe Fire Protection District (NTFPD); and
- A possible Homewood ski patrol office.

The project applicant will work with the North Tahoe Fire Protection District to determine the size and equipment requirements for the cache room, including the maintenance of any equipment proposed to be located in the

Project Phasing

As proposed by the applicant, it is anticipated that a project being constructed under a Master Plan will be accomplished over time. TRPA's master plan guidelines anticipate the phasing of the project and requires that the master plan document describe, in general terms, when specific project elements will be constructed. The project applicant anticipates an approximately ten-year time frame for the build out of the Ski Area Master Plan. The following outlines the anticipated development phasing.

Phase 1: Mid-Mountain and North Base area - Implementation in years 1 through 5:

Phase 1a: Mid Mountain Day Lodge and accessory structures (two 250,000-gallon water tanks and Gondola terminal); Mid-Mountain Maintenance Facility, Gondola, North Base Amphitheater, North Base Hotel/Lodge (Building B), North Base Day Skier Services Building and Residential Units

(Building A), Landscape/Ice Pond Area, North Base Employee/Workforce Housing, Commercial, and Day Skier Parking Structure (Building P), TCPUD bike trail extension, and LEED Commissioning;

Phase 1b: North Base Residential Building Adjacent to Highway 89 (Building D); North Base Residential Building Adjacent to Highway 89 (Building E); and

Phase 1c: North Base Residential Building at intersection of Fawn Street and Sacramento Street (Building C).

A Phase 1 construction staging and parking plan will be prepared at the beginning of Master Plan implementation – the project applicant intends to shut down the entire North Base area for Phase 1 construction and utilize the existing parking areas according to a detailed construction logistics plan. The focus of the first phase 1a would be the hotel, day skier facility, and parking/workforce housing structure, which would leave the existing paved parking area fronting Highway 89 open and available for staging of materials and construction parking. During Phase 1a construction, winter ski operations would continue to operate out of the South Base area.

Phase 2 – South Base – Implementation in years 6 through 10:

Phase 2a: Culvert Removal, Tahoe Ski Bowl Way road realignment and SEZ Restoration; South Base Residential Buildings (Chalets B1 to B15);

Phase 2b: South Base Residential Building A; and

Phase 2c: South Base Residential Buildings (Chalets A1-1 to A1-9).

Alternative Transportation Plan

In an effort to reduce vehicle trips on the project site and in the surrounding area, the applicant is proposing to include an Alternative Transportation Plan (ATP) with this proposed project. One of a series of transportation strategies, the ATP is expected to include the following year-round, winter, and summer program elements:

Year-Round

- Extension of TCPUD West Shore Bike Trail to the North Base area
- Employee Shuttle Bus
- Employee Public Bus Transit Fares
- Scheduled Shuttle Service
- North Base-South Base Shuttle Service
- Electric/Hybrid Car Rental Service
- Free "Bicycle Share" Service

Winter Program

- Winter West Shore Dial-a-Ride Service
- Skier Intercept Shuttle Service

Summer Program

- Water Taxi Service
- Summer West Shore Dial-A-Ride Service

Additional transportation strategies will include:

- Accommodate boat trailer parking during the summer at day skier parking facilities;
- Day skier parking control (e.g., limit ticket sales so that parking does not exceed onsite supply); and
- Transportation Information Exchange (e.g., provide information on Tahoe City electronic signboard to notify day skiers when ski resort is at capacity).

The proposed summer water taxi service is planned for operation from approximately mid-May to the end of September. The service is planned to be operated using a vessel with up to a 25-passenger capacity between Homewood and Tahoe City. There may be other periodic service between Homewood and South Shore as well, dependent upon demand. This service is planned to be operated seven days a week between 9 AM and 8 PM on at least an hourly frequency. Residents and guests at the Homewood Mountain Resort will be served at no fare, while other passengers will be served as space permits for a modest fare. This service is designed to provide an opportunity to get out on the Lake while also avoiding the existing traffic congestion in the Highway 89/Highway 28 Wye (e.g., Fanny Bridge) area.

Should demand warrant in the future, one additional water taxi could be added with the same capacity as described above. The plan would be to acquire a fuel efficient (possibly hybrid electric technology), low noise emitting water taxi vessel. With Homewood's recent acquisition of the lakeside West Shore Café, the water taxi would pick up passengers at the café pier, which is an existing pier structure designed to allow for passenger drop-off and pick-up. The potential use of the existing pier for use by a water taxi would be subject to any requisite regulatory approvals, but is not expected to require any additional facilities. Parking for use of the water taxi would not be required at the West Shore Café since it is intended to serve guests and area residents who would walk to the pier from their accommodations. Fueling, storage and maintenance of the water taxi(s) could occur at one of the two adjacent Homewood marinas.

Leadership in Energy and Environmental Design (LEED)

In an effort to provide the highest level of design for the proposed project, the project applicant is proposing to develop the North Base area consistent with the requirements of LEED. The North Base area has been accepted into and will be designed under the Leadership in Energy and Environmental Design (LEED) for Neighborhood Development Pilot Program as an example of exemplary green and sustainable development. The South Base area, although not appropriate for the LEED for Neighborhood Pilot Program because it is not a mixed-use development, will be designed to achieve sustainable development goals using the LEED criteria as a template.

The LEED certification standards put a great emphasis on the reuse of building materials and the limiting of waste disposal for previously developed sites. The project area has a number of existing buildings that will be taken down as part of the redevelopment process. The architecture of the new buildings will utilize the some of the existing materials from these dismantled structures. The opportunities for reuse are not limited solely to the architecture. The components from old chair lifts can be used when building new chair lifts on-site or at other local ski resorts. The ability to implement the sustainable practice of material reuse and decreasing waste production will be one way that HMR can minimize their impact on the environment.

The project applicant is creating a "Green Guide" or sustainability plan that addresses the concerns associated with the building process. Architectural design at the Project area will consider the "lifecycle" costs of the infrastructure and buildings used at HMR. Green building principles that are planned to be implemented during redevelopment include:

 Building Orientation - The proper positioning or orientation of the buildings to play a significant role in how much energy is expended throughout the year.

- Building Materials The materials from the de-constructed buildings will be recycled and reused in new buildings and the components from old chair lifts can potentially be reused at HMR and at other ski resorts.
- Building Energy Efficiency The buildings in the Project area will be well-insulated with tight
 construction and the use of non-toxic and/or recycled insulation materials and plans will
 include exploring ways to recapture waste heat from boilers for uses such as radiant heat
 systems, domestic hot water, laundry needs, pools, hot tubs and other places that require
 heat.
- Building Electrical Systems For spaces that require artificial lighting, high efficiency lighting that utilize fluorescent and LED fixtures will lower energy costs.
- Water Conservation Low flow efficient fixtures are planned in all facilities including transient lodging, residential, and commercial. HMR will comply with TCPUD's Water and Sewer Ordinance, specifically TCPUD's Ordinance 264 Water Conservation and Drought Response Standards.
- Water Use A portion of roof runoff, which is generally considered clean runoff that does
 not require mechanical treatment, will be routed to and captured in cisterns located next to
 residential and commercial buildings for use as supplemental irrigation water for landscaping
 and potentially tying in to the snow making system during winter months. Use of roof runoff
 will require compliance with TCPUD's Water Ordinance, specifically Section 7 CrossConnection Control.

Utilities

Power lines (32 kV or less) associated with the development of the proposed project will be installed underground within the project area and along the Highway 89 right-of-way corridor. An overhead power utility corridor currently exists and will be utilized for future subsurface placement of electric power in collaboration with Nevada Energy. The project applicant will participate in the funding for planning and construction of the existing and proposed sub-surface electric lines within the Project area.

The existing on-site above-ground 3,000-gallon diesel fuel tank will remain at the South Base area until the start of Phase 2 construction, which includes the demolition of the existing South Base ski and maintenance facilities. With the demolition of the South Base maintenance facility, the existing diesel tanks will be relocated to the south end of the South Base area, located on a new paved pad immediately adjacent to the existing mountain access roadway. If permitted by applicable regulatory agencies, standards, codes, laws and regulations (e.g., NTFPD) as a subsequent phase of the buildout of this project, new fuel tanks will be constructed at the new Mid-Mountain maintenance facility and will be sized to sustain operations throughout the winter because diesel fuel trucks would be unable to access the mid-mountain when snow cover is present. The project applicant estimates that a total of 40,000 gallons will be needed at Mid-Mountain for winter operations. This quantity of storage would be provided by two 20,000-gallon above-ground tanks that would be located underneath the maintenance facility within the crawl space. The tanks would be serviced from the paved apron area adjacent to the maintenance building. The project applicant will connect to domestic water and sewer systems at existing connection points located within the project area at the North and South Base areas to serve the entire project area, including the Mid-Mountain area and the future 16 townhomes to be constructed at the end of the proposed extension of Tahoe Ski Bowl Way. Water distribution and sewer collection system installation within the Homewood Mountain Resort project development will be completed with the construction of each phase of the Master Plan.

Snowmaking

The existing snowmaking system will be upgraded to ensure adequate early and late season snowpack. Adequate snow depth provides a predictable and safe sliding surface for skiing and snowboarding. Ideally, ski trails require in excess of four feet of snow to ensure a long lasting quality surface for a full season with typical weather conditions. Ski trails typically require a minimum cover of 12 inches of packed snow over a finely groomed summer surface. Less snow cover accelerates snow pack melting and can allow vegetation or other obstructions to emerge through the surface, posing hazards to skiers. The expansion of the snowmaking system from the current 23.8 acres to a total of 102.3 acres of ski trails requires additional water supply, distribution pipelines, electrical supply, and transmission lines along with the snowmaking equipment necessary to convert these resources into snow. The pipeline and electrical power alignments generally follow existing onsite roadways or ski trails and are shown in snowmaking and electrical piping mapping included with the *Homewood Mountain Resort Snowmaking Plan* dated September 17, 2010.

Improvements Analyzed at a Programmatic Level

The following improvements were analyzed at a programmatic level and may require subsequent environmental review prior to development.

- Townhomes: Up to 16 townhomes overlooking the North Base area from the southwest, accessible from the South Base via a future extension of Tahoe Ski Bowl Way. Each townhome includes a two-car garage and driveway apron space to accommodate two additional vehicles.
- Snowmaking system expansion, including accessory buildings.
- Mid-mountain Learn-to-Ski Lift and Ellis Chair Lift replacement.
- Extension of cross-country ski trails at South Base area.
- On-Mountain road abandonment and restoration (e.g., restoration sites with potential use of project generated fill material).

Alternative 1A Changes

As previously discussed in this report, based upon comments from the public raised during the review of the Draft EIR for this project, and based upon comments received during multiple community meetings, the applicant has modified the overall design of the project to address comments and concerns identified with the project. The modified project, which is referred to as Alternative 1A in the EIR, includes the following highlights:

For the North Base area, the proposed parking structure (Building P) would be moved from the existing gravel parking lot location (as shown in Alternative 1) to the Highway 89 frontage just north of Fawn Street. The proposed commercial and residential building (Building C) proposed for the Alternative 1 parking structure location would be moved to the existing gravel parking lot and will only include residential condominiums and some associated surface parking spaces. The modifications for the North Base area would not change the number of proposed multi-family residential or tourist accommodation units, nor the amount of proposed commercial floor area. The total parking spaces provided on-site would increase by nine spaces.

The South Base area modifications include the elimination of two of the three large multi-family residential condominium buildings. These two buildings will be replaced with 24 smaller chalet buildings, each containing two condominium units and their associated parking in first-floor garages. The total number of multi-family residential units would be reduced from 99 in Alternative 1 to 95 in Alternative 1A (48 chalet units and up to 47 units in the remaining central lodge multi-family residential condominium building).

Under Alternative 1A, the proposed condominium/hotel tourist accommodation units would not include units with lock-offs as the site design for both the North Base and the South Base areas have been revised. The applicant has reduced the amount of excavation required to accommodate the proposed project, the proposed buildings have been clustered to reduce the footprint of the project, and the applicant has reduced the density of the South Base area by four units.

The proposed parking structure was relocated from the existing gravel parking lot to the Highway 89 frontage just north of Fawn Street.

The proposed commercial and residential building was moved to the existing gravel parking lot and will include only residential condominiums and some associated parking spaces.

The modifications addressed with the proposed project (Alternative 1A) do not change the number of proposed multi-family residential or Tourist Accommodation Units (TAU's) or the amount of proposed Commercial Floor Area (CFA) at the North Base area. The total parking provided on-site increased by 11 surface spaces. No new impacts result from the modified project than were previously identified for the originally proposed project.

DISCUSSION OF ISSUES

The West Shore Area General Plan identifies the Homewood Ski Resort as a place for tourism and recreation, and any new development of the ski resort should take into consideration the historic mixed-use development of the west shore. Previous resort development included the Tahoe Tavern as a landmark development that identified the project area as a resort destination. The site is also located on one of the largest privately-owned tracts of land in the Basin that is open to the general public as an outdoor recreational use. With its large tract of land and central location on the west shore along a State highway, the Homewood Mountain Resort property represents a unique opportunity to construct a mixed-use resort. The resort concept would also include year-round amenities that could be utilized by nearby residents as well as visitors to the resort. With the development clustered near the existing infrastructure and road system, the remaining portion of the site will be restricted from development and kept as a high quality, undeveloped recreation area for the public. The development will also serve as a general location where small-scale commercial opportunities are created for immediate neighborhoods rather than having to drive into Tahoe City.

The buildings have been designed and located so as to maximize the preservation preserve of trees, scenic vistas, and lake views. The buildings have also been designed in a manner to function like the historic mixed-use buildings that once stood on the west shore and will function as a meeting and gathering place that visually landmarks the property as a place of destination for a west shore visitor.

The proposed Homewood Mountain Resort project meets the intent of a regional ski area as defined by the Placer County General Plan and County Code. Specifically, the Homewood project would improve the supply of visitor accommodations on which the economy for the Tahoe area runs. Furthermore, the Planning Statement for the zoning district encourages mixed residential and commercial uses. Based on today's regulations in the Basin and using this project as a model to test today's regulations, it is necessary for the proponents of the project to obtain General Plan Amendments to comply with the mixed-use vision identified in the West Shore Area General Plan. By the project requesting these Amendments (as described in detail below), the site will focus development on the existing disturbed areas of the property, while at the same time reducing the amount of hard coverage on the property.

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ENTITLEMENTS REQUIRED FROM OTHER AGENCIES

In addition to the entitlements identified above for Placer County, the applicant will be required to obtain the following permits from other agencies:

- Amendment to the Water Table Tahoe Regional Planning Agency
- TRPA Regional Plan Amendments (Plan Areas, Code of Ordinances, and Goals and Policies) Tahoe Regional Planning Agency
- TRPA Ski Area Master Plan Adoption Tahoe Regional Planning Agency
- TRPA Construction Permit Tahoe Regional Planning Agency
- Commercial Service Permit Tahoe City Public Utilities District
- Commercial Service Permit Madden Creek Water Company
- Section 404 Permit U.S. Army Corps of Engineers
- Section 401 Permit Lahantan Regional Water Quality Control Board
- Section 402 (NPDES Compliance Lahanton Regional Water Quality Control Board
- Streambed Alteration Permit California Department of Fish and Game
- Amendment to the NTFPD Service Boundary Placer County LAFCo
- Water Service District Annexation Placer County LAFCo
- Encroachment Permit Caltrans
- Other Permits that may be required with the implementation of the proposed project

PROJECT ENTITLEMENTS FROM PLACER COUNTY

Approval of the project as requested by the applicant will require the following entitlements from Placer County:

- West Shore Area General Plan Amendments (e.g., add multi-family dwelling, increase residential density, expand Plan Area boundary)
- Conditional Use Permit / Planned Development Permit
- Vesting Tentative Subdivision Map
- Development Agreement
- Minor Boundary Line Adjustments

West Shore Area General Plan Amendments

The applicant proposes to amend the West Shore Area General Plan allowable uses as shown below. The West Shore Area General Plan Amendment and this project's Conditional Use Permit will establish the density between the various lands within the project area and will result in an overall density that is compatible with multi-family zoning within the Plan Area Statements. Overall, the residential density is proposed in disturbed areas of the site near existing infrastructure and roadways at a density of 15 units per acre - the maximum zoning density permitted in the West Shore Area General Plan.

The amendments to the zoning and permitted uses are shown on Attachment F and will include:

Homewood Mountain Resort (mid-mountain)

- A. Amendment to Plan Area Statement 157 to create a "Special Area 1" at mid-mountain;
- B. Add allowable uses within the newly created Special Area 1 of Plan Area Statement 157 "Homewood/Ski Homewood Area" to include:
 - 1. Personal Services (S) (To allow for weddings and other events)
 - 2. Participating Sports (S) (Would allow various outdoor sports and recreation activities including, but not limited to tennis courts, swimming and tennis clubs, ice rinks, and athletic fields)

- C. Add the mid-mountain area as a commercial receiving area for the mid-mountain lodge and maintenance facility for the Ski Resort. Plan Area Statement 157 "Homewood/Ski Homewood Area" to be amended to include Special Area of the mid-mountain area to allow development of a resort restaurant as an incidental use to Homewood Mountain Resort.
- D. Modify Special Policy 6 to allow commercial use at mid-mountain lodge.
- E. Modify Special Policy 8 to allow commercial use at mid-mountain lodge pursuant to a ski area master plan.

North Base:

- A. Modify Plan Area Statement 159 "Homewood/Commercial" with its permissible uses to include the North Base proposed project area in its entirety (16.4 acres).
- B. Amendment to Plan Area Statement 159 boundary to create Special Area 5 at the North Base to also allow the following additional uses:
 - 1. Multi-family (S) at a density of 15 units per acre
 - 2. Privately owned assembly and entertainment (S) (To allow for commercial-operated facilities for public assembly and group entertainment with a capacity of greater than 300 persons such as auditoriums, exhibition and convention halls, theaters, meeting halls, amphitheaters)
 - 3. Increase employee housing maximum density from 8 units per acre to 15 units per acre
- C. Add Transfer Development Right (TDR) receiving area to allow multi-family units to the newly created Special Area #1

South Base:

- A. Modify Plan Area Statement 158 "McKinney Tract" to include the South Base proposed project area in its entirety (6.6 acres) into a newly created Special Area 1
- B. Plan Area Statement 158 "McKinney Tract" to include Special Area #1 with the following language: "Special Area #1: In addition to the uses listed in the general list in PAS 158, the following list of permissible uses is also applicable in Special Area #1 of the Homewood South Base:

Multi-family (S) at a density of 15 units per acre

Add Transfer Development Right (TDR) receiving area to allow multi-family units to the newly created Special Area #1

The West Shore Area General Plan that was adopted in 1998 anticipated that the existing Homewood Ski Facility would eventually be upgraded and redeveloped. Even though the adopted Plan Area Statements specify permissible land uses within the geographical area, a majority of the Ski Facility is located within a classification that limits land uses to recreational only. Plan Area amendments for the zoning boundaries at the North and South bases as well at mid-mountain would allow a set of land uses to be permitted within these special areas and allow the resort to be upgraded and redeveloped with a variety of land uses in a mixed-use type of development such as commercial, residential, and tourist accommodation uses. The zoning amendments are only proposed in areas that are already disturbed and are in need of redevelopment that would include

removing older structures, paved parking, and replacing them with uses that meet the current codes and regulations of the County. The proposed project is changing the zoning designation for the three areas listed above to include the appropriate mixture of land uses to build a resort facility.

Plan Area Statement (PAS)	Allowable Uses	Special Use	Amended Use
157 (Mid Mountain)	-Day Use Areas	-Cross Country Skiing Courses -Skiing Facilities -Eating and Drinking Places -Food and Beverage Retail	-Personal Services (S) -Participation Sports Facilities (S)
		-General Merchandise -Recreation Services	
158 (SouthBase)	-Single family dwelling		-Multi-family Dwellings (S) -Skiing Facilities (A) -TDR Receiving Area for existing development and multifamily units
159	-Hotel MotelTransient dwelling	-Employee Housing	-Multi-Family Dwelling (S)
(NorthBase)	-Participant Sports Facilities -Outdoor Recreation Concessions	-Single-family Dwelling -Timeshare (hotel and residential design)	-Privately owned Assembly and entertainment (S) -TDR Receiving Area for Multi-family Units
	-Day Use Areas -Eating and Drinking Places -Food/beverage Retail -General Merchandise	-Skiing Facilities -Outdoor Retail -Amusement and Recreation Services -Outdoor Amusements -Personal Services	-TDR Receiving Area for TAU Bonus Units (Special area at North Base Only)

In reviewing the proposed project, staff has concluded the proposed West Shore Area General Plan Amendments are in keeping with the intent of the West Shore Area General Plan for the "Ski Homewood" area and its designation as a ski facility. Additionally, the hotel, single-family, and multifamily uses do not exceed the density allowed elsewhere on the north shore of Lake Tahoe. Adding the specific uses identified above will promote and encourage a mixture of housing options and density within a location concentrated on the existing Homewood Resort developed areas. The West Shore Area General Plan Amendment will establish the density between the various lands within the project area and result in an overall density that is compatible with multi-family zoning within the Plan Area Statements.

Conditional Use Permit/Planned Development

The project requires a Conditional Use Permit (CUP) to establish a Planned Development and approval of a phased Tentative Subdivision Map that divides the project site into 10 large lots and 2 remaining parcels for phasing and financing purposes. Future subsequent project applications beyond Phase 1 will be processed in accordance with the CUP and Large-Lot Vesting Tentative Subdivision Map for the Homewood Ski Area and will be subject to separate environmental review. The CUP includes the following features (refer to Attachment G for additional detail):

- 1) A Planned Development (per Section 17.54.080 of the Placer County Zoning Ordinance) for up to 221 clustered multi-family residential units located on Large Lots 1 through 8;
- 2) Employee housing consisting of multi-family structures with a total of 13 units within Lot 4. Project level development of the remaining employee housing will be identified off site through a housing program prior to construction of the project;
- 3) Vehicle parking garage for approximately 682 vehicles;
- 4) A hotel with up to 75 rooms and approximately 15,000 square feet of retail/commercial development space spread around a pedestrian-oriented central plaza;
- 5) An outdoor grass amphitheatre with a capacity of up to 1,500 people;
- 6) Relocation of a maintenance operations facility for the ski area to the mid-mountain facility
- 7) A 13,850 square foot year-round mid-mountain lodge;
- 8) Changing the "Face" ski lift (the existing Madden Chair) to a 6- to 8-passenger high-speed gondola lift from the North Base to the proposed mid-mountain lodge.

The General Development Standard's Section 17.54.100.A.3 of the County Zoning Ordinance establishes the amount of open space required for planned developments proposing the subdivision of air space. The applicant proposes the development of up to 221 residential units (combination of whole or fractional ownership) on approximately 28.2 acres for a density of 7.83 units an acre on the new lots. Based on the proposed density, Section 17.54.100.A.3 requires that 45 percent of the project site be maintained as open space with a maximum building coverage of 26 percent for projects that are designed at five units an acre. Overall, the Phase 1 project area includes 68 percent open space and approximately 23 percent lot coverage. The relatively greater open space and low lot coverage is attributed to the below surface garages and clustered buildings. While the subterranean parking garage will result in greater excavation, the parking structure will reduce the overall footprint of the project, maintain open space, and preserve trees to the greatest extent possible.

The height standard for the project is proposed at no higher than 50 feet to the ridgeline of the roof as measured from the average midpoint of natural grade. Even though the height of the proposed structures would meet County standards for height, the applicant would need a TRPA height amendment through the Governing Board to allow for a height of 50 feet to the ridgeline of the roof. Staff has concluded that the resulting heights of the structures is an appropriate design solution for the project site. Where possible, the applicant has proposed that facilities (primarily parking) be placed below grade to minimize potential visual impacts. Additionally, the applicant has designed

the structures into the existing slope of the land as opposed to creating flat development pads. The resulting site design is one that fits into the natural character of the project area.

Building setback requirements for structures will be regulated by the project CUP per Zoning Ordinance Section 17.54.100(B). The proposed project has zero-foot setbacks from property lines for the subterranean parking garage in addition to varied setbacks along the street and side property lines in order to break up roof lines, provide varied and articulated elevations and soften appearances. As shown on the submitted plans, the closest an proposed building will be located to an existing residential lot is 15 feet (from the property line) at the northwest corner of the North Base development. In general, the applicant has worked with surrounding property owners to minimize the intrusion of any of the proposed buildings to existing residences.

The EIR reviewed the watercourse setbacks and the 100-year floodplain of Ellis Creek, which is located through the South Base site. All the proposed structures in the Homewood project will be located outside the 100-year floodplain, and any existing structures within the 100-year floodplain will be removed and the site restored back to its most native condition with Lahontan Water Quality Control Board and Fish and Game approvals. Staff is in support of the development setbacks for the project and the watercourse setbacks as shown on the Planned Development plans since the proposed structures are outside the 100-year floodplain and pose no danger to the health, safety, or welfare of the community.

As discussed above, the development of the ski resort buildings will be limited to very specific locations on lots with specific uses contained within them. The Conditional Use Permit will restrict the scale, intensity, density, and the type of uses that would be appropriate on these lots. Clustering the development at the base of the mountain will limit the amount of grading for roads and prevent a stepping of building pads up the mountain. Clustering will also allow the buildings to be in proximity of one another with reduced setbacks for energy efficiency and provide other amenities to make a walkable community. Staff is in support of the proposed Conditional Use Permit for the project as the approval will create new housing opportunities as well as enhance and redevelop the existing site, and will not endanger the health, safety, and welfare of the surrounding properties. Furthermore, the Conditional Use Permit provides for an orderly phased development to occur as the remaining ski resort continues to be left as a place to recreate.

Special Discretionary Uses - Plan Area Statement

Even though there are permissible uses that are zoned correctly throughout the Homewood properties, there are some uses that must be considered under the provisions for special use as set forth in the Plan Area Statement for this project site. Through the Conditional Use Permit being processed for this project, the project applicant is requesting approval to allow certain discretionary uses within its Resort Development, which includes the following:

North Base:

- Multifamily Dwelling (S) at a density of 15 units per acre (added by code amendment);
- Privately Owned Assembly and Entertainment (S) (To allow for commercial-operated facilities for public assembly and group entertainment with a capacity of greater than 300 persons such as auditoriums, exhibition and convention halls, theaters, meeting halls, amphitheaters) (added by code amendment);
- Employee Housing (S);
- Hotel, Motels, and other Transient Dwelling units, more than 20 units (S);
- Outdoor Concert Events (more than one) (S);
- Outdoor amusements (S)(which includes miniature golf courses)
- Amusement and Recreation (S):
- Ski Facility (S) (Modification to an existing site);

- Vehicle Storage and Parking (S)
- Water transit at the West Shore Café (S)

South Base:

• Multifamily (S) at a density of 15 units per acre (added by code amendment)

Mid-Mountain

- Personal Services (S) (to allow for weddings and other events)
- Participating Sports (S) (Would allow various outdoor sports and recreation activities including, but not limited to tennis courts, swimming and tennis clubs, ice rinks, and athletic fields)

The uses described above are consistent with the West Shore Area General Plan by continuing to provide opportunities for a mixture of residential and commercial uses and having the resort users stay at the site rather than leaving the facility. Staff is in support of the proposed uses, as these uses are in keeping with the intent of the West Shore Area General Plan for the "Ski Homewood" area and its designation as a ski facility, as well as providing overnight accommodations of single-family and multi-family uses that do not exceed the density allowed on the north shore of Lake Tahoe. Staff is in support to add a mixture of uses at the resort since it will encourage a mixture of quality housing options, tourist accommodations with outdoor amusement and events. Furthermore, the uses are consistent with the land use classification by providing permanent and second home options for west shore visitors while also improving the quality of the Homewood resort.

Vesting Subdivision Tentative Map

Phase 1 includes a Vesting Subdivision Tentative Map (Lots 3 through 9) for the North Base area, which will include multiple phases within the 18.04-acre area on the west side of Highway 89 (West Lake Boulevard) between Fawn and Silver Streets. The first phase will include up to seven large lots with one remainder lot. Each of the large lots will be a part of the Planned Development project for Homewood with one future phased development with Lot 9. The Phase 1 development requests are included with this application while projects for the remaining lot will be submitted at a later time and require additional environmental review and approvals for the future 14 townhome units.

Phase 1 North Base (proposed Lots 3 through 9):

A condominium development within resultant Parcel 10, Lots 205 through 208, to create a new Lot 3 (64,380 square feet) consisting of Building C with 15 condominium units, parking and open space;

Employee housing and parking structure within resultant Parcel 10 to create a new Lot 4 (79,353 square feet) consisting of Building P with 13 employee housing units and 10,000 commercial floor area;

Further subdivide resultant Parcel 10 for a condominium development to create a new Lot 5 (190,902 square feet) consisting of Building "A" for up to 45 condominium units, parking, and open space;

Further subdivide resultant Parcel 10 for a condominium development to create a new Lot 6 (347,124 square feet) consisting of Building B for up to 35 condominium units, parking, and open space

Further subdivide resultant Parcel 10 for a condominium development within new Lot 7 (44,774 square feet) consisting of Building E for up to 15 condominium units, parking, and open space;

Further subdivide resultant Parcel 10 for a condominium development within new Lot 8 (59,259 square feet) consisting of Building D for up to 16 condominium units, parking, open space and commercial floor area of 5,000 square feet of commercial:

Subdivide resultant Parcel 6A for a future development within new Lot 9 (122,573 square feet). No development is proposed or approved on this lot. Future project applications would be subject to separate environmental review, hearings, and approvals.

Phase 2 South Base (proposed Lots 1 and 2):

A condominium development within resultant Parcel 11A and Resultant Parcel 14 to create new Lot 1 (209,324 square feet) consisting of Buildings B1-B15 with 30 condominium units, parking and open space;

A condominium development within resultant Parcel 14 to create new Lot 2 (191,172 square feet) consisting of Buildings A, A1-9 with 65 condominium units, parking and open space.

Future roadway extension of Tahoe Ski Bowl Way to new Lot 9 will be included with future project applications and would be subject to separate environmental review, hearings, and approvals.

The recordation of the Final Map will require the street improvements of Silver and Fawn Streets along with undergrounding the overhead utilities on these streets.

The construction of six buildings will occur along the existing paved parking lot and the lot-and-block subdivision that already exists along San Souci Terrace and Sacramento Avenue, as well as construction of the mid-mountain lodge on an already disturbed area that has an existing distressed membrane tent. The construction is proposed on previously disturbed areas, and will minimize impacts to maintain the overall natural slope and mountain attributes the Homewood Mountain Resort has.

Staff is in support of the Phased Vesting Tentative Subdivision Map since it is only redrawing the existing lot lines and creating the lots that are consistent with the Zoning Ordinance, Placer County General Plan, and the County's Subdivision Ordinances. Staff finds that the site is physically suitable for the type and proposed density of development proposed on the tentative map and the design of the subdivision and proposed entitlements are not likely to cause environmental damage or cause serious public health and safety problems

Development Agreement

Development Agreements are authorized by California Government Code Section 65864 et seq. and Section 17.58.210 of the Placer County Zoning Ordinance. A Development Agreement sets forth the property owners' specific obligations relating to infrastructure construction, fee payment, financial contributions for infrastructure maintenance and public services and other obligations that may be imposed by the County as conditions of approval. A Development Agreement also provides the property owner with certain vested development rights. Development Agreements are recorded documents that obligate future property owners to the terms of the agreement.

The proposed Development Agreement between the County and Homewood Village Resorts, LLC, is attached to this staff report as Attachment C. Consistent with the size of this project, this Development Agreement has significantly fewer obligations than the development agreements which the County has entered into with developers for other projects in the County, but it does establish the level of funding for the Fanny Bridge improvements and for additional environmental improvements projects in the area, and ongoing funding for public trail and beach maintenance and EIP project operations. The Development Agreement also verifies public access to the trails within the project and compliance with all of the Conditions of Approval and mitigation measures. In exchange for the provision of these amenities, the Development Agreement provides the developer with a 20-year term to complete its development in accordance with the approvals.

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DEVELOPMENT STANDARDS

Section 17.54.100 of the Planned Development Ordinance establishes setback standards for buildings and parking requirements. The proposed project will set the building setback standards for the development to the new lot lines that are proposed in the tentative map. Heights in the Tahoe Basin are regulated by TRPA. The proposed project has been reviewed for a TRPA height amendment that would meet the typical County standards on how the County reviews and approves height to buildings outside the Basin.

Signage

As part of the development standards proposed with this project, the applicant is proposing to develop a detailed signage program that would be reviewed by the Tahoe City Design Site Review Committee and approved by County staff prior to any signs being erected. To assure that the signage is designed in a manner to complement the overall project, the required sign program will be submitted at a later date. Under the development standards proposed with this project, the applicant can propose a sign program to be reviewed and approved by the County as part of its development standards. As set forth in the conditions of approval, the applicant will be required to submit a detailed sign program to be reviewed by the Tahoe City Design Site Review Committee and approved by County staff prior to any signs being erected at the site.

Parking

Section 17.54.060.C.2.a (Ski Facilities) and Section 17.54.100.C.2 (Planned Residential Development) of the Placer County Code establish the general parking requirements that were used as the basis for the analysis of the proposed project.

A parking demand analysis for the proposed project was performed by LSC Transportation Consultants to evaluate the project land uses, mixed-use attributes and to determine the peak parking demand for the project. The LSC parking study for the revised Homewood Mountain Resort project (Alternative 1A), identified the parking demand of the project (including all employee and day skiers) on a peak ski day at the north and south bases. On a peak ski day, the North Base uses would require a total of 837 parking spaces and the South Base project would require 56 parking spaces for a total demand of 893 parking spaces. The study also took into account a parking adjustment of 39 parking spaces for North Base guests traveling for other purposes (such as skiing at other resorts). With this adjustment, an overall parking demand of 798 spaces would result at North Base. As the proposed project includes 738 on-site parking spaces, there is a deficit of 60 net on-site parking spaces. JMA, as part of its Parking Management Plan, will offset the deficit at peak demand by having up to 62 employees park off-site.

All parking associated with the project will be in the valet subterranean parking garage, surfaced parking, or approved through a parking management plan that will be reviewed and approved for off-site parking prior to the issuance of any permits for the project. The management plan will take into account the off-site parking locations, zoning/environmental compliance, snow storage, and that the proposed shared parking does not increase, or reduce the parking demand for other uses at the site and provide a connection of a shuttle or transit service during the hours of operation. The applicant is proposing below ground valet stacked parking spaces that are elevated and "cubby holed" with their project at the North Base. The stacked parking has been developed in areas where parking is hidden underground to create a pedestrian and scenically friendly environment at ground level. A typical flow plan would have the guest of the resort arrive in the parking garage where a parking attendant would park the vehicle in a predetermined space that is mechanically cubby holed.

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The applicant is requesting to have its number of parking spaces and design approved as part of the Conditional Use Permit. Section 17.54.100.C.2 of the County Zoning Ordinance allows the reduced amount of parking for residential planned developments if approved by the County. Section 17.54.060.C.2 of the Zoning Ordinance and the adopted 1994 "Standards and Guidelines for Signage, Parking and Design" also allows a Use Permit to determine the parking requirements.

Setbacks

Section 17.54.100.B (Planned Residential Development) of the Placer County Code sets forth the general requirements for setbacks that may be established through the approval of a Conditional Use Permit. When designing the proposed project, it was the applicant's desire to minimize the intrusion of any of the proposed structures on existing residences. While the current zoning designations allow for some of the proposed buildings to be as little as five feet from the property line, the applicant has designed the project so that the proposed buildings will be set back a minimum of 15 feet from property lines when adjacent to existing residences. Some of the structures proposed with the project, when not near existing residences, are proposed to have a 0-foot setback to facilitate the construction of sub-surface parking facilities. Along Highway 89, the buildings have been designed with varied and articulated elevations, setbacks and rooflines to soften the appearance along the highway. The setbacks along Highway 89 will range between 12.5 feet and 240 feet. The applicant has designed the project in a manner that none of the proposed structures will encroach closer to Highway 89 than the original North Base lodge.

Off-site Easements Required for Construction

The project as proposed will require the applicant to obtain a number of off-site easements prior to Improvement Plan approval. To complete Phase 1, a trail easement will need to be acquired from the adjacent Tahoe Maritime Museum property (APN 097-140-004) in order to construct the proposed Class I Bike Trail connection along the south side of Fawn Street. To develop Phase 2, an off-site access easement is needed from TCPUD to access the proposed relocated fuel tank that will be located just south of the Lot 2 Chalet condominiums. The North Tahoe Fire Protection District has analyzed the location of the fuel tank, and the Fire District has concluded the fuel tank is in an appropriate location and will not pose an immediate life or safety hazard to any adjacent residences. Also, the project applicant will need to realign the TCPUD's existing 30-foot wide reciprocal access road and easement over proposed Lot 2 to the adjacent TCPUD property (APN 097-050-018) south of the South Base area, which includes a portion of new offsite access easement.

If the applicant is unable to successfully obtain an easement, the applicant may choose to redesign the project to accommodate the improvements on-site and avoid the need to obtain the easement. However, the applicant may choose to request that the County use its power of eminent domain to obtain necessary real property interests to accommodate the proposed public facilities at the applicant's expense. The Planning Commission is advised of the potential for Board of Supervisor involvement in eminent domain proceedings as a result of the approval of the proposed project.

EMPLOYEE HOUSING

Placer County General Plan Policy 2.A.18 requires that all resort projects provide housing for 50 percent of the employees generated by a project. This policy provides four means under which a project proponent may satisfy this obligation:

- 1. Construction of employee housing on-site
- 2. Construction of employee housing off-site
- 3. Dedication of land for needed units
- 4. Payment of an in-lieu fee

Employment generated factors for Homewood is based on the Placer County Housing Element and the review of a previous project at Northstar Highlands. The Homewood Final EIR indicated that the proposed project at build-out will generate 182 Full Time Equivalent (FTE) employees, of which 91 FTE employees (50 percent) would be required to be mitigated as part of the project under the Placer County General Plan Policy 2.A.18. The project applicant proposes to construct 13 on-site employee housing units as part of the North Base development with capacity to accommodate 26 FTE employees. Additionally, the project applicant is proposing to develop a detailed employee/workforce housing program that would be in compliance with the Placer County General Plan Policies. The conditions of approval for the CUP and the Phase 1 project require that an Employee Housing Mitigation Plan be approved by the Planning Director prior to the issuance of any building permits for the project or the recordation of the Final Map, whichever occurs first. The Housing Mitigation Plan would also provide a final verified account of the number of net new FTE's expected to be created by the constructed phasing, number of units, locations, and occupancy of dedicated housing for the employee/workforce requirements. The Housing Mitigation Plan will also include an implementation schedule to ensure that sufficient housing is available for the new employees as project construction is being completed and operations begin.

ENVIRONMENTAL ANALYSIS

Consistent with the requirements of the California Environmental Quality Act, an Environmental Impact Report has been prepared for this project. As the proposed project also requires separate approvals from TRPA, and EIS was also prepared for this project. To assure the highest level of public review of this project, the Draft EIR for this project was circulated for a 90-day period from January 21, 2011 through April2 21, 2011 (which exceeds the State requirement of a 45-day circulation period). All comments on the Draft EIR were addressed in the Final EIR prepared for this project, and the Final EIR was circulated for public review on October 3, 2011.

Following public review of the Draft EIR, and based upon comments received on the document, the applicant modified the proposed project to identify a new alternative (Alternative 1A) that responded to specific issues raised regarding the originally proposed project. As noted above, Alternative 1A was developed to reduce the amount of excavation required to accommodate the proposed project, and resulted in additional clustering of the residential units to reduce the overall footprint of the project. Alternative 1A has since become the applicant's proposed project.

The following analysis provides information about the environmental issues that are addressed in the project EIR.

Transportation/Circulation

Primary access to the project site is provided by Highway 89. As proposed by this project, the existing Fawn and Silver Street intersections at Highway 89 will be realigned. The realignment will provide better access to and from the project and must be completed prior to occupancy of the first building phase of North Base. All other minor roads providing access will be constructed as part of the subdivision and/or project improvements.

Development of the project would generate new vehicle trips and potentially impact traffic operations on nearby roads and at nearby intersections. The number of vehicle trips that are expected to be generated by the proposed development were estimated using typical trip generation rates for single-family and condominium residential units, commercial uses, hotel/motels, day skiers, and employee housing within the project study area by Fehr and Peers. While it is estimated that the number of wineter trips will decrease with implementation of the project, it is estimated that the project will generate 1,466 "Total Net New External Roadway Trips" per day during the peak summer period. Of that total summer increase in trips, an estimated 176 trips would be generated during the PM peak hour.

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Summer LOS

The traffic study completed for the project indicates that, under the existing plus project scenario, the incremental increase in traffic generated by the project could substantially increase the summer Level of Service (LOS) standard at the Highway 89/Granlibakken Road intersection. The overall intersection LOS is within the LOS standards (LOS C and D); however, the side-street approach (eastbound left-turn) operates at LOS F. The number of eastbound, left-turning vehicles for Alternative 1A for existing plus project conditions is 77. Mitigation Measure TRANS-3 will reduce this impact to a less than significant level by requiring the project applicant to implement intersection improvements at the Highway 89/Granlibakken Road intersection. If construction of the improvement is in place prior to being need for this project (as is expected), the project applicant will be required to make a fee payment for its proportional share of the required improvements. The remaining study intersections will operate at acceptable LOS with the addition of the proposed project.

Summer Queuing

The traffic study completed for the project indicates that, under the existing plus project scenario, the incremental increase in traffic generated by the project could substantially increase the summer queuing at the Highway 89/Highway 28 and Highway 89/Pedestrian Crossing intersections. The queuing analysis results indicate that the project will increase the queue lengths at the Highway 89/Pedestrian Crossing intersection by approximately 10 feet (one vehicle) in the northbound direction, and 15 to 20 feet in the southbound direction (1 vehicle). As discussed in the EIR/EIS, other studies (e.g., Highway 89 Fanny Bridge Alternatives Traffic Study) have identified improvements to relieve congestion and reduce queuing on Fanny Bridge. Once these improvements are implemented the Project's impact on these intersections will be less than significant.

The Fanny Bridge improvement project is identified in the Lake Tahoe Regional Transportation Plan's Project Strategies (Short Term), and is partially funded by two sources: the Federal Transportation Improvement Program for the work being done by the Tahoe Transportation District and Placer County Capital Improvement Program traffic impact fees. More recently, following publication of the Draft EIR/EIS, the TMPO (Tahoe Metropolitan Planning Organization) and TRPA released the NOP for the Tahoe Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) Program EIR/EIS on August 24, 2011. The RTP includes a long list of projects from the Tahoe Transportation District's (TTD) Capital Improvement Program. The Fanny Bridge improvement project is identified as a First Phase High Priority project. TTD and Caltrans have determined the Fanny Bridge improvement project will require an EIR/EIS. TTD is the lead agency under CEQA and Caltrans (under delegation authority from FHWA) will be the lead agency under NEPA. The NOP/NOI for the Fanny Bridge improvement project is currently scheduled to be released later this year. Level of service impacts at Fanny Bridge are still considered significant and unavoidable despite HMR's obligation to pay its fair share fees for the cost of this improvement because the record does not indicate sufficient funding is in place to guarantee construction of the Fanny Bridge improvement project. Construction of these improvements is likely, and the Proposed Project will contribute its share. Because these improvements are not assured, however, the impact is considered significant and unavoidable in the EIR/EIS.

Winter LOS Analysis

The traffic study completed for the project indicates that, under the existing plus project scenario, the incremental increase in traffic generated by the project could substantially increase at the Highway 89/Granlibakken Road intersection. Although the overall trip generation for the Proposed Project is less than the existing HMR trip generation, the distribution of vehicle trips is expected to change, causing an increase in some turning movements at the Highway 89/Granlibakken Road intersection. It should be noted that the overall intersection LOS is A. Compliance with Mitigation Measure TRANS-3, will reduce this impact to a less than significant level, by requiring the project applicant to

implement intersection improvement at the Highway 89/Granlibakken Road intersection. If construction of the improvement is in place prior to being needed by the proposed project (as is expected), the project applicant will be required to make a fee payment for its proportional share of improvements. The remaining study intersections are expected to operate at acceptable LOS with the addition of the Proposed Project.

Winter Queuing Analysis

The winter queue lengths at the Highway 89/Highway 28 and Highway 89/Pedestrian Crossing intersections are not expected to exceed the existing storage lengths with the addition of project traffic from each alternative.

Cumulative LOS and Queuing

Under the cumulative scenario, the summer and winter LOS at the Granlibakken Road/Highway 89 winter LOS at Highway 89/Fawn Street intersections and winter queuing at Highway 89 across Fanny Bridge will be impacted and the intersections would not operate at acceptable levels.

Implementation of mitigation measure TRANS-C1 will improve summer operations at the Highway 89/Granlibakken Road intersection to better than cumulative conditions. This mitigation does not improve LOS to D or better at the side-street approach, however it does improve intersection operations to better than 2030 cumulative conditions. If construction of the improvement is in place prior to being needed by the proposed project (as is expected), the project applicant will be required to make a fee payment for its proportional share of improvements.

Implementation of mitigation measure TRANS-C1 will improve winter operations at the Highway 89/Granlibakken Road and the Highway 89/Fawn Street intersections to within LOS standards. If construction of the SR 89/Granlibakken Road improvement is in place prior to being needed by the proposed project (as is expected), the project applicant will be required to make a fee payment for its proportional share of improvements.

The cumulative queuing analysis indicates that the incremental increase in traffic generated by the project could substantially increase the cumulative summer queuing at the Highway 89/Highway 28 and Highway 89/Pedestrian Crossing intersections. As discussed above and in the EIR/EIS, improvements to relieve congestion and reduce queuing on Fanny Bridge have been proposed. Mitigation measure TRANS-C2, requires the project applicant to make a fee payment for its proportional share of improvements. Once these improvements are implemented the Project's impact on these intersections will be less than significant. However, funding for the improvement project (particularly State funding) has not been secured; therefore, cumulative summer queuing impacts are considered significant and unavoidable.

Parking

The proposed project will construct three primary on-site parking facilities. These parking areas will include below grade parking within the various buildings that house the North and South Base uses. There is also an above-grade three-story parking garage that is part of the North Base phased development. The above-grade parking garage will incorporate 13 employee housing units. The Homewood Master Plan is proposes a parking management plan and parking demand study by Gordon Shaw to consider on-site parking demand for the proposed units, commercial uses as well as day time skiers. Additional required parking is proposed by the applicant off-site as part of the parking management plan.

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Biologic Impacts

The EIR evaluated the biological resources known to occur or potentially occur on the project site. The EIR describes potential impacts to the resources and identifies measures to eliminate or substantially reduce impacts to less-than-significant levels.

The project could conflict with local policies and ordinances regarding protection of natural resources and are considered potentially significant for the following: impacts to habitat, wetland, and bat roosting, raptors and migratory bird species, possible special-status bat species, and jurisdictional waters or other waters of the U.S. Implementation of mitigation measures as conditions of approval, as well as compliance with applicable goals and policies in the Placer County and the West Shore Area General Plans would reduce the project's incremental contribution toward the cumulatively considerable biological impacts to a less-than-significant level.

The document includes mitigation measures requiring pre-construction surveys shall be conducted to identify active raptor nest sites, migratory bird nests, mammal den sites, and bat roost sites in the proposed construction area prior to project construction to confirm the project will not impact protected species (e.g. American pine marten, bald eagle, and California wolverine). If these special species are present, mitigation measures are proposed to reduce these impacts to a less-than-significant level.

The Homewood ski facility is crossed by three perennial streams, Madden Creek, Homewood Canyon (Ellis) Creek, and Quail Creek as well as one unnamed ephemeral stream that generally drain from east to west into Lake Tahoe. Other hydrologic features on the site include smaller streams, seasonal wetlands and two lakes - Louise and Quail. The Homewood South Base project includes the removal of an existing culvert under Ski Bowl Way that will be replaced with a bridge and includes mitigation in the form of restoration of riparian vegetation along the creek

Visual Impacts

Aside from traffic and water quality impacts, the largest public policy issue addressed in the Homewood EIR is visual aesthetic impacts, which relate to compatibility with the surrounding community. While the architecture of the proposed project buildings will adhere to design standards that reflect a Tahoe-Sierra style of heavy timber and stone construction, many project features will be located on scenic Highway 89 and will be visible because of their height and scale. It is important to note that visual quality is not just the measure of the natural landscape within a viewshed, but also includes man-made features, architecture, and other features. Structures and architecture that can enhance the visual quality are those that represent the style of the area or region and that compliment the natural features and blend into the natural landscape. On the North Base site, a large existing ski run called "The Face" will be partially replaced with architecturally designed buildings below the existing tree canopy but still represent the Homewood Resort rather than a parking lot for drive-in drive-out skiers.

Section 10.1.5 of the EfR/EIS "Scenic Resources" includes a comprehensive review of visual changes associated with the project. This section included photographs of the existing conditions, computer-generated photographs/visual simulation focused on the North and South Base, and balloon simulations of the proposed height of structures. Staff evaluated the project in relationship to the surrounding neighborhoods and buildings which included single-family properties, the Tahoe Maritime Museum, West Shore Café, the High-and-Dry Marina, and the mixture of natural vegetation and topography in the area. In addition to the surrounding developments and neighborhoods, staff also took into account the existing conditions of the ski facility with its expansive parking lots, existing lodges, and ski lifts and above-ground utilities. The common theme in the immediate area is land developments that are very visible and dominate the highway corridor.

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Staff has concluded that the applicant's proposal to remove existing/dated structures and replace them with newly designed structures that follow the existing contour of the land is a superior design solution. The removal of the existing paved parking area and replacing it with a well-designed parking structure will actually result in a positive change the visual environment of the resort. To further blend the development into the natural terrain, the applicant will be required to meet the County adopted "Design Standards and Guidelines." It is one of many implementation tools beyond the mitigation measures that ensures this project will be designed to comply with night-sky lighting, glare, tree retention buffers and design of the structures to blend into the hillside with landscaping and earth tone building colors and materials. While it is noted in the EIR/EIS that the project will result in visual modifications to the site, all effort should be taken to preserve the visual integrity of the scenic Highway.

Visual impacts from removing approximately 200 trees, 33 of which are 30 inches in diameter-at-breast height, could be significant when looked at from streef level. Of these 33 trees, a total of nine trees have been noted to be saved in the North Base areas based upon a memorandum from Nichols Consulting Engineers dates May 21, 2009. Alternative 1A would include the removal of one additional 30-inch or greater tree at the North base area (associated with Building P) compared to Alternative 1. However, at present, it cannot be determined with certainty that these trees can be retained based on potential modifications to construction activities or building locations and potential damage to tree roots and adjacent topography. The project applicant is required to prepare a Forest Plan and Tree Protection Plan as mitigation that reduced the impact to a less than significant level. Moreever, the development is built into the mountain side in existing disturbed areas, which itself will reduce the amount of surface area disturbed and serve to preserve trees.

Soils, Geology and Seismicity

The EIR/EIS included an analysis to identify and assess potential geologic hazards at the Homewood Mountain Resort project site. According to the geologic hazards and geotechnical evaluations reports contained in the EIR/EIS, the majority of the project site is underlain by Quaternary glacial moraines and Miocene volcanic rocks. The majority of site soil consists of granular soils; fine grained soils composed of clay and silt are present in the area of the North Base gravel parking lot. To construct the project, cut and fill slopes of approximately 20.5 feet (maximum) would occur. To accommodate the proposed water tanks at mid-mountain, retaining walls with a maximum height of 29 to 32 feet are proposed with the North Base underground parking structure, and 18 to 21 feet for the South Base underground parking. Above-ground retaining walls range from 15 feet to one foot in height. The project will result in disturbance of approximately 40 acres of the 1,253 acre project area. Grading activities for the proposed improvements and buildings are estimated at approximately 138,500 cubic yards of cut material, with approximately 67,000 cubic yards of fill used for proposed structures. Up to 71,500 cubic yards of net cut material will potentially be used within the Project area for road restoration projects.

According to the geotechnical evaluations report contained in the EIR/EIS, shallow groundwater exists at depths ranging from approximately 1 to 7 feet below ground surface at the North Base parking areas and groundwater is encountered at depths greater than 18 feet in the South Base area. Groundwater will be intercepted during underground parking facility construction. Mitigation Measure GEO-4g requires a dewatering plan from the construction contractor be reviewed and approved by Lahontan RWQCB and the County prior to excavation activities. Additionally, after construction, groundwater will continue to be intercepted due to some proposed building foundations at or below the seasonal high groundwater table. This groundwater will be collected and recharged back to the groundwater table in infiltration galleries planned in numerous locations on-site. Mitigation measure HYDRO-3a, included in the EIR/EIS, requires that a special geotechnical engineering evaluation report be prepared by a Registered Civil Engineer for ESD review and approval for each groundwater infiltration/recharge system to ensure that soils are adequate for this proposal and that no detrimental effects occur downstream to structures or properties.

The geotechnical studies prepared for the EIR/EIS determined that two Quaternary-age faults are mapped across the project area. The mapped faults do not cross the proposed development at the North Base and mid-mountain. One mapped fault crosses the upper portion of the proposed development at the South Base. Prior to actual siting of planned buildings at the South Base, additional geotechnical engineering site investigation will be performed to investigate the location and evaluate the potential activity of the fault. New structures are required to be designed and constructed in accordance with the California Building Code to perform well and be safe in the event of a seismic event. The geotechnical engineering studies for the Homewood resort project concluded that the site is suitable for the proposed development and there are no geologic constraints that would preclude project development, given the mitigation measures included in the EIR/EIS.

Hydrology and Surface Water Quality

The Homewood Mountain Resort is located within the Madden Creek, Homewood (Ellis) Creek, and Quail Lake Creek watersheds and intervening areas that drain the project area. The project proposes to restore Homewood Creek at the South Base (Phase 2) with realignment of Tahoe Ski Bowl Way and construction of a new bridge crossing. With both project phases, stormwater treatment and bioretention areas will be constructed to treat, at a minimum, the 20-year, 1-hour storm event and reduce pollutant concentration levels to levels that comply with Lahontan and TRPA discharge limits through pretreatment and infiltration. The project has demonstrated through a Preliminary Drainage Report prepared for the EIR/EIS that no inundation on private property occurs downstream of the project site as a result of peak flow runoff leaving the project area. Mitigation Measures contained in the EIR/EIS will require submittal of a Final Drainage Report with each phase of project Improvement Plans to ensure Placer County Storm water Management Manual requirements and Land Development Manual standards are being met. No significant project-level impacts to hydrology or surface water or groundwater resources from construction or long-term operation of the project are identified that would persist after implementation of compliance measures, Placer County standard mitigation measures and impact-specific mitigation measures.

Improvement upon existing channel conditions, surface water quality and stormwater quality will result from implementation of the Project, and as such, potential incremental effects will not result in cumulatively considerable impacts to hydrology and water resources. Cumulatively the Project is expected to provide direct beneficial effects to beneficial uses and surface water quality in the Homewood, California area through reductions in impervious surfaces and resultant runoff quantity and the active treatment of stormwater prior to infiltration to groundwater. Other benefits of the Project include: participation in the Placer County-Homewood Mountain Resort WQIP, reduced effects from surface parking and snowmelt from parking lots, landscaping with goals of water conservation and bioretention for stormwater treatment, along with indirect effects from improved site management that reduces airborne contaminants.

Water Supply and Distribution

Background

As noted in the Project Description for the Homewood Mountain Resort Ski Area Master Plan CEP Project EIR/EIS, the project area is served by two independent water purveyors, Tahoe City Public Utility District (TCPUD) and Madden Creek Water Company (MCWC). Present boundaries of the respective service areas for each water purveyor restrict TCPUD to serving the South Base Area and MCWC to the North Base area. Barring a future acquisition of MCWC or a portion of MCWC's service area by TCPUD (which is a process entirely controlled by those two entities independent of this project) staff expects these respective service areas to remain as described.

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Currently, the Mid-Mountain Lodge area is outside of either service area. If the project applicant proposes to have that facility served by either utility, the area would have to be annexed into the respective service area. As an alternative, the Lodge could be served by a private water system owned and operated by the project applicant with supply through a connection to either TCPUD or MCWC.

Water Availability

As part of the EIR/EIS process, Nichols Consulting Engineers prepared a Water Supply Assessment (September 2011) that analyzed the availability of potable water to the project. That Assessment concludes that "there is a reasonable likelihood that sufficient water will be available to meet project water demands through 2030, in addition to existing and planned future uses within the McKinney/Quail Sub-district (TCPUD's service sub area) and the MCWC service area under normal, dry and multiple dry year conditions under either water supply alternative."

Based upon the Water Supply Assessment, a sufficient quantity of water (water rights) is likely available to provide potable water to the project.

Water Infrastructure

While there are sufficient water services for the proposed project, what is less certain is the availability of adequate infrastructure to treat and transmit that water to the project site. Information available from the TCPUD indicates that capital facilities, potentially including a new water treatment plant and an undefined amount of new and/or upgraded transmission pipelines, will be necessary to serve the South Base area. Similarly, MCWC has indicated in preliminary comments that an undefined level of new or upgraded infrastructure will be required to provide service from its system to the proposed development at North Base. Both utilities have indicated that construction of new facilities required to serve the project will be the responsibility of the project applicant. Whether this responsibility takes the form of funding only or construction of specific facilities will remain an issue between the applicant and the utilities.

To assure that an appropriate water supply is available to each portion of the project, staff has included a condition of approval that requires the project applicant to provide a "will serve" letter from the respective utility prior to approval of any improvement plans or issuance of any building permit for the project. This "will serve" letter and approval of any improvement plans that include facilities to be owned by either utility will provide evidence to Placer County that potable water will be provided to the project.

Snowmaking

The Water Supply Assessment for the proposed project also addressed water availability for snowmaking within the project. The assessment concluded that there are sufficient water rights available to the property to provide non-potable water for that use. As indicated in the FEIR/EIS, the analysis of any expansion of snowmaking systems was done at a program level. Therefore, any application for expansion of the snowmaking program would most likely require subsequent entitlement application(s) and assessment under CEQA.

Other Public Services

Cal Fire is responsible for wildfire suppression in the upper mountain portion of the project area, while the lower portion of the project area is within the service boundary of the North Tahoe Fire Protection District (NTFPD), which has primary responsibility for structure fire protection and related emergency services. Amendment of the NTFPD service boundary is required in order for NTFPD to respond to the Mid-Mountain Lodge area. The proposed new buildings will be equipped with sprinkler systems, and fire hydrants will be installed at various locations in the project area for fire protection.

The applicant will have to obtain a will-serve letter from NTFPD prior to Improvement Plan approval and building permit issuance for each project phase. Similarly, other public service provider's will-serve letters are required as a condition of approval to be submitted to the County prior to Improvement Plan approval for each project phase of development.

Noise

The project site is located in a relatively urbanized setting, approximately five miles south of the State Route 28 traffic corridor on Highway 89. The existing noise sources associated with the project include automobile traffic, snowmaking, and occasional outdoor concerts. J.C. Brennan and Associates conducted ambient noise monitoring for existing conditions with and without snowmaking at various locations around the project.

The single-family residences that surround the project represent the noise sensitive land uses in the vicinity; however, with implementation of the mitigation measures provided in the EIR/EIR, impacts would be reduced to a less-than-significant level. Cumulative impacts associated with an increase in noise levels in the project vicinity were determined to be less-than-significant.

The EIR also addressed a temporary increase in the ambient noise levels from site preparation and construction activities (e.g., clearing, excavating, grading, etc.). This will be mitigated through limiting the days and hours allowed for construction and through equipment maintenance. The method by which the potential impacts are analyzed is discussed followed by the identification of potential impacts and the recommended mitigation measures designed to reduce significant impacts to less-than-significant levels.

Hazards and Hazardous Materials

The project site has supported commercial and industrial development and there is evidence that hazardous materials were used or stored on the site. A Phase One environmental site assessment was conducted by Robison Engineering Company on December 2005, but did not note any improper use or storage of materials or negative impacts.

Project construction would require the storage, use, and handling of various hazardous materials such as gasoline, diesel fuels, oils, plaster, cement, herbicides, etc. In order to mitigate this impact, Best Management Practices (BMP's) will be implemented during all phases of construction on the project site. These BMPs include, but are not limited to, proper storage techniques, employee training, separate storage of recyclable construction materials, storing hazardous materials in portable metal sheds with secondary containment and contracting with a certified waste collection contractor to collect and remove hazardous wastes.

Greenhouse Gas (GHG) Emissions

Consistent with Appendix G of the 2010 State CEQA Guidelines and guidance provided by Placer County Air Pollution Control District (PCAPCD) and Tahoe Regional Planning Agency (TRPA), the climate change analysis completed for the proposed project evaluated potential impacts to greenhouse gas (GHG) emissions and climate change that would occur as a result of project construction and operation.

Construction and Operations Emissions

Impact CC-1 in the Draft EIR provides a project-level analysis of GHG emissions that would be generated by project construction and operation. Construction of the project would generate short-term emissions of carbon dioxide (CO2), methane (CH4), and nitrogen dioxide (N2O) from heavy-duty equipment and employee vehicle exhaust. The operational analysis quantified GHG emissions that would be generated by project traffic, area sources, refrigeration and air conditioning units, electricity and natural gas usage, water consumption, and wastewater treatment. Tables 19-27 and 19-28 in the Draft EIR/EIS list annual GHG emissions for project construction and operation.

Because GHG emissions are most appropriately evaluated on a regional and global scale, project-level emissions were concluded to be less than significant. Further, it is unlikely that the GHGs emitted as part of this project would have an individually discernable effect on global climate change.

Project Emissions

Impact CC-C1 provided a cumulative-level analysis of GHG emissions that would be generated by the project. Neither the PCAPCD nor the TRPA have quantitative thresholds for the evaluation of GHG emissions in CEQA documents. The County, PCAPCD, and TRPA determined that rather than identifying a specific quantitative threshold, any substantial increase in project-generated GHG emissions relative to existing conditions would result in the project having a significant impact on the environment. As shown in Tables 19-27 and Table 19-28 in the Draft EIR/EIS, the proposed project would result in net increases of GHGs. Based on consultation with the PCAPCD, Placer County, and the TRPA, the magnitude of these emissions would result in the project having a significant cumulative impact on the environment. The following mitigation measures were proposed to address these impacts:

- Mitigation Measure CC-1: Document and Verify Implementation of the Project GHG Reduction Commitments Requires the project applicant to document and verify the project commitments outlined in Table 19-30 of the Draft EIR/EIS have been incorporated into the final project design.
- Mitigation Measure CC-2: Implement Project Design Features to Further Reduce Project Contribution to Climate Change Requires the final project design to incorporate applicable GHG reduction strategies outlined in CEQA: Addressing Global Warming at the Local Agency Level.

While the above measures will result in lower GHG emissions levels than had the mitigation not been incorporated, the possibility exists that the project will contribute to global GHG emissions and global climate change. Therefore, based on consultation with the County, PCAPCD and TRPA, the project's cumulative impact to climate change after mitigation is considered to be significant and unavoidable.

The project applicant has requested that the County revise Mitigation Measure CC-1. According to the project applicant, there are two interrelated reasons for this request. First, the purpose of this mitigation measure is to reduce the project's climate change impacts. The LEED-ND Gold certification process addresses a variety of issues other than climate change. The project applicant may not be able to obtain LEED-ND Gold certification for reasons that are unrelated to climate change impacts. Second, the purpose of this measure is to confirm that the project applicant has implemented the commitments set forth in Table 19-30 of the EIR/EIS. Thus, this measure serves the same function as a mitigation monitoring and reporting program. That function need not be performed by the U.S. Green Building Council (the entity that administers the LEED-ND program). It could be performed by any entity qualified to confirm that the project applicant has implemented the commitments in Table 19-30. The County and the air districts are qualified to perform that task. The project applicant would like the flexibility to obtain such confirmation by the County or the air districts, in addition to obtaining certification from the U.S. Green Building Council. Therefore, HMR requests that the County revise Mitigation Measure CC-1 as follows (new text is underlined):

Mitigation Measure CC-1: Document and Verify Implementation of the Project GHG Reduction Commitments

The Project Applicant shall document and verify the Project commitments outlined in Table 19-30 have been incorporated into the final Project design. Copies of the pre-certification plan (Stage 2 in the LEED-ND process) shall be provided to PCAPCD and TRPA. Once the Project is complete, the final LEED-ND certification that verifies the north base has achieved all of the prerequisites and credits required for Gold certification shall be submitted to the air districts. Alternatively, if final LEED-ND certification has not been provided at the time all certificates of

occupancy for the Project have been issued, the air districts shall inspect the Project and confirm that the commitments set forth in Table 19-30 have been implemented.

Staff agrees the with the project applicant's assessment of the proposed changes to Mitigation Measure CC-1 and recommends the Planning Commission revise the proposed mitigation measure as requested.

AB 32 Compliance

Impact CC-C2 analyzes project consistency with State goals and policies for reducing GHG emissions in compliance with Assembly Bill 32. Because the project would result in a substantial net increases of GHG in comparison to the No Project Alternative (see Impact CC-C1), project-generated GHG emissions may conflict with the State goals listed in AB 32. Mitigation Measures CC-1 and CC-2 will result in lower GHG emissions levels than had it not been incorporated, but it is unlikely to achieve reductions consistent with the requirements of AB 32. As a result, this impact considered to be significant and unavoidable.

<u>Cultural Resources</u>

The cultural resources study that was conducted on the site did not identify any cultural resources eligible for listing in the California Register of Historic Resources; therefore, no significant impacts to cultural resources need to be mitigated. However, there may be resources that are buried on the site that could be unearthed during development activities.

Consistent with standard County conditions, if any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a qualified archaeologist retained to evaluate the deposit. If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Services Division and the impact to cultural resources is less than significant.

Cumulative Impacts

The Homewood EIR includes mitigation measures to reduce most project-specific impacts to a less-than-significant level. The EIR also identifies impacts which will be cumulatively significant as a result of the build-out of the Plan's land use diagram. These cumulatively significant impacts include land use, biological resources, visual resources, transportation and circulation, global warming, noise, soil, geology and seismicity, hydrology and water quality, public services and utilities and air quality. All these impacts can be reduced to a cumulatively less-than-significant level with the adoption of the mitigation measures set forth in the attached findings, with the exception of the following impacts: TRANS-C1 (cumulative contribution to congestion at Fanny Bridge and "Y" at summertime PM peak hour); CC-C1 (direct or indirect GHG emissions); CC-C2 (conflict with applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions).

Significant and Unavoidable Impacts

Section 2100(b)(2)(A) of the CEQA Statutes requires that an EIR identify any significant environmental effects that cannot be avoided if the project were implemented. Significant and unavoidable impacts (i.e., impacts that remain significant even after the implementation of recommended mitigation measures) for individual resources are identified in Chapters 6 through 19 of the Final EIR. Although the project has the potential to result in a number of significant environmental effects, most impacts can be mitigated through the application of standard practices and the adoption of appropriate mitigation measures that will reduce the identified impact to a less than significant level. These identified mitigation measures are included as Conditions of Approval for this project.

As described above and in the EIR/EIS, all of the environmental impacts associated with Alternative 1A – the Proposed Project – may be substantially lessened or avoided with the adoption of the mitigation measures set forth in these findings, with the exception of the following impacts:

- •TRANS-3 (contribution to congestion at Fanny Bridge and "Y" at summertime PM peak hour)
- •TRANS-C1 (cumulative contribution to congestion at Fanny Bridge and "Y" at summertime PM peak hour)
- •CC-C1 (direct or indirect GHG emissions)
- •CC-C2 (conflict with applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions)

Alternatives to the Proposed Project

In accordance with Section 15126.6 of the State of California CEQA Guidelines, the environmental document prepared for this project included an analysis of alternatives that would feasibly attain most of the project's objectives but would avoid or substantially lessen any of the significant effects of the Project, a review of a "No Project" alternative, and a discussion of off-site and on-site alternatives considered but determined to be infeasible. The analysis provided a comparison of a reasonable range of alternatives that feasibly avoid or lessen at least one significant effect of the Project and still achieve most of the project's objectives as outlined above. The alternatives described include variations in development intensity, residential type, and land use locations to provide flexibility to Placer County in selecting the alternative that best meets the needs of the community and the environment. The CEQA Guidelines state that the range of alternatives is governed by the "rule of reason," requiring evaluation of only those alternatives "necessary to permit a reasoned choice"; further, an EIR "need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative."

Alternatives to the proposed project that were considered in the EIR included:

- Alternative 1/1A (The proposed project)
- Alternative 2 (The No Project alternative)
- Alternative 3 (No TRPA Code Amendment for Building Height)
- Alternative 4 (Close Ski Area, Develop Estate Lots)
- Alternative 5 (Compact project area); and
- Alternative 6 (Reduced Project)

Alternative 1/1A

From an environmental perspective, Alternative 1 is environmentally comparable to the Proposed Project. Alternative 1 is feasible and attains the objectives for the Project. By comparison, the Proposed Project (Alternative 1A) is more responsive to land-use compatibility concerns of neighbors, is feasible, and also attains the objectives for the Project.

Alternative 2 (No Project Alternative)

Alternative 2 avoids the Project's significant and unavoidable impacts with respect to traffic at Fanny Bridge and GHG emissions. In this respect, Alternative 2 is environmentally superior to the Project. However, Alternative 2 would also result in the following significant and unavoidable impacts: LU-1; SCENIC-1; SCENIC-2; GEO-3; HYDRO-1; HYDRO-2; HYDRO-4; and HYDRO-C1. These impacts relate to the fact that visual, geological and hydrological improvements proposed as part of the Project would not occur, such that existing problems would remain. Consequently, the No Project Alternative is not considered to be environmentally superior alternative. For this reason, the staff recommends rejecting Alternative 2. Staff also recommends rejecting Alternative 2 because it would meet none of the objectives for the Project.

Alternative 3 (No TRPA Code Amendment for Building Height)

Impacts associated with Alternative 3 are generally comparable to those of the Project, and the same mitigation measures would apply. With respect to air quality, however, Alternative 3 would result in the following significant and unavoidable impacts: AQ-1 (PM10 and PM2.5 emissions during construction); AQ-4 (conflict or obstruct with implementation of the applicable air quality plans); and AQ-C1 (cumulative emissions during construction). The Project, as mitigated, avoids these impacts. In that respect, the Project is environmentally superior to Alternative 3. Alternative 3 does not avoid the Project's significant and unavoidable impacts (TRANS-3, TRANS-C1, CC-C1, CC-C2). Because Alternative 3 does not offer any environmental advantages over the Project, and results in significant and unavoidable impacts that would not occur under the Project, staff recommends rejecting Alternative 3.

Alternative 4 (Close Ski Area, Develop Estate Lots)

Alternative 4 would generate less traffic, and would therefore avoid the Project's significant and unavoidable impacts with respect to traffic and climate change. (TRANS-3, TRANS-C1, CC-C1, CC-C2.) In this respect, Alternative 4 is environmentally superior to the Project. However, Alternative 4 would result in the following significant and unavoidable impacts: LU-1; LU-C1; REC-2; and REC-C1. As addressed in Chapter 4 of the EIR/EIS (Relationship to Existing Land Use Plans, Policies, and Regulations), Alternative 4 is not consistent with many TRPA or Placer County land use plans, goals, policies, and provisions adopted for the purpose of avoiding or mitigating environmental effects. In addition, long-term environmental impacts may also result, such as water quality impacts from the on mountain roadway network. Therefore, this impact is considered to be significant and unavoidable. Moreover, Alternative 4 would meet none of the objectives for the Project. The existing ski facility would be closed, and the site would be redeveloped for estate residential uses. The project objectives focus on ensuring the continued viability of the ski resort. For, these reasons, staff recommends rejecting Alternative 4.

Alternative 5 (Compact project area)

Alternative 5 would result in impacts to traffic and climate change that would be comparable to those of the Project (TRANS-3, TRANS-C1, CC-C1, CC-C2). Alternative 5 would also result in the following, additional significant and unavoidable impacts: LU-1; LU-2; LU-C1; AQ-1; AQ-4; and AQ-C1. Alternative 5 is also less consistent with TRPA policies related to building heights. Thus, as compared to the Project, Alternative 5 avoids no significant impacts, and results in additional significant impacts that the Project does not. For this reason, staff recommends rejecting Alternative 5.

Alternative 6 (Reduced Project)

Alternative 6 would result in the same significant impacts as the Project, and the same mitigation measures would apply. In particular, Alternative 6 would result in significant and unavoidable impacts to traffic and climate change (TRANS-3, TRANS-C1, CC-C1, CC-C2). Alternative 6 includes a lower number of residential units, and therefore results in incrementally lower impacts with respect to traffic and climate change (although these impacts remain significant and unavoidable). Alternative 6 would result in significant and unavoidable air quality impacts during construction. Although mitigation measures are available to address this impact, PM10 emissions remain significant and unavoidable under this alternative. The Project, as mitigated, avoids this impact. In this respect, Alternative 6 is not the environmentally superior alternative.

From an environmental perspective, Alternative 6 represents a trade-off as compared to the Project. Alternative 6 would result in incrementally fewer traffic and climate change impacts, although certain of these impacts would remain significant and unavoidable. At the same time, Alternative 6 would result in significant and unavoidable air quality impacts during construction, whereas the Project would avoid these impacts. From an environmental perspective, it is staff's position that long-term impacts related to traffic and climate change are of greater weight than short-term impacts related to

construction. For this reason, staff agrees with the EIR that, taken as a whole, Alternative 6 is the environmentally superior alternative.

The EIR states that Alternative 6 would meet the project objectives. Staff disagrees with this conclusion based on a determination that Alternative 6 is infeasible. Economic analyses have been provided to the County concluding that Alternative 6 will generate an insufficient rate of return to finance long-term operations and capital improvements necessary to ensure the viability of the ski resort. Based on reasonable estimates of occupancy rates and per-skier revenue, Alternative 6 does not provide enough residential units to support the resort. This information is summarized in Final EIR/EIS Master Response 3. Staff has reviewed the master response, and the information submitted in support of the master response, and concurs with its analysis. For this reason, staff recommends rejecting Alternative 6.

NORTH TAHOE REGIONAL ADVISORY COUNCIL REVIEW

The applicant has presented the proposed project to the North Tahoe Regional Advisory Council at multiple meetings. At the October13, 2011 meeting, staff and the applicant will present an overview of the project as well as responses to the Advisory Council's comments. Any action or recommendation from NTRAC will be presented at the Planning Commission Hearing.

PUBLIC NOTICES

Because of the public interest in this project, the County and the applicant concluded there was merit in increasing the County's standard public notification standards for this project. To assure that most, if not all, residents in the vicinity of the proposed project were notified of the project, public notices for all public meetings were mailed out to property owners of record within 1,000 feet of the project site (as opposed to the County's standard 300-foot mail-out radius). Additionally, the County has assembled an interested parties list of more than 460 persons who wanted to be notified of issues associated with this project, and these interested parties were sent electronic mail notices of all public hearings and community meetings associated with the proposed project. As required by State law, all public hearing notices were published in the *Sierra Sun*, *Tahoe Daily Tribune*, and *Sacramento Bee* newspapers to assure that the greatest number of persons were made aware of this proposed project.

Because of the project's location within the Lake Tahoe Basin, County staff and the applicant wanted to assure that the highest level of public outreach was provided. More than 10 County-sponsored meetings have been held to discuss the project, and the applicant has held more than 60 individual and community meetings to present the project. It was through comments received during this public outreach process, as well as during the comments received on the Draft EIR, that led the applicant to modify the design and placement of structures on the project site.

CONCLUSION / STAFF RECOMMENDATION:

As detailed above, the Homewood Mountain Resort project has been through an exhaustive review process, including a significant public participation and public outreach process. Based upon the environmental analysis prepared for the project, including the associated mitigation measures that are included as Conditions of Approval, staff has concluded the proposed project is an appropriate design solution for the project site. On this basis, staff recommends the Planning Commission approve the Homewood Mountain Resort Master Plan project, based upon the following findings and subject to the Conditions of Approval included with this report.

A. <u>Final Environmental Impact Report</u>: The Planning Commission, having considered the staff report, supporting documents and public testimony, hereby makes the following findings relating to the environmental impacts of the Homewood Mountain Resort Ski Area Master Plan CEP Project ("Project") as set forth in the Final Environmental Impact Report ("FEIR"—SCH 2008092008) prepared by the County for the Project:

The Project applicant requested the following County discretionary approvals related to the Project, the first three of which the Commission acts only in an advisory capacity to the Placer County Board of Supervisors, and the last two of which the Commission is the decision-making body:

- 1. Adoption of amendments to Allowable Uses in Plan Area Statements in the West Shore Area General Plan:
- 2. Approval of amendments to Boundary Lines in Plan Area Statements in the West Shore Area General Plan
- 3. Approval of a Development Agreement:
- 4. Approval of a Conditional Use Permit;
- 5. Approval of a Vesting Tentative Subdivision Map.

The Commission, having duly considered the FEIR for the Project, the comments of the public, both oral and written, and all written materials in the record connected therewith, and being fully informed thereon, makes the following findings:

- (1) The FEIR has been prepared in accordance with all requirements of CEQA and the Guidelines.
- (2) The FEIR was presented to and reviewed by the Commission, and the Commission has reviewed the FEIR, and bases its findings on such review and other substantial evidence in the record. The FEIR was prepared under supervision by the County and reflects the independent judgment of the County.
- (3) The Commission hereby certifies the FEIR as complete, adequate and in full compliance with CEQA as a basis for considering and acting upon the Project approvals and, exercising its independent judgment, makes the specific findings with respect to the FEIR as set forth in Attachment D, attached to the staff report and adopted herein by reference.
- (4) All mitigation measures proposed in the FEIR shall be implemented, and the Mitigation Monitoring and Reporting Plan ("MMRP") is adopted, and will implement all mitigation measures adopted with respect to the Development pursuant to all of the Project Approvals. The mitigation measures have been incorporated into the conditions of approval and thus become part of and limitations upon the entitlements conferred by the Project approvals.
- (5) The Commission finds that the Project will bring substantial benefits to the County and that the Project's benefits outweigh the Project's unmitigated adverse impacts and pursuant to CEQA Guidelines section 15093 adopts and makes the Statement of Overriding Considerations as set forth in Attachment B, attached to the staff report.
- B. West Shore Area General Plan Amendments (Plan Area Statements): The Planning Commission, having considered the staff report, supporting documents and public testimony, finds that the following described changes to the allowable uses for Plan Area Statements 157 (Homewood), 158 (McKinney Tract Residential) and 159 (Homewood/Commercial), and to the boundary lines for Plan Area Statements 158 (McKinney Tract Residential) and 159 (Homewood/Commercial) would be consistent with public health, safety and welfare, would be otherwise consistent with the Placer County General Plan and West Shore Area General Plan, and are in compliance with applicable requirements of State law, and recommends the Board of Supervisors adopt a resolution approving the proposed changes to the allowable uses and an ordinance to approving the proposed changes to the boundary lines.

 Amendments to Placer County Plan Area Statement Boundary Lines

- Figure 3-13 of the EIR/EIS shows the location of the proposed PAS boundary amendments required for the Proposed Project (Alternative 1). The proposed boundary line amendments include:
 - PAS 158 McKinney Tract Residential Modify Placer County PAS 158 boundary (shown in yellow) to include entirety of South Base area currently located in PAS 157 (yellow hatching area within black dashed line). Create a "Special Area" for the expanded portion of PAS 158.
- PAS 159 Homewood Commercial Modify Placer County PAS 159 boundary to include the entirety of the North Base area currently located in PAS 157.

Amendments to Placer County Plan Area Statement Allowable Uses

- A copy of the proposed amendments to PAS 157, 158 and 159 is included in Appendix E of the EIR/EIS and summarized as follows:
- PAS 157 Homewood Tahoe Ski Bowl Recreation Add Personal Services (S) and Participant Sports Facility (S) as permissible uses.
- PAS 157 Homewood Tahoe Ski Bowl Recreation Add TDR Receiving Area for Existing Development (commercial) to newly created Special Area 1 (that includes the Mid Mountain Lodge). PAS 157 Homewood Tahoe Ski Bowl Recreation Modify Special Policy 6 to allow commercial at the mid mountain lodge.
- PAS 157 Homewood Tahoe Ski Bowl Recreation Modify Special Policy 8 to allow commercial uses pursuant to a Ski Area Master Plan.
- PAS 158 McKinney Tract Residential Add Multi-Family Dwellings (S) and Skiing Facilities (A) as permissible uses to the newly created "Special Area 1" shown on Figure 3-13 of the EIR/EIS (yellow hatching).
- **PAS 158 McKinney** Tract Residential Add TDR Receiving Area for 1) Existing Development, and 2) Multi-Residential Units to the newly created "Special Area 1" shown on Figure 3-13 of the EIR/EIS (yellow hatching).
- PAS 158 McKinney Tract Residential Add Multiple Family Dwellings (Special Area 5 only) to Maximum Densities with a Maximum Density of 15 units per acre.
- PAS 159 Homewood Commercial Add Multi-Family Dwellings (S) and Privately Owned Assembly and Entertainment (S) as permissible uses to the newly created "Special Area 1" shown on Figure 3-13 of the EIR/EIS (purple hatching).
- PAS 159 Homewood Commercial Add TDR Receiving Area for Multi-Residential Units (to Special Area 1 only).
- **PAS 159 Homewood Commercial** Increase Multiple Family Dwellings (Special Area 1 only) and Employee Housing Maximum Densities to 15 units per acre (from a current Maximum Density of 8 units per acre).
- C. <u>Development Agreement</u>: The Planning Commission, having considered the staff report, supporting documents and public testimony, hereby makes the following findings relating to a Development Agreement between the County of Placer and Homewood Village Resorts, LLC, in the form attached hereto as Attachment C attached to the staff report and adopted herein by reference, and recommends the Board of Supervisors adopt an ordinance approving the Development Agreement:
- (1) The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the Placer County General Plan;
- (2) The Development Agreement is compatible with the uses authorized in, and the regulations proscribed for, the land use districts in which the real property subject to the Development Agreement is located;
- (3) The Development Agreement is in conformity with public convenience, general welfare and good land use practice:
- (4) The Development Agreement will not be detrimental to the health, safety and general welfare of persons residing in Placer County;

- (5) The Development Agreement will not adversely affect the orderly development of property or the preservation of property values.
- D. <u>Conditional Use Permit</u>: The Planning Commission, having considered the staff report, supporting documents and public testimony, makes the following findings and approves a conditional use permit for the Project, subject the Board of Supervisors approving the amendments to the West Shore Area General Plan and subject to the Conditions of Approval for this project attached to the staff report as Attachment H:
- (1) The proposed uses are consistent with all applicable provisions of Chapters 17 and 18 of Placer County Code.
- (2) The proposed uses are consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan and the West Shore Area General Plan upon approval of the amendments to the Plan Area Statements.
- (3) The establishment, maintenance or operation of the proposed uses will not be detrimental to the health, safety, and general welfare of people residing or working in the neighborhood of the proposed use, and will not be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the County.
- (4) The proposed uses are consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
- E. <u>Findings for Planned Development</u>: The Planning Commission, having considered the staff report, supporting documents and public testimony, makes the following findings in accordance with Placer County Code section 17.54.090(B), and finds the Project to be in the public interest, and approves the Project as a planned development, subject the Board of Supervisors approving the amendments to the West Shore Area General Plan and subject to the Conditions of Approval for this project attached to the staff report as Attachment H:
- (1) The Project is consistent with the West Shore Area General Plan, is consistent with the Plan Areas Statement uses and characteristics of the area, and is compatible with adjacent properties and their existing or allowed land uses, including minimum lot sizes proposed.
- (2) The Project is consistent with the purposes of a planned residential development as specified in Placer County Code Section 17.54.080 as follows: it protects environmentally sensitive areas, conserves visual and aesthetic resources, maintains the area's existing quality of life; provides for a variety of housing types, designs, and layouts; and is an efficient use of land and of public facilities and services.
- (3) The Project varies from otherwise applicable zoning and subdivision regulations by allowing for the development of a mixed-use project that establishes setback, building height and parking standards that are unique to the project site, based upon the analysis prepared for this project. Such departures are in the public interest because the resulting project is a site-specific design solution that takes into consideration the existing conditions of the project area, including the proximity to existing surrounding residences.
- (4) The purpose, location and amount of the common open space in the Project, the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
- (5) The physical design of the Project and the manner in which the design does or does not make adequate provision for public services, control over vehicular traffic, and the amenities of light and air, recreation and visual enjoyment.

- (6) The relationship, beneficial or adverse, of the proposed Project to the neighborhood wherein it will be located.
- (7) The conditions imposed upon the Project are sufficient to protect the interests of the public and of the residents of the Project throughout the Project's construction period.
- (8) The benefits or adverse impacts to the community as a result of density increases realized by the Project by using this process are appropriate because, by allowing for the development of a mixed-use project that establishes setback, building height and parking standards that are unique to the project site, based upon the analysis prepared for this project. Such departures are in the public interest because the resulting project is a site-specific design solution that takes into consideration the existing conditions of the project area, including the proximity to existing surrounding residences. Additionally, the increased density is appropriate based upon specific features of the Project.
- (9) The benefits of the Project versus a traditional lot and block development of the property include the development of a project that has been specifically designed around the existing features of the property, placing development in areas where development already existed and minimizing impacts to adjoining properties, and the Project is the superior method of development for the site in question.
- F. <u>Vesting Tentative Subdivision Map</u>: The Planning Commission, having considered the staff report, supporting documents and public testimony, makes the following findings with respect to a the tentative map for the Project, as shown in Attachment G attached to the staff report, and approves the tentative subdivision map, subject the Board of Supervisors approving the amendments to the West Shore Area General Plan and subject to the Conditions of Approval for this project attached to the staff report as Attachment H:
- (1) Upon approval of the proposed amendments to the Plan Area Statements for the West Shore Area General Plan, the proposed subdivision, together with the provisions for its design and improvements, will be consistent with the Placer County General Plan, the West Shore Area General Plan and the applicable County Zoning Ordinances.
- (2) The site of the subdivision is physically suitable for the type and proposed density of development.
- (3) The subdivision, with the recommended conditions, is compatible with the neighborhood and adequate provisions have been made for necessary public services and mitigation of potential environmental impacts.
- (4) The design and proposed improvements of the subdivision are not likely to cause substantial environmental damage or public health problems.
- (5) The design of the subdivision and the type of the proposed improvements will not conflict with easements acquired by the public at large for access through, or use of the property, within the proposed subdivision.

ATTACHMENTS:

Exhibit 1 – Project Vicinity Map

Exhibit 2 – Project Site Plan

Exhibit 3 – Proposed Building Elevations

Attachment A – CEQA Findings of Fact and Statements of Overriding Consideration

Attachment B – (Omitted)

Attachment C - Development Agreement

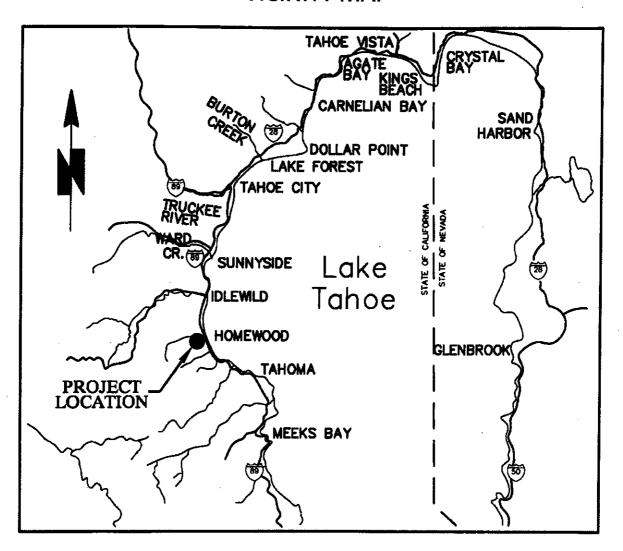
Attachment D - Final EIR/EIS (Sent under separate cover on October 2011)

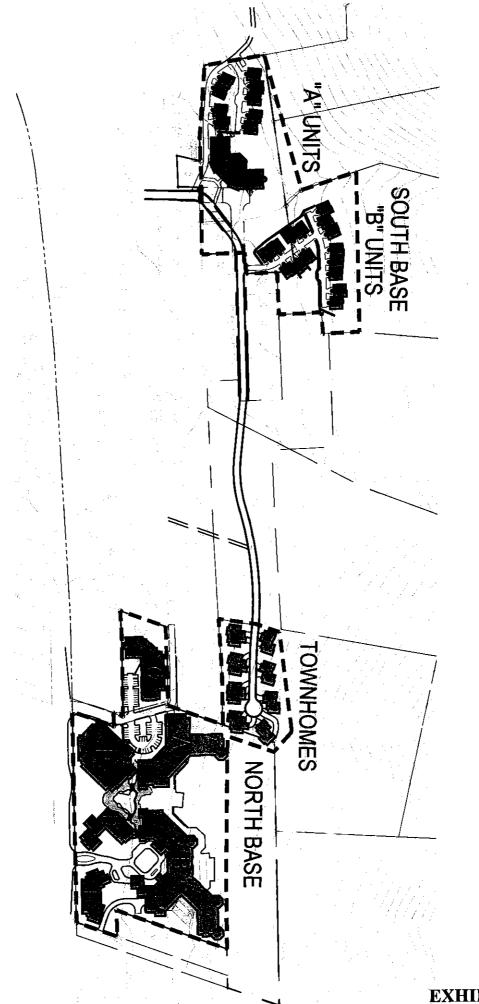
Attachment E – Draft EIR/EIS (sent under separate cover on January 2011)

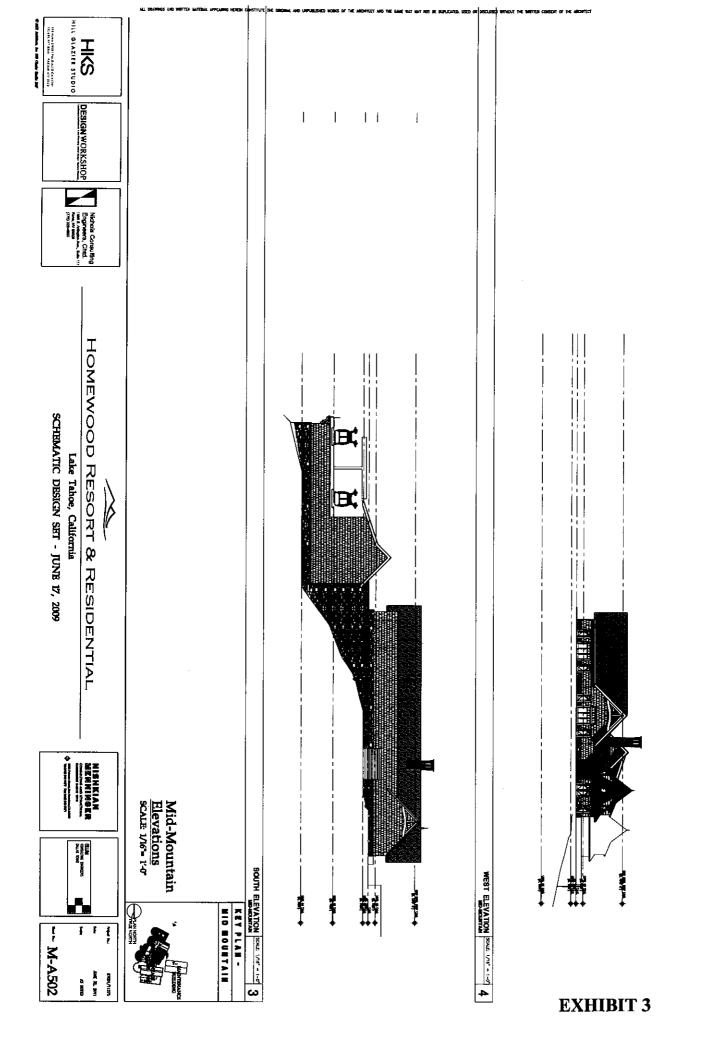
Attachment F- Westshore Area General Plan Zoning Designation Map Amendments Attachment G- Planned Development/ Vesting Tentative Subdivision Map Attachment H-Recommended Conditions of Approval Attachment I-Correspondences on FEIR

cc: Art Chapman and David Tirman, Homewood Village Resorts, LLC, Applicant Michael Johnson - CDRA Director
Paul Thompson - Deputy Planning Director
Scott Finley - County Counsel's Office
Yu Shuo Chang - Air Pollution Control District
Rebecca Taber - Engineering and Surveying Department
Andrew Gaber - Department of Public Works
Mohan Ganapathy - Environmental Health Services
Andy Fisher - Parks Department
Allen Breuch - Supervising Planner
Placer County Environmental Coordination Services
David Landry - TRPA Project Planner
Subject/chrono files

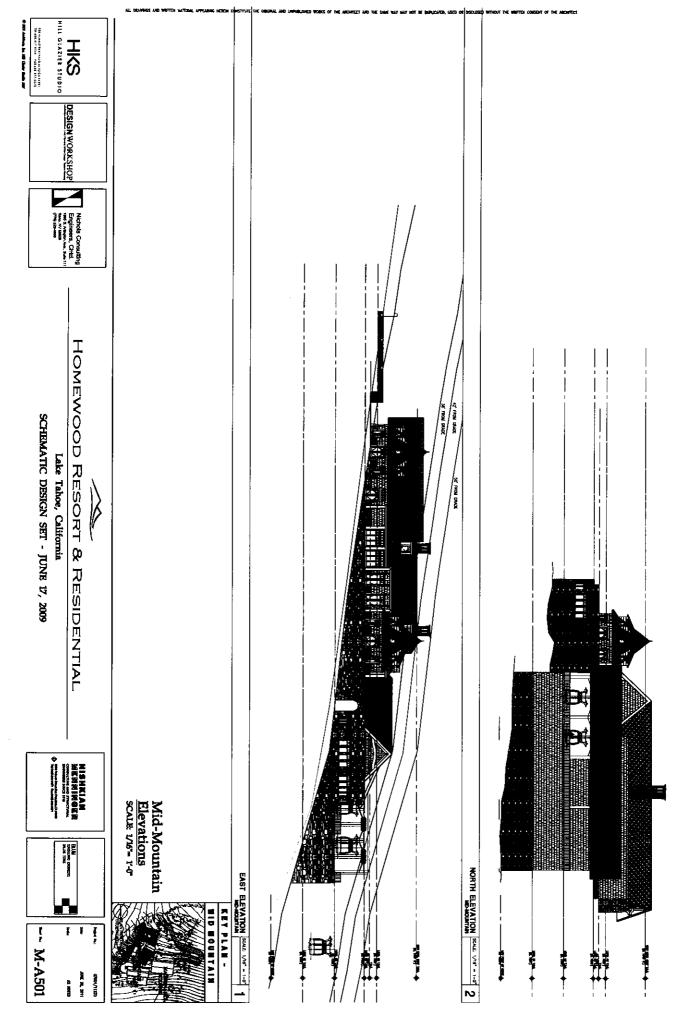
VICINITY MAP







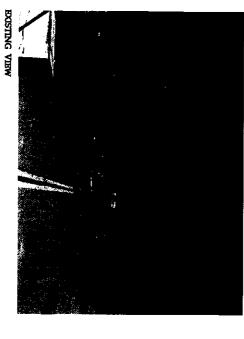
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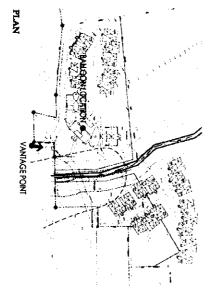
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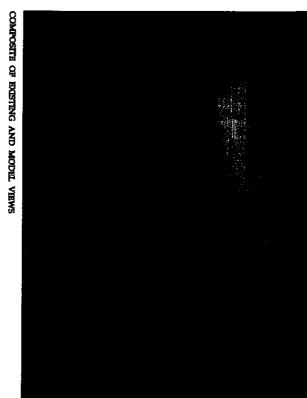
COMPOSITE OF EXISTING AND MODEL VIEWS



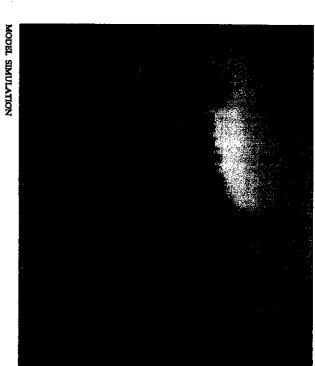


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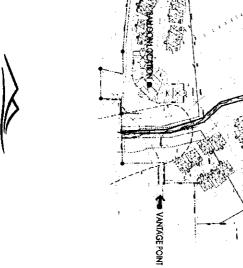
SOUTH BASE #1









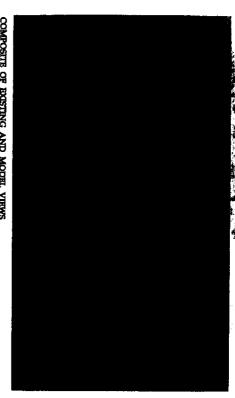


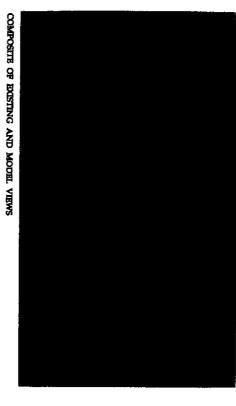
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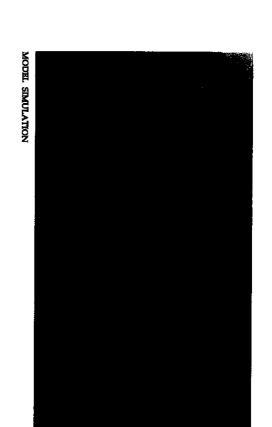


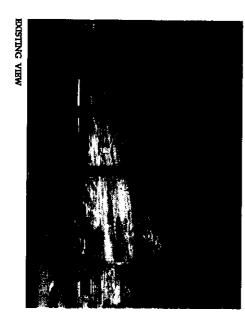
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NORTH BASE #2







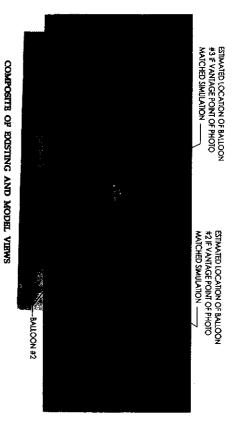


PLAN



HOMEWOOD RESORT & RESIDENTIAL

NORTH BASE #1

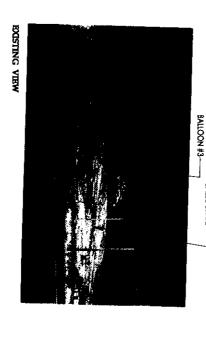
















VANTAGE POINT OF MODEL SIMULATION:

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HOMEWOOD RESORT & RESIDENTIAL

CEQA FINDINGS OF FACT

and

STATEMENT OF OVERRIDING CONSIDERATIONS OF THE PLACER COUNTY PLANNING COMMISSION

for the

HOMEWOOD MOUNTAIN RESORT SKI AREA MASTER PLAN ENVIRONMENTAL IMPACT REPORT

October 18, 2011



I. INTRODUCTION

On October 3, 2011, a joint document serving as the final environmental impact report (EIR) prepared on behalf of Placer County and the final environmental impact statement (EIS) prepared on behalf of the Tahoe Regional Planning Agency (TRPA) was released for public review. Pursuant to Public Resources Code section 21081, Placer County adopts the following findings for the Homewood Mountain Resort Ski Area Master Plan ("Project") in accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

This document is organized as follows:

Section I provides an introduction to these findings.

Section II provides a description of the Project proposed for adoption, the environmental review process for the Project, the approval actions to be taken and the location of records;

Section III describes the environmental review process for the Project, including public scoping and review of the Project.

Section IV identifies the Record of Proceedings for this matter, including the administrative record upon which the County's approval of the Project is based.

Section V provides general guidance regarding the County's adoption of these findings.

Section VI provides the County's findings with respect to the Project's potentially significant impacts. Attachment "A" to these findings is a table setting forth each mitigation measure adopted by the County in connection with its approval of the Project. Attachment A includes the full text of each mitigation measure adopted by the County. The mitigation measures that are identified as adopted in Attachment A are hereby adopted by the County. Section VI also addresses mitigation measures and project modifications proposed by commenters, and the County's findings with respect to these proposals.

Section VII adopts and incorporates the Mitigation Monitoring and Reporting Program ("MMRP") for the mitigation measures that have been proposed for adoption. A copy of the MMRP is attached as Chapter 21 to the Final EIR/EIS. In adopting these findings, the County hereby adopts and commits to implement the MMRP. The measures set forth in the MMRP represent binding commitments with which the project applicant must comply.

Section VIII sets forth the County's findings with respect to recirculation of the Draft EIR/EIS. These findings are adopted pursuant to CEQA Guidelines section 15088.5.

Section IX sets forth the County's findings with respect to alternatives to the Proposed Project. These findings are adopted pursuant to Public Resources Code sections 21002 and 21081, subdivision (a)(3).

Section X sets forth the County's "statement of overriding considerations" concerning the Project. These findings are adopted pursuant to Public Resources Code section 21081, subdivision (b).

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 EIR/EIS. The findings and determinations constitute the independent findings and determinations by the County 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 EIR/EIS and Final EIR/EIS in

support of various conclusions reached below, the Planning Commission 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 County's approval of the mitigation measures recommended in the Final EIR/EIS, and the reasoning set forth in responses to comments in the Final EIR/EIS. The County 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 the County 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.

Like the EIR/EIS 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.

These Findings, along with the Statement of Overriding Considerations set forth in Section X, the table of findings set forth in Attachment A, and the Mitigation Monitoring and Reporting Program ("MMRP") set forth at chapter 21 to the Final EIR/EIS, are made with respect to the Project Approvals for the Project and state the findings of the Planning Commission relating to the potentially significant environmental effects of the Project in accordance with the Project Approvals. The following Findings, along with the Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program are hereby adopted by the Placer County Planning Commission as required by the California Environmental Quality Act, Public Resources Code Sections 21002, 21081, 21081.5 and 21081.6, and CEQA Guidelines sections 15091 through 15093.

II. PROJECT DESCRIPTION

The HMR Ski Area Master Plan is a mixed-use project developed under the TRPA Community Enhancement Program (CEP) guidelines adopted in August 2007. Placer County, California, (County) as the lead agency under CEQA, jointly prepared an EIR/EIS for the project with TRPA. In its entirety, the documents consist of the January 2011 Draft EIR/EIS and the October 2011 Final EIR/EIS (State Clearinghouse No. 2008092008). The EIR/EIS prepared for the Project is both a program and project EIR. The EIR/EIS addresses the environmental impacts associated with adoption of the Homewood Mountain Resort (HMR) Ski Area Master Plan (Project) covering the approximately 1,253-acre within the County.

The Project proposes to develop and upgrade mixed-uses at the existing North Base project area, residential uses at the exiting South Base project area, a lodge at the Mid-Mountain Base area, and support facilities within HMR Ski Area Master Plan Area. 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.).

See Chapter 3, Proposed Project and Alternatives, of the Final EIR/EIS for a complete and detailed description of the Project. This includes figures, diagrams, and tables illustrating and describing the proposed Project. (Final EIR/EIS, pp. 3-1 - 3-53.) The following text describes briefly the Project.

A. Project Location

The approximately 1,253-acre HMR Ski Area Master Plan Area, the Project area, lies on the western shore of the Lake Tahoe Basin of the Sierra Nevada Mountains, approximately six miles south of Tahoe City in Placer County, California. The Project area is bound by State Route (SR) 89 and Lake Tahoe to

the east, Ellis Peak to the southwest, and Blackwood Ridge to the north. Access to the Project area is via SR 89 (West Lake Boulevard), from either Interstate 80 (I-80) from the north or U.S. Highway 50 (US 50) from the south. The Project area includes twenty (20) contiguous parcels of varying sizes. The Project area is characterized as a "mountain," and the topography has a wide-range of values. The portions of the Project area proposed for development range from reasonably flat (1 to 10%) up to 30% slopes. Special features onsite include Watersheds (Homewood Mountain contains a portion of three watersheds and one intervening area), Lakes (Quail Lake and more than half of Lake Louis), and Mixed-Conifer forests. (Final EIR/EIS, pp. 3-1 - 3-8.)

B. Project Overview

The Proposed Project is described in the HMR Ski Area Master Plan dated October 2010, which is a conceptual plan to redevelop a mixed-use base area in the north Project area, a residential base area in the south, and a Mid-Mountain lodge and beginner ski area. The Proposed Project would provide for up to 155 tourist accommodation units, 181 residential units and 13 workforce/employee housing units at the North and South Base areas.

The original proposed project was identified in the Draft EIR/EIS as "Alternative 1." Following the circulation of the Draft EIR/EIS and community meetings on the project, HMR proposed modifications to Alternative 1 based on input from neighbors at the north and south base areas. The purpose of the project revisions was to address community concerns regarding the Project. The revised project is identified as "Alternative 1A" in the Final EIR/EIS. Section 3.5 of the Final EIR/EIS describes Alternative 1A. HMR has requested approval of Alternative 1A. Alternative 1A thus represents the project approved by the County pursuant to these findings. When these findings use the term "Project", that term refers to Alternative 1A.

The Project area, existing zoning, existing facilities, and proposed redevelopment is shown on Figures 3-1 through 3-10 of the EIR/EIS. Alternative 1A proposed several changes to address community concerns regarding the project. In summary, at the north base area, the proposed parking structure (Building P) was moved from the existing gravel parking lot location in Alternative 1 to the SR 89 frontage just north of Fawn Street. The proposed commercial and residential building (Building C) proposed for the Alternative 1A parking structure location would be moved to the existing gravel parking lot and will only include residential condominiums and some associated surface parking spaces. The modifications do not change the number of proposed multi-family residential or tourist accommodation units, nor the amount of proposed commercial floor area, as compared to Alternative 1. The total parking provided onsite is increased by 11 spaces. (Final EIR/EIS, p. 3-16; Figure 3-8A of the EIR/EIS documents the proposed changes included in Alternative 1A.)

The south base modifications include the elimination of two of the three large multi-family residential condo buildings at the south base area (the most northerly and most southerly two buildings). These two buildings will be replaced with 24 smaller chalet buildings each containing two condo units and their associated parking in first floor garages. Total number of multi-family residential units would be reduced from 99 in Alternative 1 to 95 in Alternative 1A (48 in chalets and up to 47 in the remaining large multi-family residential condo building). (Final EIR/EIS, p. 3-16; Figure 3-9A documents the proposed changes included in Alternative 1A.)

a. Removal of Existing Structures

The initial step of the Project development would be to remove existing structures and ski area facilities. At the North Base area, the Proposed Project will remove four existing ski lifts (including beginner lifts and the base of the Madden Ski Lift) and associated pads, footings and utilities; buildings and concrete foundations; storm drain structures; asphalt parking surfaces; overhead transmission lines; and a

pumphouse. (Final EIR/EIS, p. 3-16; buildings and facilities at the North Base area to be removed are shown in Figure 3-5 of the EIR/EIS.)

At the South Base area, the Proposed Project will remove one existing ski lift (the beginner surface lift) and associated pads, footings and utilities; buildings and concrete footings; asphalt parking surfaces; and overhead transmission lines. (Final EIR/EIS, pp. 3-16 - 3-17; structures and facilities at the South Base area to be removed are shown in Figure 3-6 of the EIR/EIS.)

b. North Base Area

The approximately 17-acre North Base area will include six new mixed-use structures and eight new townhouse structures to provide up to:

- 36 residential condominiums (multi-family residential units);
- 16 townhouses (multi-family residential units);
- 20 fractional ownership units (TAUs with 10% or more units with kitchens);
- A resort lodge with
- 75 traditional hotel rooms (TAUs with less than 10% of units with kitchens),
- 40 two-bedroom for sale condominium/hotel units (up to 20 of which will have one-room lockoffs, which means the units could be used as two rentals instead of one for a total of 60 TAUs with 10% or more units with kitchens), and
- 30 penthouse condominium units (TAUs with 10% or more units with kitchens located on the upper floors of the hotel);
- 25,000 square feet of commercial floor space (a portion of which may be provided at the Mid-Mountain lodge);
- 13 employee/workforce housing units (multi-family residential bonus units);
- A 272-space day skier parking structure on four levels; and
- 30,000 square feet of skier services to provide food and beverage service, adult and children's ski school services, rental shop, locker facilities, restrooms, first aid, and mountain administration and operations offices.

Under the Proposed Project, day-skier access and ski resort amenities and services will be relocated to the North Base in Buildings A and B (Figures 3-7 and 3-8 of the EIR/EIS). The Proposed Project (Alternative 1A) provides 740 parking spaces, including 272 day use parking spaces in a four-level parking structure in Building P (located at SR 89 north of Fawn Street), 58 limited surface parking spaces in two locations adjacent to Buildings A and C, and 410 underground valet parking spaces. The commercial/retail areas are designed to be accessible from the adjacent residential neighborhood, employee/workforce housing, and the day-skier parking structure.

The 75-room boutique-style hotel (Building B, Figure 3-7 of the EIR/EIS) will feature resort amenities that are expected to include full service restaurant, spa and fitness facility. Hotel rooms will be combined with 40 two-bedroom, two-bath condominium/hotel units (up to 20 with one-room lock-offs) and 30 individually owned penthouse condominium units (top floor of Building B). The condominium/hotel units and penthouse condominium units will be individually owned and owners will be offered full hotel services.

The 36 residential condominiums and up to 20 fractional ownership units will be spread between 2- and 3-story buildings located adjacent to SR 89 (Buildings C, D and E, Figure 3-7 of the EIR/EIS). Alternative 1A locates Building C within the existing gravel parking area south of Fawn Street and across from existing single-family homes along Sacramento Avenue. The commercial floor area included in Building C under Alternative 1 will be included on the northwest side of the parking structure (Building P) under Alternative 1A, to remain adjacent to the proposed pedestrian plaza. Some of these units will be

located in buildings with village retail space on the ground floor. Thirteen employee/workforce housing apartments with, up to four bedrooms each, will be located adjacent to the above ground parking structure accessed from Fawn Street to the south of the hotel and condominium units in Building P.

Vehicle access to 16 townhouses in eight buildings in the North Base area would be via an approximately 1,500 foot long extension of Tahoe Ski Bowl Way from the South Base area. Per Placer County requirements, a secondary access road is required to be constructed to serve these townhomes due to the length of Tahoe Ski Bowl Way extension, as dead end roads must not be more than 1,320 feet long for parcels 1-5 acres in size or 2,640 feet long for parcels 5-20 acres in size. The secondary access will utilize the South Street easement located between Sacramento Avenue and the extension of Tahoe Ski Bowl Way. The North Base townhomes are a Phase 2 project component that will be analyzed at a project level for Placer County CEQA and TRPA purposes prior to its eventual permitting.

(Final EIR/EIS, pp. 3-18 to 3-19.)

c. South Base Area

Under the Proposed Project, the South Base area will be converted to a neighborhood residential area, with day-skier access and skier amenities re-located to the North Base area. The approximately six-acre South Base area will include up to 99 residential condominiums (multi-family residential units). The condominiums will be spread throughout the South Base area in Buildings A, A1, and B (Figures 3-7 and 3-9) that will be up to three stories in height. The condominium structures will be located at the present location of the children's facilities, ski school, and day lodge buildings that would be removed. Under Alternative 1A, two of the condominium buildings (A1 and B) will be replaced with 24 Chalet buildings, each containing two multi-family residential units for a total of 48 units. Nine of the Chalets would be located in the approximate footprint of Building A1 (units A1-1 to A1-9) and 15 of the Chalets would be located in the approximate footprint of Building B (units B1 to B15). The northern most Chalets would be located farther up the hillside from Tahoe Ski Bowl Way than Building B under Alternative 1 to provide greater separation from existing single-family homes. Up to 47 additional multi-family residential condominiums would be provided in Building A, for a total of up to 95 residential units under Alternative 1A.

There will be 117 underground parking spaces provided, with up to 150 underground parking spaces ultimately provided based on final parking layout design, located directly below the residential footprints, which utilizes the excavation required for the building foundations and allows for more pervious landscape surfaces around the buildings in lieu of surface parking. Under Alternative 1A, 49 spaces would be provided underground below Building A, along with two-car garages for each multi-family residential unit located in the Chalets, totaling 145 parking spaces. During peak seasons, the area will include a small snack bar in one of the residential buildings. The South Base area will include access to 16 new townhouses located slightly above the North Base area off of an extension of Tahoe Ski Bowl Way. At its crossing of Homewood Creek adjacent to the existing base lodge, Tahoe Ski Bowl Way will be realigned slightly to the east and the existing culvert will be removed and replaced with a bridge span. In order to relocate the roadway, HMR must comply with Placer County Procedures for Abandonment of County Easements and Public Resources Code section 4290. County requirements for the realigned segment of Tahoe Ski Bowl Way include a 40-foot minimum width and a turnaround (Plate U-22.1 or U-22.2) with public road easement dedication at the end of the Tahoe Ski Bowl Way public road easement (just north of the proposed South Base area buildings). The existing maintenance facility and surface parking areas will be removed from the South Base area. (Final EIR/EIS, pp. 3-19 to 3-20.)

d. Mid-Mountain Area

The Mid-Mountain area will include:

- A 15,000 square feet day-use lodge with a detached gondola terminal linked to the lodge by a
 covered passage;
- A learn-to-ski lift;
- A food & beverage facility with indoor & outdoor dining (part of day lodge);
- A small sundry outlet (part of day lodge);
- An outdoor swimming facility for use during the summer months by West Shore residents (adjacent to day lodge);
- · A snow-based vehicle (e.g., grooming equipment) maintenance facility; and
- Two water storage tanks located up hill from the day-use lodge.

The Mid-Mountain lodge, as shown in Figure 3-10 of the Final EIR/EIS, will replace the white tent structure and the concrete foundation located at the Mid-Mountain near the top of the Madden ski lift. As part of the Proposed Project, the composting toilet/restroom will be removed and replaced with connection to the public sewer system. The learn-to-ski lift will be located north of the proposed lodge on gently sloping terrain. The snow-based vehicle shop/maintenance facility (i.e., no rubber-tired vehicles) will be relocated from the South Base area to the Mid-Mountain area in an 8,000 square feet facility directly behind the gondola terminal. Two 250,000-gallon water storage tanks will be constructed at Mid-Mountain area on the slope above the vehicle shop/maintenance facility to serve the entire Homewood Mountain Resort project area.

Mid-mountain lodge will include accessory uses: 1) Office of Emergency Services (OES) communication room, repeater antennas and emergency generator room; 2) An emergency cache room (fire fighting equipment) for North Tahoe Fire Protection District (NTFPD) and; 3) possibly Homewood ski patrol office. NTFPD will work with HMR to determine the size and equipment requirements for the cache room, including the maintenance of any equipment proposed to be located in the room.

(Final EIR/EIS, p. 3-28.)

e. Master Plan Phasing

HMR anticipates a ten (10) year time frame for the build out of the Ski Area Master Plan. The following outlines the anticipated development phasing.

Phase 1 – North Base area - Implementation in years 1 through 5:

- 1a. Mid Mountain Day Lodge and accessory structures (two 250,000-gallon water tanks and Gondola terminal), Mid Mountain Learn to Ski Lift, Mid Mountain Maintenance Facility, Gondola, North Base Amphitheater, North Base Hotel/Lodge (Building B), North Base Day Skier Services Building and Residential Units (Building A), North Base Commercial and Residential Units (Building C) and Landscape/Ice Pond Area, North Base Employee/Workforce Housing and Day Skier Parking Structure (Building P), TCPUD bike trail extension, and LEED Commissioning;
- 1b. North Base Residential Building Adjacent to Highway 89 (Building D); and
- 1c. North Base Residential Building Adjacent to Highway 89 (Building E).

A Phase 1 construction staging and parking plan will be prepared at the beginning of Master Plan implementation. HMR plans to shut down the entire North Base area for Phase 1 construction and utilize the existing parking areas according to a detailed construction logistics plan. The selected general contractor would be required to put such a logistics plan together as one of their first tasks. The focus of the first phase 1a would be the hotel, day skier facility, and parking/workforce housing structure, which would leave the existing paved parking area fronting SR 89 open and available for staging of materials and construction parking. During Phase 1a construction, winter ski operations would continue to operate

out of the South Base area.

Phase 2 – South Base – Implementation in years 6 through 10:

- 2a. Culvert Removal, Tahoe Ski Bowl Way road realignment and SEZ Restoration; South Base Residential Buildings A and A1 (southern buildings) (under Alternative 1A, Building A1 is replaced with Chalets A1-1 to A1-9);
- 2b. South Base Residential Building B (northern building) (under Alternative 1A, Building B is replaced with Chalets B1 to B15); and
- 2c. Tahoe Ski Bowl Way roadway extension and Townhouses (located above North Base area, but accessed from the South Base area). Additional project-level environmental review is required prior to acquiring project entitlements to complete this phase.

(Final EIR/EIS, pp. 3-51 to 3-52.)

C. Amendments to Placer County Plan Area Statements; Amendments to TRPA Ordinances,
Goals and Policies, and Plan Areas Statements; Amendments to North Tahoe Fire
Protection District Boundary (NTFPD)

The Project requires the following amendments to TRPA and County Ordinances, Goals and policies.

Amendments to Placer County Plan Area Statement Boundary Lines

Figure 3-13 of the EIR/EIS shows the location of the proposed PAS boundary amendments required for the Proposed Project (Alternative 1). The proposed boundary line amendments include:

PAS 158 – McKinney Tract Residential – Expand Placer County PAS 158 boundary (shown in yellow) to include entirety of South Base area currently located in PAS 157 (yellow hatching area within black dashed line). Create a "Special Area" for the expanded portion of PAS 158.

PAS 159 – **Homewood Commercial** – Expand Placer County PAS 159 boundary to include the entirety of the North Base area currently located in PAS 157.

Amendments to Placer County Plan Area Statement Allowable Uses

A copy of the proposed amendments to PAS 157, 158 and 159 (shown in revision mode) is included in Appendix E of the EIR/EIS and summarized as follows:

- PAS 157 Homewood Tahoe Ski Bowl Recreation Add Personal Services (S) and Participant Sports Facility (S) as permissible uses.
- PAS 157 Homewood Tahoe Ski Bowl Recreation Add TDR Receiving Area for Existing Development (commercial) to newly created Special Area 1 (that includes the Mid Mountain Lodge).
- PAS 157 Homewood Tahoe Ski Bowl Recreation Modify Special Policy 6 to allow commercial at the mid mountain lodge.
- PAS 157 Homewood Tahoe Ski Bowl Recreation Modify Special Policy 8 to allow commercial uses pursuant to a Ski Area Master Plan.
- PAS 158 McKinney Tract Residential Add Multi-Family Dwellings (S) and Skiing Facilities (A) as



permissible uses to the newly created "Special Area 1" shown on Figure 3-13 of the EIR/EIS (yellow hatching).

PAS 158 - McKinney Tract Residential - Add TDR Receiving Area for 1) Existing Development, and 2) Multi-Residential Units to the newly created "Special Area 1" shown on Figure 3-13 of the EIR/EIS (yellow hatching).

PAS 158 - McKinney Tract Residential - Add Multiple Family Dwellings (Special Area 1 only) to Maximum Densities with a Maximum Density of 15 units per acre.

PAS 159 – **Homewood Commercial** - Add Multi-Family Dwellings (S) and Privately Owned Assembly and Entertainment (S) as permissible uses to the newly created "Special Area 1" shown on Figure 3-13 of the EIR/EIS (purple hatching).

PAS 159 - Homewood Commercial - Add TDR Receiving Area for Multi-Residential Units (to Special Area 1 only).

PAS 159 – Homewood Commercial - Increase Multiple Family Dwellings (Special Area 1 only) and Employee Housing Maximum Densities to 15 units per acre (from a current Maximum Density of 8 units per acre).

Amendments to TRPA Code of Ordinance/Plan Area Statement/Goals and Policies Amendments,

Required amendments to the TRPA Code of Ordinance, Plan Area Statement, Goals and Policies are described in the EIR/EIS. (See pp. 3-47 through 3-52,)

Amendments to North Tahoe Fire Protection District Boundary (NTFPD)

Amend NTFPD service boundary to include the Mid-Mountain lodge area. This would require an amendment of the NTFPD service boundary through the Local Agency Formation Commission (LAFCO). Placer County Fire currently has wild fire jurisdiction for the undeveloped Mid-Mountain lodge area.

D. Project Objectives

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

- Construct onsite residential and tourist accommodation units to support increased HMR skier visits during mid week operations;
- Optimize the quality of the existing winter ski experience and improve the year-round use of the site while responding to changes in technology, market trends and user preferences;
- · Maintain consistency with the scale and character of Homewood, California;
- Enhance the lifestyle and property values of West Shore residents; and
- Generate sufficient revenues to support the proposed environmental and fire safety improvements and ensure the continued viability of the ski operations.

(EIR/EIS, pp. 3-8 to 3-9.)

E. Combined Program and Project-Level Analysis

The EIR provides a project-level analysis for:

- · Amendments to TRPA Plan Area Statements, Code of Ordinance and Goals and Policies;
- · Amendments to County Plan Area Statements;
- Mid-mountain Day Lodge and Accessory Structures (e.g., Gondola Terminal);
- Mid-Mountain Maintenance/Water Tanks; Gondola; North Base Hotel/Lodge (Building B);
- North Base Day Skier Services Building and Residential Units (Building A);
- Alternative Transportation Program (e.g., Summer Water Taxi, Shuttles, Dial-A-Ride);
- Extension of TCPUD Bike Trail through North Base Area; Amphitheater;
- North Base Commercial and Residential Units Building C (Commercial excluded under Alt 1A);
- North Base Employee/Workforce Housing and Day Skier Parking Structure (Building P) (Commercial included under Alt 1A);
- North Base Gathering/Ice Pond Area; North Base Residential Units (Building D);
- North Base Residential Units (Building E);
- Demolition of South Base Maintenance Facility; South Base Residential Units (Building A);
- South Base Residential Units (Chalets A1-1 to A1-9 and B1 to B15 under Alternative 1A); and
- South Base Culvert Removal/SEZ Restoration.

(See Table 3-4 of Final EIR/E1S, p. 3-17.)

The EIR also provides a program-level analysis of the construction of facilities that are part of the proposed Project, but for which specific plans and designs have not yet been prepared:

- Extension of Cross-Country Ski Trails at South Base Area;
- Mid-Mountain Learn to Ski Lift and Ellis Chair Lift Replacement;
- Snowmaking Expansion including Accessory Buildings (e.g., pump houses);
- On Mountain Road Abandonment and Restoration (e.g., restoration sites with potential use of project generated fill material);
- South Base Tahoe Ski Bowl Way Extension to North Base Townhouses; and
- North Base Townhouses

(See Table 3-4 of Final EIR/EIS, p. 3-17.) Specific plans and designs for these facilities will not be prepared until after the Proposed Ski Area Master Plan is approved and a final Alternative is selected.

CEQA Guidelines section 15161 defines a project EIR as "focusing primarily on the changes in the environment that would result from project development." As stated in Section 15161 of the CEQA Guidelines, a project specific EIR is required to "examine all phases of the project including planning, construction, and operation." A project-specific analysis has been prepared for plans and facilities where sufficient information is available to allow a project-level analysis of impacts.

While the Final EIR/EIS identifies the all the plans and facilities that would be included in the proposed project, it does not provide project-specific analysis of those that are analyzed at a programmatic level. Instead, a project area boundary is provided identifying the general location of these facilities. For example, Alternative 1A includes 16 townhomes located in the North Base area. These townhomes are part of phase 2 of the project. The location of these townhomes is shown (see Figure 3-8A). Impacts associated with these townhomes has been included in the analysis of project impacts (e.g., traffic, utilities, etc.). At the time the applicant proposes to construct these townhomes as part of phase 2, project-level analysis will be performed to ensure the impacts of the townhomes are consistent with the analysis in the EIR/EIS, and applicable mitigation measures are incorporated.

As defined by CEQA Guidelines Section 15168, a program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

1. Geographically;

- 2. As logical parts in the chain of contemplated actions;
- 3. In connection with rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
- 4. As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in several different ways.

A Program EIR is a type of EIR that allows a public agency to consider broad policy alternatives and program-wide mitigation measures at the early stages of planning. The final specific plans and designs will occur within the project footprint. Thus the combined program and project elements are appropriately analyzed at a program and project level of detail. Although specific site locations and designs for some facilities are not proposed at this time (e.g. the North Base townhomes, which are part of phase 2), the ultimate development of those facilities is identified and analyzed. (See FEIR, Volume 2, pp. 2-1-2-3.)

When HMR provides specific plans and designs within the project area, the County shall review these plans and shall determine if the impacts associated with the project-level designs are consistent with the significance conclusions of the Final EIR/EIS, after implementation of mitigation. On this basis, the County shall determine whether the specific plans and designs are within the scope of the program EIR/EIS, pursuant to the provisions of section 15168 of the CEQA Guidelines, or if additional environmental review is needed. In some cases, site-specific mitigation planning may be necessary when project designs are available. The EIR evaluates these potential consequences to the extent possible and provides program-level mitigation measures and performance criteria that will be applied when specific plans are submitted.

F. Discretionary Approvals

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

- Placer County General Plan Amendment (e.g., add multi-family dwelling, increase residential density, expand Plan Area boundary);
- · Placer County Encroachment Permit;
- Placer County Conditional Use Permit (e.g., alpine ski facility, employee/workforce housing, hotel, motel and other transient dwelling units, outdoor concert events, single-family dwelling/condo, timeshare development and Planned Residential Development);
- Placer County Master Plan Adoption (e.g., Development standards such as parking, setbacks, signage and Development Agreements between the County and applicant to identify requirements beyond those identified in the mitigation measures and Conditions of Approval);
- Placer County Improvement Plans for Each Project Phase and Approval;
- Placer County Facilities Services Encroachment Permit;
- Placer County Highway Easement Abandonment (Tahoe Ski Bowl Way at South Base area);
- Tentative Map Approval; and
- Final Map Approval.

TRPA is the lead agency under the Tahoe Regional Planning Compact (PL 96-551 94 Statute 3233). The Project has been proposed to achieve the goals and objectives established by TRPA in the Community Enhancement Program (CEP). TRPA adopted a resolution (No. 2008-11) in February 2008 to list minimum requirements for HMR's continued participation as a qualified CEP project. As required by the CEP, an analysis of the project's compliance with Resolution 2008-11 will be prepared by TRPA staff and provided to the TRPA Governing Board during review of the project application. The analysis will



document measures included in the action alternatives to comply with each item in the resolution, and if necessary, will identify additional measures necessary to meet the objectives of the CEP program. In addition to certifying the Final EIR/EIS, adopting Findings and a Mitigation Monitoring Plan (TRPA requirements), TRPA itself must take the following actions in approving the Ski Area Master Plan as a CEP Project:

- TRPA Regional Plan Amendment (Plan Areas, Code of Ordinances, and Goals and Policies);
- TRPA Ski Area Master Plan Adoption; and
- TRPA Construction Permit.

Additional permits and approvals required from other federal, state and local agencies for the project include:

- California Regional Water Quality Control Board-Lahontan Region, NPDES permit;
- Occupational Safety and Health Administration (OSHA);
- California Occupational Safety and Health Administration (Cal-OSHA);
- · Federal Emergency Management Agency;
- Clean Water Act §401 Certification;
- Clean Water Act §404 Nationwide or Individual Permit- United States Army Corps of Engineers (Corps);
- California Department of Fish and Game (CDFG) Lake or Stream Bed Alteration Agreement (LSAA);
- Water Service District Annexation:
- TCPUD Commercial Service Permit;
- · California Department of Transportation Encroachment Permit; and
- LAFCO Amendment to NTFPD Service Boundary.

III. ENVIRONMENTAL REVIEW PROCESS

In accordance with section 15082 of the CEQA Guidelines, the County prepared a Notice of Preparation (NOP) of an EIR/EIS, which was published on September 2, 2008. (Appendix A of the EIR/EIS.) The NOP was distributed for a 30-day comment period concluding on October 2, 2008. The NOP was distributed to public agencies and interested individuals of the community, including residents within I,000 feet of the Project area. Comments received on the NOP are contained in Appendix B to the EIR/EIS.

The County held two agency and public scoping meetings on the proposed project on September 10, 2008 at the TRPA Advisory Planning Commission and September 23, 2008 at the Granlibakken Resort. 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 EIR/EIS. Comments on the NOP received during the scoping meeting were considered in the preparation of the Draft EIR/EIS.

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

- Land Use;
- Population, Employment, and Housing;
- Biological Resources;
- Cultural Resources;
- Visual Resources;
- Transportation and Circulation;
- Air Quality;
- Noise;
- Soils, Geology and Seismicity;

- Hydrology, Water Rights, Surface Water Quality, and Groundwater;
- Public Services and Utilities;
- Hazardous Materials and Public Safety;
- Recreation:
- Climate Change; and
- Cumulative Impacts.

(See Draft EIR/EIS, pp. 1-2.)

The County distributed the Draft EIR/EIS to various public agencies, citizen groups, and interested individuals for an initial 60-day public review period, from January 19 through March 21, 2011. The comment period was subsequently extended to April 21, 2011 based on requests from the reviewing public. Comments were solicited during the public comment time frame and were incorporated into the final EIR/EIS. This period satisfied the requirement for a 45-day public review period as set forth in Section 15105 of the CEQA Guidelines. The Draft EIR/EIS was circulated to state agencies for review through the State Clearinghouse of the Governor's Office of Planning and Research. Copies of the Draft EIR/EIS were available for public review during normal business hours at the County. Copies of the Draft EIR/EIS were also available for review on the County's website.

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. Three public meetings were held to solicit comments on the Draft EIR/EIS: (1) TRPA Advisory Planning Commission on February 9, 2011; (2) Placer County Planning Commission on February 17, 2011; and (3) TRPA Governing Board on Wednesday, February 23, 2011. 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. (See Final EIR/EIS, Chapter 23.)

On October 3, 2011, the County released the Final EIR/EIS for the Project. The Final EIR/EIS includes comments on the Draft EIR/EIS, responses to those comments, revisions to the text of the Draft EIR/EIS, and other information required by CEQA. The County distributed copies of the Final EIR/EIS to public agencies submitting comments on the Draft EIR/EIS, as required by Public Resources Code section 21092.5.

IV. 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 and TRPA in conjunction with the Project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft EIR/EIS for the Project (January 2011) and all appendices:
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR/EIS;
- The Final EIR/EIS for the Project, including comments received on the Draft EIR/EIS, and responses to those comments and appendices (September 2011);
- Documents cited or referenced in the Draft EIR/EIS and Final EIR/EIS:

- The mitigation monitoring and reporting program for the Project;
- All findings and resolutions adopted by the Planning Commission or the Board of Supervisors 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 TPRA as well as 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 public hearing on October 18, 2011;
- 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 County has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the County. Without exception, any documents set forth above not so presented fall into one of two categories. Many of them reflect prior planning or legislative decisions with which the County was aware in approving the Project. Other documents influenced the expert advice provided to Planning Department staff or consultants, who then provided advice to the Planning Commission. For that reason, such documents form part of the underlying factual basis for the County's decisions relating to the adoption of the Project.

The record of proceedings does not include documents or other materials subject to the attorney/client privilege, the common-interest doctrine, the deliberative process privilege, or other privileges recognized by statute or common law. Administrative draft documents that were prepared at the County's direction, but were not provided to the public or other agencies, and intra-County communications with respect to such administrative draft documents, are not part of the record of proceedings; rather, such documents reflect the County's deliberative process. In adopting these findings, the County does not waive its right to assert applicable privileges.

The public hearing transcript, a copy of all letters regarding the Draft EIR/EIS received during the public review period, the administrative record, and background documentation for the Final EIR, as well as additional materials concerning approval of the Project and adoption of these findings are contained in County files, and are available for review by responsible agencies and interested members of the public during normal business hours at the Placer County. The custodian of these documents is the Placer County Planning Director, The documents are located at the Placer County Community Development Resource Center, 3091 County Center Drive, Auburn, CA 95603 and/or Placer County Tahoe Planning Office, 565 West Lake Blvd, Tahoe City, CA. . All files have been available to the County and the public for review in considering these findings and whether to approve the Project.

V. FINDINGS REQUIRED UNDER CEQA

The California Environmental Quality Act, Public Resources Code §§ 21000 et seq. and the regulations implementing that statute, Cal. Code Regs. tit. 14, §§ 15000 et seq. (the "CEQA Guidelines") (collectively, the act and the CEQA Guidelines are referred to as "CEQA") require public agencies to consider the potential effects of their discretionary activities on the environment and, when feasible, to adopt and implement mitigation measures that avoid or substantially lessen the effects of those activities on the environment. Specifically, 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." Section 21002 goes on to state 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. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code, § 21081, subd (a); see also CEQA Guidelines, § 15091, subd. (a).)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental,

social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also Citizens of Goleta Valley v. Board of Supervisors (Goleta II) (1990) 52 Cal.3d 553, 565.)

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. (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417 (City of Del Mar).) "[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 (Sequoyah Hills); see also California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1001 [after weighing "economic, environmental, social, and technological factors' ... 'an agency may conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground'"].)

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 why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (Goleta II, supra, 52 Cal.3d at p. 576.)

In making these Findings and the determination regarding the Project Approvals, the Planning Commission recognizes that the HMR Ski Area Master Plan Project implicates a number of controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission has acquired an understanding of the range of this technical and scientific opinion by its review of the EIREIS, the comments received on the Draft EIR/EIS and the responses to those comments in the Final EIR/EIS, as well as testimony, letters and reports regarding the Final EIR and the merits of the Project. The Planning Commission has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR/EIS, the evidence and analysis presented in the comments on the Draft EIR/EIS, the evidence and analysis presented in the Final EIR/EIS, the information submitted on the Final EIR/EIS, and the reports prepared by the experts who prepared the EIR/EIS, the County's planning consultants, and by staff, addressing these comments. In particular, the Planning Commission has considered the Alternatives presented in the EIR/EIS, as well as the proposed comments submitted by various commenters and the responses of the EIR/EIS preparers and staff to those comments. The Planning Commission has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, the understanding has enabled the Planning Commission to make its decisions after weighing and considering the various viewpoints on these important issues. Accordingly, the Planning Commission certifies that its findings are based on a full appraisal of all of the evidence contained in the Final EIR/EIS, as well as the evidence and other information in the record addressing the Final EIR/EIS.

These findings constitute the Planning Commission' best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. These findings are not merely informational, but rather constitute a binding set of obligations that come into effect with the County's approval of the Project. In particular, in adopting these findings, the County commits itself to ensure the implementation of the mitigation measures approved in these findings.

The Planning Commission is adopting these findings for the entirety of the actions described in these

findings and in the Final EIR/EIS. Although the findings below identify specific pages within the Draft and Final EIR/EIS in support of various conclusions reached below, the Planning Commission 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' approval of all mitigation measures, policies and implementation programs recommended in the Final EIR/EIS, and the reasoning set forth in responses to comments in the Final EIR/EIS.

As noted, the Final EIR/EIS is incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of Mitigation Measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in spite of the potential for associated significant and unavoidable adverse impacts. In the event a mitigation measure recommended in the Final EIR/EIS has inadvertently been omitted below, such a mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Section VI does not accurately reflect the mitigation measures in the Final EIR/EIS due to a clerical error, the language of the policies and implementation measures as set forth in the Final EIR/EIS shall control, unless the language of the policies and implementation measures has been specifically and expressly modified by these findings. Where the language of such measures differs between the Final EIR/EIS and these findings, the more stringent language shall control. The Planning Commission provides this direction in order to ensure that any such discrepancy shall be regarded as inadvertent, and shall not be regarded as an effort by the Planning Commission to undermine its commitment to adopt mitigation measures as necessary to avoid or substantially lessen significant environmental effects of the Project.

More generally, to the extent there are any inconsistencies in the mitigation measures identified in these findings, in Attachment A, or in the MMRP, any such inconsistencies are inadvertent and unintentional. The County intends that, in the event of such inconsistencies, such inconsistency shall be reconciled in the manner that affords the greatest possible protection to the environment, in a manner consistent with the specific terms of the mitigation measures as adopted. In the event there are any future uncertainties or disputes regarding the nature, scope or feasibility of the adopted mitigation measures, the Planning Commission directs staff to return to the Planning Commission, at a properly noticed public hearing, to consider any such uncertainties or disputes. The Planning Commission intends that, in the event such a hearing is necessary, the public and other agencies will have an opportunity to review and comment on the manner in which such measures are implemented, and the Planning Commission's resolution of such issues occurs in a manner that allows the public to understand the basis for the Planning Commission's decision.

These findings provide the written analysis and conclusions of the Planning Commission regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR/EIS and adopted by the Planning Commission as part of the Project. To avoid duplication and redundancy, and because the Planning Commission agrees with, and hereby adopts, the conclusions in the Final EIR/EIS, these findings will not always repeat the analysis and conclusions in the Final EIR/EIS, but instead incorporates them by reference herein and relied upon them as substantial evidence supporting these findings.

In making these findings, the Planning Commission has considered the opinions of other agencies and members of the public. The Planning Commission finds that the determination of significance thresholds is a judgment decision within the discretion of the Planning Commission; the significance thresholds used in the EIR/EIS are supported by substantial evidence in the record, including the expert opinion of the EIR/EIS preparers and County staff; and the significance thresholds used in the EIR/EIS provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the

Project. Thus, although, as a legal matter, the Planning Commission is not bound by the significance determinations in the EIR/EIS (see Pub. Resources Code, § 21082.2, subd. (e)), the Planning Commission finds them persuasive and hereby adopts them as its own.

Section VI of these findings summarizes the environmental determinations of the Final EIR/EIS and Project's potentially significant impacts before and after mitigation. Section VI does not attempt to describe the full analysis of each environmental impact contained in the Final EIR/EIS. Instead, Section VI provides a summary description of each impact, sets forth the mitigation measures identified to reduce or avoid the impact, and states the Planning Commission' findings on the significance of each impact after imposition of the adopted HMR Ski Area Master Plan Project's provisions and the recommended mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR/EIS and these findings hereby incorporate by reference the discussion and analysis in the Final EIR/EIS supporting the Final EIR/EIS's determination regarding the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the Planning Commission ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR/EIS relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

Because the EIR/EIS identified significant effects that may occur as a result of the project, and in accordance with the provisions of the Guidelines presented above, the County hereby adopts these findings as part of the approval of the HMR Ski Area Master Plan Project. These findings constitute the County's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that come into effect with the County's approval of the Project.

VI. POTENTIALLY SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The Draft EIR/EIS identified a number of significant and potentially significant environmental effects (or impacts) that the Project will cause or contribute to. These significant effects can be avoided or substantially lessened 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 appearing at Attachment A to these findings. The findings set forth in the table are adopted and incorporated by reference.

This table does not attempt to describe the full analysis of each environmental impact contained in the Final EIR/EIS. Instead, the table provides a summary description of each impact, describes the applicable mitigation measures identified in the Draft EIR/EIS or Final EIR/EIS and adopted by the Planning Commission, and states the Planning Commission' 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 the Draft EIR/EIS and Final EIR/EIS, or elsewhere in the record of proceedings, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the Final EIR/EIS'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 EIR/EIS, the Final EIR/EIS, or elsewhere in the record, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft EIR/EIS and Final EIR/EIS 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.

Some of the comments on the Draft EIR/EIS suggested additional mitigation measures and/or modifications to the measures recommended in the Draft EIR/EIS. 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 EIR/EIS 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 EIR/EIS, 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 EIR/EIS; (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/EIS.

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 EIR/EIS and the above-described table, the County modified several of the original proposed measures in response to such comments (see Final EIR/EIS, chapter 24). 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.

For this project, the following impacts were identified as significant and unavoidable. That is, these impacts remain significant, despite the incorporation of all feasible mitigation measures to substantially lessen or avoid these impacts:

Impacts TRANS-3 and TRANS-C1

The Project will result in a substantial impact upon the existing transportation systems, including roadways and intersections (TRANS-3). The Project will also result in significant cumulative impacts to transportation or circulation (TRANS-C1). Specifically, the Project will contribute to summertime traffic at the SR 89/SR 28 and SR 89/Pedestrian Crossing intersections (Fanny Bridge). Because this area is already known to be congestion, the addition of any traffic is considered significant, for both the Project

and for cumulative conditions. The Project will contribute traffic to this area during the summertime Friday PM peak hour. Other studies (e.g., SR 89 Fanny Bridge Alternatives Traffic Study) have identified improvement alternatives to relieve congestion and reduce queuing on Fanny Bridge. Once these improvements are implemented the Project impact will be less than significant; however, funding for the improvement project (particularly state funding) has not been secured. The Project applicant is required to implement mitigation measure TRANS-3 (Implement Intersection Improvements). The Project applicant is also required to implement mitigation measure TRANS-C2 (Payment of Countywide Traffic Impact Fees). The applicant is therefore meeting its obligations to address these impacts. (CEQA Guidelines, § 15126.4, subd. (a)(4).) The impacts are significant and unavoidable due to uncertainties of other funding sources to address this impact, rather than due to the Project or project-related mitigation. Therefore, these impacts are significant and unavoidable. This impact is discussed in Final EIR/EIS chapter 11, and in chapter 23 (responses to comments) at Master Response 9.

The County received a number of comments concerning traffic impacts at Fanny Bridge and the "Y." Generally, these comments noted the congestion at these locations. The comments also noted that plans have been developed to alleviate this congestion, and that funding sources are being identified. (See, e.g., Comment 250-2.) The County did not receive comments proposing new or revised mitigation measures to address these impacts. Rather, the comments recognized that this is an existing problem that is in the process of being addressed. The absence of such comment indicates that the measures identified in the EIS/EIR represent the only feasible mitigation measures available to address these impacts.

Impacts CC-C1 and CC-C2

The Project will generate GHG emissions, either directly or indirectly, that may, on a cumulative basis, have a significant impact on the environment (Impact CC-C1). In addition, the Project may conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (Impact CC-C2). The Project has made a variety of commitments to address these impacts. These commitments are part of the Project Description, and therefore are binding elements of the Project that the applicant must implement. These commitments are described in Final EIR/EIS section 19.5. The Project is required to implement the following mitigation measures: CC-C1 (Document and Verify Implementation of the Project GHG Reduction Commitments); and CC-C2 (Implement Project Design Features to Further Reduce Project Contribution to Climate Change). No additional feasible mitigation measures have been identified to address these impacts. These impacts are therefore considered significant and unavoidable.

The County received a number of comments concerning the Project's impact on GHG emissions and climate change. (See, e.g., Comment Letters 11, 12.) These letters state generally the County should not approve the project due to its climate-related impacts. The County has already described in detail measures available to address the Project's GHG and climate change impacts. No new or different proposals to address GHG emissions were provided. (Final EIS, EIR, chapter 19 (climate change), chapter 23 (Master Response 19). Some comments stated the project should be down-sized in order to reduce its GHG emissions. These comments are addressed below under "alternatives."

Other comments proposing new mitigation measures, or modifications of existing mitigation measures, addressed impacts already found to be less than significant, avoided, and/or substantially lessened. The Final EIR/EIS reflects the County's response to all such proposals. The County hereby adopts the responses set forth in the Final EIR/EIS. The County notes further that, because these impacts have already been determined to be less than significant, the County need not adopt new or additional mitigation measures with respect to such impacts. (Pub. Resources Code, §§ 21002, 21081, subd. (a).)

VII. MITIGATION MONITORING AND REPORTING PLAN

The County has prepared a Mitigation Monitoring and Reporting Plan (MMRP) for the Project. A copy of the MMRP appears at Chapter 21 to the Final EIR/EIS. The County, in adopting these findings, also approves the MMRP. 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 EIR/EIS 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.

VIII. RECIRCULATION OF DRAFT EIR/EIS

The Planning Commission adopts the following findings with respect to the need to recirculate the Draft EIR/EIS. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR/EIS is required when "significant new information" is added to the EIR/EIS after public notice is given of the availability of the Draft EIR/EIS for public review but prior to certification of the Final EIR/EIS. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR/EIS is not "significant" unless the EIR/EIS 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 EIR/EIS 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 EIR/EIS 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 EIR/EIS incorporates information obtained by the County since the Draft EIR/EIS was completed, and contains additions, clarifications, modifications, and other changes. As noted above, several comments on the Draft EIR/EIS either expressly or impliedly sought changes to proposed mitigation measures identified in the Draft EIR/EIS as well as additional mitigation measures. As explained in the Final EIR/EIS (Text Changes and Responses to Comments), some of the suggestions were found to be appropriate and feasible and were adopted in the Final EIR/EIS 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 EIR/EIS.

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 the Project and mitigation measures described in Final EIR/EIS chapters 3 and 24. The changes are designed to incorporate specific suggestions from commenters. These revisions do not require recirculation of the Draft EIR/EIS. (See Final EIR/EIS, chapters 3, 24; see also responses to Comments 13a-33, 13a-64, 213-1.) 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 EIR/EIS is not required.

Other changes are designed to reflect "Alternative 1A" – a revised version of the Project proposed by the applicant in order to reduce impacts on adjacent neighbors. As the Final EIR/EIS explains, the impacts of Alternative 1A are either the same as, or less than, the impacts of Alternative 1. The same mitigation measures apply. For this reason, the Planning Commission finds that the identification of "Alternative 1A" does not require recirculation of the Draft EIR/EIS. This alternative was developed by the applicant, the County and TRPA in order to respond to public comment on the original proposed project. Alternative 1A would reduce the impacts of Alternative 1. The applicant has not refused to proceed with Alternative 1A. Thus, the identification of Alternative 1A does not require recirculation. (See CEQA Guidelines, § 15088.5, subd. (a)(3); Final EIR/EIS, § 2.5.7.)

IX. 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 EIR/EIS 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.

All of the environmental impacts associated with Alternative 1A – the Proposed Project – may be substantially lessened or avoided with the adoption of the mitigation measures set forth in these findings, with the exception of the following impacts:

- TRANS-3 (contribution to congestion at Fanny Bridge and "Y" at summertime PM peak hour)
- TRANS-C1 (cumulative contribution to congestion at Fanny Bridge and "Y" at summertime PM peak hour)
- CC-C1 (direct or indirect GHG emissions)
- CC-C2 (conflict with applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions)

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 significant and unavoidable impacts. (Final EIR/EIS, p. 2-17.)

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

- Construct onsite residential and tourist accommodation units to support increased HMR skier visits during mid week operations;
- Optimize the quality of the existing winter ski experience and improve the year-round use of the site while responding to changes in technology, market trends and user preferences;
- Maintain consistency with the scale and character of Homewood, California;
- Enhance the lifestyle and property values of West Shore residents; and
- Generate sufficient revenues to support the proposed environmental and fire safety improvements and ensure the continued viability of the ski operations.

(Final EIR/EIS, chapter 3.2.)

The Draft EIR/EIS and Final EIR/EIS discussed several alternatives to the Project in order to present a reasonable range of options. To meet TRPA requirements for the consideration of alternatives, this environmental document evaluates the potential impacts of the Proposed Project (Alternative 1 – HMR Ski Area Master Plan), continuing operations in the Project area under existing conditions (Alternative 2 – No Project), and four "Action Alternatives" that involve varying quantities and locations of Project elements. The Action Alternatives, described in detail below, are:

- Alternative 3 No Code Amendment for Building Height;
- Alternative 4 Close Ski Area, Develop Estate Lots;
- Alternative 5 Compact Project area; and
- Alternative 6 -Reduced Project.

The Planning Commission finds that that a good faith effort was made to evaluate all feasible alternatives

in the EIR/EIS 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 EIR/EIS 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 EIR/EIS and the ultimate decision on the Project. (See, e.g., Draft EIR/EIS, pp. 4-1 to 4-19; Final EIR/EIS, pp. 2-16 to 2-28; Final EIR/EIS, chapter 23, Master Response 2.)

B. Alternatives Analyzed in the Draft EIR/EIS and Final EIR/EIS

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 the Project. The EIR/EIS analyzed Alternatives 1, 1A, 2, 3, 4, 5 and 6. The EIR/EIS contains a detailed analysis of the impacts of each of these alternatives. The analysis appears throughout the Final EIR/EIS. The Planning Commission hereby incorporates by reference this analysis. Table 2-1 in the Final EIR/EIS summarizes the EIR/EIS' conclusions concerning the impacts of, and mitigation measures applicable to, each alternative. This table includes Alternative 1A – the Project now proposed by the applicant.

Based on this analysis, the Planning Commission adopts the following findings with respect to each alternative.

Alternative 1 – Originally Proposed Project (HMR Ski Area Master Plan)

Alternative 1 is described in the HMR Ski Area Master Plan dated October 2010 and is a conceptual plan to redevelop mixed-uses at the North Base area, residential uses at the South Base area, a lodge at the Mid-Mountain Base area, and beginner ski area at the top of a new gondola that would originate from the North Base area. Alternative 1 is generally consistent with Alternative 1A, except that Alternative 1A includes certain refinements to the Master Plan in order to respond to concerns of neighbors. (See Final EIR/EIS, section 3.5.)

At the North Base area, Alternative 1 would remove four existing ski lifts and associated pads, footings and utilities; buildings and concrete foundations; stormwater treatment systems; asphalt parking surfaces; overhead transmission lines; and a pumphouse. At the South Base area, the Alternative 1 would remove one existing ski lift and associated pads, footings and utilities; buildings and concrete footings; concrete parking surfaces; and overhead transmission lines. The 17-acre North Base area will include six new mixed-use buildings and eight new townhouse buildings to provide 36 residential condominiums, 16 townhouses, 20 fractional ownership units, 75 traditional hotel rooms, 40 two-bedroom for sale condominium/hotel units, 30 penthouse condominium units, 25,000 square feet of commercial floor area (CFA), 13 affordable housing units (adjoined to a 4-story 272 space day skier parking structure), and a 30,000 square foot skier services lodge. The 6-acre South Base area will be converted to a 99-unit neighborhood condominium complex. Day-skier access and skier amenities will be relocated to the North Base area. The South Base area condominiums will be in three, three-story buildings.

The Mid-Mountain Base area will include a new 15,000 square foot day-use lodge with a detached gondola terminal linked to the lodge by a covered passage, a new learn-to-ski lift, an outdoor swimming facility for use during the summer months by West Shore residents, a new snow-based vehicle (e.g., grooming equipment) maintenance facility, and two water storage tanks.

Alternative 1 would require TRPA Code of Ordinance amendments to Chapter 22 (Height) and 64 (Grading Standards), and TRPA Plan Area Statement (PAS) amendments for Plan Areas 157 (Homewood), 158 (McKinney Tract Residential) and 159 (Homewood/Commercial). Placer County Plan Areas would also require amendments to the same Plan Area Statements under the adopted West Shore

Area General Plan (1998).

Alternative 1 would have the same potentially significant impacts as the Project. The same mitigation measures would apply. As the Final EIR/EIS notes, "[m]oving the parking structure near SR 89 and relocating the condominiums nearer existing residential units under Alternative 1A better reflects the existing neighborhood land use layout." (Final EIR/EIS, p. 24-68; see also *id.* at p. 24-70.) In this respect, Alternative 1 would have greater land-use impacts than would the Project. Similarly, because Alternative 1 includes four more residential units than Alternative 1A (the Project), Alternative 1 would result in slightly greater traffic and air quality impacts; here again, the same mitigation measures would apply, and the resulting impacts would be virtually identical to those of the Project. (See Final EIR/EIS, p. 24-144, fn. 2; p. 24-295, fn. 4.) The Planning Commission therefore finds that, from an environmental perspective, Alternative 1 is environmentally comparable to the Project. The County finds that Alternative 1 is feasible and attains the objectives for the Project. By comparison, the Project (Alternative 1A) is more responsive to land-use compatibility concerns of neighbors, is feasible, and also attains the objectives for the Project. For this reason, the County rejects Alternative 1.

Alternative 1A - Revised Proposed Project

HMR has proposed modifications to Alternative 1 based on input from neighbors at the North and South base areas. The modifications and resultant environmental analysis are identified as Alternative 1A in Final EIR/EIS chapters 3 through 21, and are described throughout these findings as the "Project."

Alternative 2 - No Project (Existing Conditions)

Under the No Project (Alternative 2), HMR will continue to be operated under existing conditions. Total land coverage will remain around 1,781,000 square feet, (approximately 271,000 square feet - North Base area, 117,000 square feet - South Base area, and 1,394,000 square feet - on-mountain hard and soft coverage). Facilities at the existing North Base area include food services/bar, restrooms, ski school, rentals and repairs, retail sales, ticket sales, ski patrol, employee lockers, storage, mechanical rooms, and administrative offices. Facilities at the existing South Base area include food services/bar, restrooms, retail sales, daycare/nursery, ticket sales, ski patrol, employee lockers, storage, mechanical rooms, and administrative offices. The white tent structure (warming shelter) and the existing concrete foundation located near the Mid-Mountain will remain. No TRPA Code of Ordinance or PAS amendments would be required for the No Project (Alternative 2).

Alternative 2 avoids the Project's significant and unavoidable impacts with respect to traffic at Fanny Bridge and GHG emissions. In this respect, Alternative 2 is environmentally superior to the Project. Alternative 2 would also result in the following significant and unavoidable impacts:

- LU-1
- SCENIC-1
- SCENIC-2
- GEO-3
- HYDRO-1
- HYDRO-2
- HYDRO-4
- HYDRO-C1

These impacts relate to the fact that visual, geological and hydrological improvements proposed as part of the Project would not occur, such that existing problems would remain.

For example, the EIR/EIS includes a description of existing conditions with respect to hydrology. Under

existing conditions, sediment yields exceed applicable thresholds of concern. This impact is considered significant and unavoidable because under this alternative no actions would be taken to address this existing condition. (Draft EIR/EIS, p. 15-49.) Similarly, existing visual conditions that do not comply with applicable thresholds will persist. (Draft EIR/EIS, p. 10-28.)

As the Draft EIR/EIS states, "[s]election of the No Project Alternative 2 would avoid the adverse impacts generated by construction activity and residential and tourist growth resulting from the CEP action alternatives; however, the water quality and soil restoration benefits would not occur and according to HMR, the long-term economic viability of the ski resort would be in doubt. Consequently, the No Project Alternative is not considered to be environmentally superior or environmentally preferred." (Draft EIR/EIS, p. 20-21.) For this reason, the Planning Commission rejects Alternative 2 for the further reason that this alternative would meet none of the objectives for the Project.

Alternative 3 - No Code Amendment for Building Height

Alternative 3 would include the same uses identified above for the Proposed Project (Alternative 1). However, under Alternative 3, additional buildings with larger building footprints would accommodate proposed uses with building heights that meet existing TRPA height standards. At the North Base area, Buildings A and B would include four additional structures located up slope of the building sites in the Proposed Project (Alternative 1). At the South Base area, Buildings A and B would include two additional structures located up slope of the building sites in the Proposed Project (Alternative 1). Alternative 3 would require each of the TRPA Code of Ordinance and PAS amendments outlined for the Proposed Project (Alternative 1) with the exception of the Chapter 22 amendment for additional height, which would not be required.

Impacts associated with Alternative 3 are generally comparable to those of the Project, and the same mitigation measures would apply. With respect to air quality, however, Alternative 3 would result in the following significant and unavoidable impacts:

- AQ-1 (PM10 and PM2.5 emissions during construction)
- AQ-4 (conflict or obstruct with implementation of the applicable air quality plans
- AQ-C1 (cumulative emissions during construction)

The Project, as mitigated, avoids these impacts. In that respect, the Project is environmentally superior to Alternative 3. Alternative 3 does not avoid the Project's significant and unavoidable impacts (TRANS-3, TRANS-C1, CC-C1, CC-C2). Because Alternative 3 does not offer any environmental advantages over the Project, and results in significant and unavoidable impacts that would not occur under the Project, the Planning Commission rejects Alternative 3.

Alternative 4 – Close Ski Resort – Estate Lots

Alternative 4 would close HMR and create 16 estate residential lots on the mountain and one commercial lot. A majority of the estate home lots would be located on the lower portion of the former ski area, and the commercial lot would be located at the North Base area. For purposes of this analysis, the commercial lot would include up to 15,000 square feet of CFA in the area of the existing parking lots, which would have to be transferred to the Project area. One PAS amendment is proposed under Alternative 4. Alternative 4 proposes commercial uses within the North Base area parking lot currently located in TRPA Plan Area 157 and Placer County Plan Area 159. No TRPA Code of Ordinance amendments would be required for Alternative 4.

Alternative 4 would generate less traffic, and would therefore avoid the Project's significant and

unavoidable impacts with respect to traffic and climate change. (TRANS-3, TRANS-C1, CC-C1, CC-C2.) In this respect, Alternative 4 is environmentally superior to the Project. Nevertheless, the Planning Commission rejects Alternative 4. First, Alternative 4 would result in the following significant and unavoidable impacts:

- LU-1
- LU-C1
- REC-2
- REC-C1

In particular, Alternative 4 would eliminate existing ski runs at Homewood. As the Draft EIR/EIS states: "[I]mplementation of Alternative 4 would cause a significant and unavoidable impact based on the loss of the winter ski resort use and the currently assigned PAOTs for HMR. There are currently no closed ski areas in the Basin that could be re-opened to replace recreational uses at HMR, and the development of a new ski area is not considered feasible based on land ownership, environmental constraints, and land management regulations in the Basin. Consequently, no feasible mitigation measure is identified to reduce the significant impact of Alternative 4 on recreational access." (Draft EIR/EIS, pp. 18-14 - 18-15.) This impact is significant and unavoidable on a project-specific and cumulative basis. The loss of these recreational facilities would also result in significant and unavoidable land-use impacts on a project-specific and cumulative basis. As the Draft EIR/EIS states:

As addressed above and in Chapter 4 (Relationship to Existing Land Use Plans, Policies, and Regulations), Alternative 4 is not consistent with many TRPA or Placer County land use plans, goals, policies, and provisions adopted for the purpose of avoiding or mitigating environmental effects. For example, closure of the ski resort is considered a significant land use impact as a major recreational provider would cease to exist/operate affecting recreation resources available in the Lake Tahoe Basin and supporting commercial services. As a result, numerous policies included in the County and TRPA Plan Areas would not be achieved. Ski Resort closure would also affect the adjacent tourist plan area 159 as the resort area would be substantially redefined and future commercial uses would be severely limited without the tourist draw of the ski resort. As discussed above, long-term environmental impacts may also result, such as water quality impacts from the on mountain roadway network. Therefore, this impact is considered to be significant and unavoidable. (Draft EIR, p. 6-31.)

The Planning Commission rejects Alternative 4 on this basis.

Moreover, Alternative 4 would meet none of the objectives for the Project. The existing ski facility would be closed, and the site would be redeveloped for estate residential uses. The project objectives focus on ensuring the continued viability of the ski resort.

Alternative 5 – Compact Project Area

Under Alternative 5, the PAS 159 boundary line adjustment proposed under Alternatives 1 and 3 would be reduced to include only the existing paved and gravel parking lots at the North Base area. North Base areas above these two parking areas and the entirety of the South Base area would remain in Plan Area 157 (Recreation). The proposed 225 multi-family residential units would be located in the existing North Base parking areas, substantially reducing the area proposed for addition to Plan Area 159 (Commercial). The 75-room hotel, 30,000 square feet of CFA, and 25,000 square feet of skier service uses would remain in Plan Area 157 up slope of the multi-family residential uses, where these uses are currently allowed. At the South Base area, 16 single-family residential lots would be reconfigured along with a small skier services building for locals using existing HMR parcels and a boundary line adjustment. Alternative 5 includes 12 onsite affordable housing units attached to a 156-space day skier parking structure. An amendment to TRPA Code of Ordinances Chapter 22 will be required for additional building height.

TRPA will require PAS 159, 158 and 157 amendments for plan area boundaries, allowable uses, density, and special policies. Placer County Plan Areas would also require amendments to the same Plan Area Statements under the adopted West Shore Area General Plan (1998).

Alternative 5 would result in impacts to traffic and climate change that would be comparable to those of the Project (TRANS-3, TRANS-C1, CC-C1, CC-C2). Alternative 5 would also result in the following, additional significant and unavoidable impacts:

- LU-1
- LU-2
- LU-C1
- AQ-1
- AQ-4
- AQ-C1

Alternative 5 is also less consistent with TRPA policies related to building heights. (Final EIR/EIS, p. 10-42 et seq.) Thus, as compared to the Project, Alternative 5 avoids no significant impacts, and results in additional significant impacts that the Project does not. For this reason, the Planning Commission rejects Alternative 5.

Alternative 6 – Reduced Project

Under Alternative 6, the PAS 159 boundary line adjustment proposed for the Proposed Project (Alternative 1) and Alternative 3 would be reduced to eliminate the proposed townhouses at the North Base area. A majority of the South Base area would remain in Plan Area 157 (Recreation) with the exception of the site of the existing skier services lodge, which would be redeveloped into a multi-family residential condominium building and added to Plan Area 158 (Residential). Alternative 6 proposes 75 tourist accommodation units (TAUs) located in the hotel/lodge building. To offset the large reduction in TAUs under Alternative 6, the number of proposed multi-family residential units (for sale units) would be increased to a total of 195 (from 181 included in Alternative 1), of which 145 units would be located at the North Base area and 50 units would be located at the South Base area. The remainder of the South Base area would include 14 single-family residential lots reconfigured along with a small skier services building using existing HMR parcels and a boundary line adjustment. Alternative 6 includes 12 onsite affordable housing units attached to a 156-space day skier parking structure. The proposed development at the Mid-Mountain area will be the same as the Proposed Project (Alternative 1) and Alternatives 3 and 5. Amendments to TRPA Code of Ordinances are proposed for Chapter 22 – additional building height, Chapter 33 – additional TAU distribution, Chapter 35 – tourist accommodation bonus units, and Chapter 64 - groundwater interception for below-grade parking. TRPA will require PAS 159, 158 and 157 amendments for plan area boundaries, allowable uses, density, and special policies. Placer County Plan Areas would also require amendments to the same Plan Area Statements under the adopted West Shore Area General Plan (1998).

Alternative 6 would result in the same significant impacts as the Project, and the same mitigation measures would apply. In particular, Alternative 6 would result in significant and unavoidable impacts to traffic and climate change (TRANS-3, TRANS-C1, CC-C1, CC-C2). Alternative 6 includes a lower number of residential units, and therefore results in incrementally lower impacts with respect to traffic and climate change (although these impacts remain significant and unavoidable). (See Final EIR/EIS, Table 11-17). In this respect, Alternative 6 is environmentally superior to the Project. (See Draft EIR, pp. 20-21 – 20-22.)

Alternative 6 would result in significant and unavoidable air quality impacts during construction. (Final EIR/EIS, Table 12-14.) Although mitigation measures are available to address this impact, PM10

emissions remain significant and unavoidable under this alternative. (Final EIR/EIS, pp. 24-160-24-161.) The Project, as mitigated, avoids this impact. In this respect, Alternative 6 is not the environmentally superior alternative.

From an environmental perspective, Alternative 6 represents a trade-off as compared to the Project. Alternative 6 would result in incrementally fewer traffic and climate change impacts, although certain of these impacts would remain significant and unavoidable. At the same time, Alternative 6 would result in significant and unavoidable air quality impacts during construction, whereas the Project would avoid these impacts. The Planning Commission finds that, from an environmental perspective, long-term impacts related to traffic and climate change are of greater weight than short-term impacts related to construction. For this reason, the Planning Commission agrees with the EIR that, taken as a whole, Alternative 6 is the environmentally superior alternative.

The EIR states that Alternative 6 would meet the project objectives. (Draft EIR/EIS, pp. 20-21 – 20-22.) The Planning Commission disagrees based on a determination that Alternative 6 is infeasible. Economic analyses have been provided to the County concluding that Alternative 6 will generate an insufficient rate of return to finance long-term operations and capital improvements necessary to ensure the viability of the ski resort. Based on reasonable estimates of occupancy rates and per-skier revenue, Alternative 6 does not provide enough residential units to support the resort. This information is summarized in Final EIR/EIS Master Response 3. The Planning Commission has reviewed this master response, and the information submitted in support of the master response, and concurs with its analysis. For this reason, the Planning Commission rejects Alternative 6.

C. Other Alternatives

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

The public suggested several alternatives during the Project Scoping process through written and oral comments. While the specific components varied with each comment, three main types of alternatives were suggested: A Reduced Size Alternative, an Existing Land Coverage Alternative, and a Conservation Alternative. These alternatives were suggested to reduce or avoid potential project-related impacts to air and water quality, noise, traffic, biological resources, and compatibility with adjacent communities. The alternatives were considered during initial alternative development and in response to public scoping, but were rejected for further, detailed consideration as described in Section 3.4. Table 3-3 summarizes the comments received during scoping that requested further analysis of additional alternatives and identifies the Draft EIR/EIS' consideration of such alternatives.

During the public review period for the Draft EIR/EIS, comments were submitted stating that the EIR/EIS should analyze additional alternatives. Generally, these comments were not specific regarding the alternatives to be added to the analysis. These comments stated generally, however, that the EIR/EIS should analyze an alternative consisting of fewer residential units. The Final EIR/EIS responds to these comments. (See Final EIR/EIS, Master Response 2.) The Planning Commission hereby finds that this response is appropriate.

In particular, the EIR/EIS analyzes in detail Alternative 6, which consists of a reduced number of residential units. As set forth above, the Planning Commission finds that Alternative 6 is infeasible. For the same reason, the Planning Commission finds that alternatives consisting of fewer units than Alternative 6 are similarly infeasible.

The Planning Commission also finds such alternatives would not avoid or substantially lessen the

Project's significant and unavoidable effects. As noted above, two of the Project's significant and unavoidable impacts concern existing traffic congestion at Fanny Bridge. The traffic analysis prepared for the Project concludes, however, that Alternative 6 will also contribute to congestion at Fanny Bridge, even though Alternative 6 contains fewer residential units. (See Final EIR/EIS, chapter 11, discussion of Impact TRANS-3 - see Table 11-21.) An alternative containing fewer residential units than Alternative 6 will nevertheless contribute traffic to this intersection. The only way to avoid this impact would be to reduce peak-hour summertime traffic generated by the project so that the project generates less traffic at this intersection than it does under existing conditions. That cannot be accomplished while achieving the basic objectives of the project. Reductions in residential units would also reduce traffic impact fees paid by the project; a portion of these fees will be used to help finance construction of improvements at Fanny Bridge.

The Project will also result in significant and unavoidable climate change impacts. These impacts are analyzed in detail in Final EIR/EIS chapter 19. The EIR/EIS includes an estimate of the Project's GHG emissions. The EIR/EIS also estimates GHG emissions from Alternative 6. As the analysis shows, reducing the number of residential units under Alternative 6 does not result in a substantial decrease in GHG emissions. (Final EIR/EIS, chapter 19, Table 19-28.) The Planning Commission finds that further reducing the number of units would not avoid or substantially lessen these impacts. Any further reductions in units will also render the project financially infeasible, and therefore fail to achieve project objectives.

The alternatives analyzed in the EIS/EIR already consists of a reasonable range of potentially feasible alternatives. For this reason, the detailed analysis of another alternative is not required. In addition, an alternative consisting of further reductions in the size and scale of development is considered infeasible and would not attain most of the basic objectives of the Proposed Project. The project objectives include:

- Construct onsite residential and tourist accommodation units to support increased HMR skier visits during mid week operations;
- Generate sufficient revenues to support the proposed environmental and fire safety improvements and ensure the continued viability of the ski operations.

(DEIR/EIS, pp. 3-8 - 3-9.)

Planning Commission

HMR has submitted information showing that Homewood's current winter operations are financially infeasible to sustain. Homewood had an operating loss of approximately \$5 million during the period 2006-2009. That loss did not take into account additional capital investments that need to be made on an ongoing basis in order to remain competitive within the ski industry. Based on its attendance figures, HMR has concluded that Homewood's mid-week, non-holiday attendance figures are too low to support ski operations. The key project objective, therefore, is to construct improvements at Homewood that will boost mid-week, non-holiday attendance figures. Boosting mid-week, non-holiday patronage would also attract visitors during the time of the week when traffic is relatively light, such that impacts on the surrounding area would be minimized. The traffic analysis confirms that, due to the shift from weekend/holiday to mid-week patronage, the Proposed Project would not have a significant impact on winter-time traffic levels of service.

An alternative that eliminates overnight lodging would be inconsistent with HMR's objective to transform Homewood into an overnight destination, rather than a resort patronized primarily by day-skiers. In addition, an alternative that reduces further the number of residential units would be financially infeasible. HMR has provided TRPA and the County with an analysis by Bay Area Economics. The analysis concludes that Alternative 6 (282 units) would generate an insufficient rate of return in order to be feasible. Alternatives consisting of fewer than the 282 units included in Alternative 6 would likewise be financially infeasible, in that such alternatives would further reduce the number of mid-week, non-holiday skiers. For further information regarding financial feasibility and Homewood's objectives for the

Findings of Fact and

Proposed Project. (See Findings Relating to Alternative 6 and EIR/EIS, Chapter 23, Master Response 3.)

A number of public comments on the Draft EIR/EIS request consideration of an Alternative that complies with all current TRPA Codes and Plan Areas. There is no legal requirement that an alternative be considered that complies with all Regional Plan documents (e.g., Code of Ordinances, Goals and Policies, Plan Areas) without amendment. As described above, the TRPA Code of Ordinances Subsection 5.8.A(2) only requires that an EIS include appropriate alternatives to the proposed action.

The "No Project Alternative" does not require amendments to the TRPA Codes or Plan Areas and is evaluated in the EIS/EIR as required under CEQA (See DEIR/EIS, p. 3-48). Alternative 4 is an Estate Lot Alternative developed by HMR to comply with existing Codes and Plan Area guidance. Alternative 4 would close the ski resort and convert the mountain into 16 residential estate lots and one commercial lot. Alternative 4 includes a proposal to convert the existing North Base ski area parking area into a commercial use. Plan Area 157 allows commercial uses, but does not allow for transfer of development rights (e.g., the transfer of commercial floor area into the Plan Area). To accommodate transfer of commercial floor area to PAS 157, one PAS amendment is required, adding transfer of development rights for existing development. No other Code of Ordinance or PAS amendments would be required for Alternative 4 (See DEIR/EIS, p. 3-53).

(See EIR/EIS, Chapter 23, Master Response 2.)

D. Environmentally Superior Alternative

CEQA requires the identification of an Environmentally Superior Alternative; an alternative to the project that has no significant effect or has the least significant effect on the environment while substantially accomplishing the objectives of the project. For reference, significance under CEQA is determined based on substantial or potentially substantial adverse changes of any of the physical environmental conditions due to the Project as compared to the existing conditions.

The Proposed Project (Alternative 1/1A) and other CEP Alternatives would redevelop the Base Areas of the existing HMR and improve the quality of the existing winter day use recreational facility. Alternatives 1/1A, 3, 5 and 6 are CEP Alternatives and include restoration of existing ground disturbance on the upper mountain, land coverage reduction, and stormwater treatment systems at the base areas designed for the 50 year, 1 hour storm, which would create benefits for long-term water quality, soil condition, and stream environment zones (SEZ). Alternative 4 would close the ski resort and therefore include the eventual restoration of much of the existing upper mountain disturbance, but would eliminate an existing winter day use recreational facility. Selection of the No Project Alternative 2 would avoid the adverse impacts generated by construction activity and residential and tourist growth resulting from the CEP action alternatives; however, the water quality and soil restoration benefits would not occur and according to HMR, the long-term economic viability of the ski resort would be in doubt. Consequently, the No Project Alternative is not considered to be environmentally superior or environmentally preferred.

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, subdivision (d)(2), requires that the EA/EIR identify another alternative as environmentally superior. Of the CEP Action Alternatives, Alternative 6, Reduced Project, 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 existing land coverage (approximately 23 20 percent) the most among viable CEP Alternatives (Alternative 5 is not viable because of proposed density and adverse impacts to scenic quality ratings), which would reduce soils, hydrologic, and stream zone impacts;

- include the greatest decrease of winter vehicle trips and VMT of the CEP Alternatives (see Table 11-17);
- include the smallest increase of summer vehicle trips and VMT of the CEP Alternatives (see Table 11-17); and
- implement the proposed environmental benefits included in the HMR Master Plan and summarized in Table 2-2 of this EIR/EIS.

(Draft EIR/EIS, Chapter 20, pp. 20-21 to 20-22.)

As explained above, based on the analysis in the EIR/EIS, the Planning Commission finds that Alternative 6 ("Reduced Project") is the environmentally superior alternative. The Planning Commission rejects this alternative, however, because this alternative is infeasible. The basis for this finding is summarized above.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA section 21081 and CEQA Guideline 15093, the Planning Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs these significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Planning Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specially finds that there are significant benefits of the proposed Project to support approval of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. Specifically, notwithstanding the significant and unavoidable impacts to Transportation (Impacts TRANS-3 (Summer Queuing) and TRANS-C1 (Cumulative Summer Queuing)), CC-C1 and Climate Changes (Impacts CC-C1 and CC-C2), the Project benefits as described below, including benefits such as water quality improvements, retirement of sensitive lands, an overall reduction in land coverage and sustainable development that relate directly to areas of impact, as well as all other benefits described below and elsewhere in this document, outweigh these impacts.

The Planning Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures proposed in the FEIR that are applicable to the Project are adopted as part of this approval action. Furthermore, the Agency has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations. Any alternatives proposed by the public are rejected for the reasons set forth in the EIR/EIS and the reasons set forth herein.

The Project has the following benefits:

EIP Projects

Project Number 632 - Homewood Ski Area Master Plan

- Project Number 86 Scenic Roadway Unit 11- Homewood
- Project number 775 Homewood Area Pedestrian Facilities
- Project Number 855 Tahoe City "Y" Realignment (fair share participant)
- Project Number 725 Design a stormwater treatment system to treat the 50 year/1 hour storm event within the north and south base areas
- Project Number 996 SR 89 stormwater treatment

Water Quality

- Treatment of the 50 year/1 hour Storm Event for proposed redevelopment areas (EIP 725). Capture of water runoff planned through a series of vaults and infiltration galleries.
- Removal of culvert and fill from the SEZ at the South Base area and day lighting Ellis/Homewood Creek channel.
- Participation in local Homewood elements of environmental improvement project (EIP 996); a 9
 mile segment of SR 89 in Placer County by helping to implement runoff treatment facilities, and
 erosion control features, including high level stormwater treatment vault and a series of additional
 vegetated basins to treat SR 89 runoff.
- Substantial land coverage reduction and restoration on the upper mountain areas (there is a commitment in the Master Plan for a total of 500,000 square feet of total land coverage restoration, all of which must be verified by TRPA for potential relocation, banking or retirement).
- A majority of building footprints to be located on land capability classes 4 and higher.

Recreation

- By keeping the ski resort open, existing PAOTs assigned to Homewood would remain in operation and the 1987 TRPA Regional Plan assignment of 1,100 PAOTs to HOMEWOOD would remain available for potential use at the Resort (although the Master Plan does not propose to expand PAOT capacity).
- Provide five miles of hiking trails within PAS 157. Trails include directional markings, mapping, and interpretive signs. Trails will also be linked to pedestrian access pathways at the North and South Bases.
- Mid-mountain lodge located at the top of the proposed Gondola would be available for the public
 to use (pool, access to hiking, etc.) The lodge will include a space dedicated to members of the
 HMR HOA. Use of the pool will be open to residents of the west shore from Tahoma to
 Sunnyside (proximate to Homewood) to fulfill a void for area residents.
- New outdoor amphitheater at the North Base area for hosting outdoor concert events and use as the permanent home of the Lake Tahoe Music Festival.
- A cross country ski connection, which is an extension of the old Olympic course, is proposed for future consideration.

Air Quality/ Transportation

- Winter VMT reduction (based on reducing existing weekend day visitors with residents and guests of the proposed resort facilities).
- Provision of transit kiosk with signs, maps, etc.
- Integrate transportation linkages.
- A Tahoe City Public Utility District (TCPUD) bike path into the North Base area. An eight-passenger gondola will bring guests up to the Mid-Mountain Base area. The existing Tahoe Area Regional Transit (TART) stops will be furnished with shelters (two possibly three stops at resort), and proposed dial-a-ride, shuttle, and water taxi services will be provided to reduce vehicle miles traveled (VMTs).

- Alternative transportation initiatives include 2-20+ passenger water taxis for use during summer months, summer and winter dial-a-ride service (7 days a week, at a minimum from 8 AM to 6 PM), and shuttle service. Shuttle service between bases will reduce parking demand at the North Base. Additional alternative transportation measures planned include a free-use bicycle fleet for resort guests, 5-hybrid electric rental vehicles for resort guest use, implementation of the missing bike trail segment. TART passes provided for employees, and shuttle service provided to/from employee housing areas not on a TART route. Summer scheduled shuttle service to/from Tahoe City, 7 days a week from 9 AM to 8 PM (scheduled to augment existing TART service).
- Pedestrian facilities will be built in the Homewood area to serve commercial businesses, improve access, improve drainage collection and treatment and provide scenic improvements (EIP 775).
- Pedestrian oriented plans with pedestrian access to neighborhood oriented retail and TCPUD bike trail connection to North Base area reduces VMT. On-site daycare to reduce vehicle trips.
- Fair-share participant in SR 28/SR 89 intersection improvement project (EIP 855)
- Limitation of total maximum ticket sales during the winter season & limiting day skier parking to 400 on-site parking spaces; electronic signage at the Tahoe City "Y" alerting travelers when ski parking is full, alternative means of transportation. Plan calls for a limitation on ticket sales to those arriving via transit only once parking lot at site is full.
- Potential to stockpile excavated materials on-site for use by other area projects such as the Blackwood Creek Restoration Project. This would reduce truck trips and VMT caused by material hauling during construction.

Scenic Resources

- Underground utility lines throughout the Project area.
- Existing landmark trees integrated into landscape design.
- Implement landscape frontage improvements, access controls, building upgrades, sign conformance & walkways throughout project site.
- Underground parking and replacement of surface parking lot at frontage with landscaping and pedestrian paths.
- Articulated design and incorporation of natural building materials.
- Public outdoor artwork at: hotel landscaped area, day skier drop-off landscape area and public ice pond. Public art also planned at indoor public spaces in hotel and day skier facility. Artwork by local/regionally based artists.

Forest Health

• Homewood Mountain Resort has treated over 400 acres of forested areas to reduce the threat of catastrophic fire. There is a plan to continue the forest thinning/fuels management for all forested areas within the 1,200 acre Homewood Mountain Resort and the adjacent 100-acre TCPUD open space parcel. The fuels management program uses a chipper that grinds up fuels waste and spreads the resulting chip material onto the forest floor which helps to reduce storm water runoff and maintain a healthier forest floor.

Housing

- Provision of 13 on-site affordable employee housing units under the proposed Master Plan.
- Employee transportation (buses & shuttles) to be provided for off-site employee housing locations (Tahoma/Sunnyside).

LEED Certification

• The north base proposal has been accepted into and will be designed under the LEED for Neighborhood Development Pilot Program. The south base, although not a part of the LEED for Neighborhood Pilot Program, will also be designed to stringent sustainable development standards using the LEED criteria as a template. Although the goal is to achieve LEED Silver certification, the US Green Building Council initial formal feedback suggests plan is on course for Gold Level.

Open Space

- All open space in master plan proposal are publically accessible. Primary open space areas at north base centered around the seasonal public ice pond area/ miniature golf & landscaped frontage adjacent to SR 89.
- Deed restriction from further non-recreational development to be placed on whole of mountain beyond the North and South Base areas & Mid-Mountain Base area.
- Linkage from the public/pedestrian oriented spaces at base areas to a hiking trail system on mountain aided through a new way finding/graphic system.

(EIR/EIS. pp. 6-21 through 6-23; Table 6-2.)

Having considered these benefits, the Planning Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable. The Planning Commission further finds that each of the above considerations is sufficient to approve the project. For each of the reasons stated above, and all of them, the project should be implemented notwithstanding the significant unavoidable adverse impacts identified in the EIR/EIS.

ACRONYMS AND ABBREVIATIONS

AADT Annual Average Daily Traffic

AB 32 California Global Warming Solutions Act of 2006

ACHP Advisory Council on Historic Preservation

ADT Average Daily Traffic

AF Acre-Feet

AF/yr Acre-Feet per Year

ANSI American National Standards Institute

APCDs Air Pollution Control Districts

AQMDs Air Quality Management Districts

ARMR Archaeological Resources Management Reports

Basin Plan Water Quality Control Plan Report for the North Lahontan Basin

bgs Below Ground Surface

BLM United States Bureau of Land Management

BMP Best Management Practice

BOD Biological Oxygen Demand

BP Before Present

CAA Federal Clean Air Act of 1970

CAAA 1990 Clean Air Act Amendments

CalEPA California Environmental Protection Agency

Cal-OSHA California Occupational Safety and Health Administration

Caltrans California Department of Transportation

CARB California Air Resources Board

CCAA California Clean Air Act

CCIC Central California Information Center

CDF California Department of Forestry

CDFG California Department of Fish and Game

CDMG California Department of Mines and Geology

CDMGB California State Mining and Geology Board

CEQA California Environmental Quality Act

CERCLA Comprehensive Environmental Response, Compensation and Liability Act of 1980

CESA California Endangered Species Act

CFA Commercial Floor Area

CFR Code of Federal Regulations

cfs Cubic Feet per Second

CIP Capital Improvement Plan

CNDDB California Natural Diversity Database

CNEL Community Noise Equivalent Level

CNPS California Native Plant Society

CO Carbon Monoxide

CO2 Carbon Dioxide

Cortese List California's Hazardous Waste and Substance Sites List

CSWGPP State of Nevada Comprehensive State Groundwater Protection Program

CWA Clean Water Act of 1972

CWC California Water Code

CWE Cumulative Watershed Effect

dB Decibel

dBA A-weighted decibel

dbh Diameter at Breast Height

DEIR Draft Environmental Impact Report

DEIS Draft Environmental Impact Statement

District Tahoe City Public Utility District

Division Nevada Division of Fish and Wildlife

DSOD California Department of Water Resources, Division of Safety of Dams

EA Environmental Assessment

EIR Environmental Impact Report

EIS Environmental Impact Statement

ERU Equivalent Residential Unit

ETCCs Environmental Threshold Carrying Capacities

FEMA Flood Emergency Management Agency

FESA Federal Endangered Species Act

FTE Full Time Equivalent

Forest Service United States Department of Agriculture Forest Service

Fossils Paleontological Resources

GBUAPCD Great Basin Unified Air Pollution Control District

GHG Greenhouse Gases

H2S Hydrogen Sulfide

HABS Historic American Buildings Survey

HAER Historic American Engineering Record

HAP Hazardous Air Pollutants

HAZWOPER Hazardous Waste Operations and Emergency Response

in/yr Inches per Year

Lahontan Regional Water Quality Control Board-Lahontan Region

Ldn Day-night Average Sound Level

Leq Energy Equivalent Sound Level

LOS Level of Service

MBTA Migratory Bird Treaty Act

MCWC Madden Creek Water Company

Mgal/yr. Million Gallons per Year

mgd Million Gallons per Day

mg/L Milligrams per Liter

mg/L3 Microgram per Cubic Liter

Mmax Maximum Moment Magnitude

MMI Modified Mercalli Intensity

μg/m3 Microgram per Cubic Meter

MMP Mitigation and Monitoring Program

MOA Memorandum of Agreement

MPN Most Probable Number

MRF Eastern Regional Materials Recovery Facility

NAAQS National Ambient Air Quality Standards

NAC Noise Abatement Criteria

NAHC Native American Heritage Commission

NEPA National Environmental Policy Act

NNPS Nevada Native Plant Society

NO2 Nitrogen Dioxide

NOAA National Oceanic and Atmospheric Administration

NOP Notice of Preparation

NPDES National Pollutant Discharge Elimination Program

NRHP National Register of Historic Places

NTFPD North Tahoe Fire Protection District

NWP Nationwide Permit

O3 Ozone

OES Office of Emergency Services

OPR California Governor's Office of Planning and Research

OS Open Space

OSHA Occupational Safety and Health Administration

PA Programmatic Agreement

Pb Lead

PD Planned Development

PGA Peak Ground Acceleration

PM10 Particulate Matter Less than 10 Microns in Diameter

PM2.5 Particulate Matter Less than 2.5 Microns in Diameter

PPM Parts per Million

PRC Public Resource Code

Project Homewood Mountain Resort Ski Area Master Plan

PSD Prevention of Significant Deterioration Program

psi Pounds per square inch

RCRA Resource Conservation and Recovery Act

RIB Rapid Infiltration Basin

RL Rural Low

ROW Right-of-Way

RR Rural Residential

RWQCB Regional Water Quality Control Boards

SHPO State Historic Preservation Office

SIP State Implementation Plan

SMARA Surface Mining Reclamation Act of 1975

SO2 Sulfur Dioxide

State Board California State Water Resources Control Board

Superfund Superfund Amendment and Reauthorization Act of 1986

SWPPP Storm Water Pollution Prevention Plan

TAU Tourist Accommodation Unit

TCPUD Tahoe City Public Utility District

TKN Total Kjeldahl Nitrogen

TMDL Total Maximum Daily Load

TOC Threshold of Concern

TP Total Phosphorus

TROA Truckee River Operating Agreement

TRPA Tahoe Regional Planning Agency

TSS Total Suspended Solids

TTSA Tahoe-Truckee Sanitation Agency

TTSD Tahoe-Truckee Sierra Disposal Company

TTUSD Tahoe-Truckee Unified School District

UAPCDs Unified Air Pollution Control Districts

UBC Uniform Building Code 1997

USACE United States Army Corps of Engineers

USDA United States Department of Agriculture

USEPA United States Environmental Protection Agency

USFWS United States Fish and Wildlife Service

USGS United States Geological Survey

VMT Vehicle Miles Traveled

WDR Waste Discharge Requirements

WMA Wildlife Management Areas

WWTP Wastewater Treatment Plant

yds3 Cubic Yards