

COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING SERVICES
DIVISION

Paul Thompson, Deputy Director

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, Agency Director
Community Development/Resource Agency

DATE: July 12, 2011

SUBJECT: **THIRD-PARTY PLANNING COMMISSION APPEAL - CONDITIONAL USE PERMIT (PCPA 20110043)**
NORTHSTAR MOUNTAIN LODGE
MITIGATED NEGATIVE DECLARATION

ACTION REQUESTED

The Board is being asked to deny a third-party appeal from Thomas Morone, receiver for Highlands Hotel Company, LLC, of the Planning Commission's decision to: 1) approve a Conditional Use Permit; 2) approve a Variance; and 3) to adopt a Mitigated Negative Declaration for the Northstar Mountain Lodge. The approval of the Conditional Use Permit and Variance allows for the construction of an approximately 17,687 square foot Mountain Lodge at the Northstar-At-Tahoe Resort in the Martis Valley area.

BACKGROUND

On February 14, 2011, CNL Income Northstar submitted an application for approval of a Conditional Use Permit and Variance to allow for the construction of an approximately 17,687 square foot Mountain Lodge at a height of 49.5 feet (in a zone district where a maximum of 36 feet is permitted). On May 23, 2011, the Placer County Planning Commission took action to approve the Conditional Use Permit and the height Variance as requested.

Project Site

The proposed Mountain Lodge site is located on a 1.7-acre portion of an approximately 558-acre parcel within the Northstar-at-Tahoe ski area. The property is zoned FOR-B-X-160 AC. MIN. (Forestry, with a combined building site zoning designation of 160-acre minimum parcel size; and RES-Ds- PD=15 (Resort; Design Sierra combining district; and Planned Development/15 units per acre). The property is located within the Martis Valley Community Plan area, and has a land use designation of Forest, (40 to 640-acre minimum parcel size). The proposed project location is currently operated as part of the Northstar-at-Tahoe ski resort. The area is located at a high elevation on the Northstar Ski Slope and contains sloping areas and moderate tree coverage.

Project Description

The applicant received approval from the Planning Commission for a Conditional Use Permit and height Variance in order to construct an approximately 17,687 square foot Mountain Lodge at a height of 49.5 feet (in a zone district where a maximum of 36 feet is permitted). The Mountain Lodge will also

include approximately 4,697 square feet of outdoor patio and decking that will be located on the west and south sides of the structure.

The Mountain Lodge is designed to accommodate existing guests that visit the Northstar-at-Tahoe resort and will operate on a year-round basis. The lodge will provide restaurant and cafeteria services, a lounge, restrooms, retail and guest services and will be available for special events such as weddings and banquets. The Mountain Lodge will accommodate indoor seating for approximately 500 guests and outdoor seating for approximately 250 guests. The lodge will be accessed via the Tahoe Zephyr ski lift and guests will not have vehicle access to the Lodge. Maintenance and construction access will be provided by existing private roads.

North Tahoe Regional Advisory Council (NTRAC)

On May 12, 2011, the project was presented before the North Tahoe Regional Advisory Council as an Action Item. After a brief presentation, the Council unanimously voted to recommend approval of the Conditional Use Permit and Variance to the Planning Commission.

Planning Commission Hearing

On May 26, 2011, the Planning Commission conducted a public hearing on the Conditional Use Permit and Variance applications for the Northstar Mountain Lodge project. The Development Review Committee presented its staff report, and the Commission received comments from the applicant and considered a letter from Thomas Morone, representing the Highlands Hotel (Ritz Carlton), in opposition to the requested entitlements (Attachment B). Mr. Morone was not present at the hearing, and there was no other public testimony offered.

The Commission heard that the request for a Variance to height, to allow for a 49.5-foot structure where 36 feet is the standard, was based on a higher pitch roof design to accommodate snow loads and to provide passive solar heating and lighting. Further discussion at the Planning Commission hearing included a letter in opposition to the Mountain Lodge, received from the appellant on May 25, 2011. The letter included information related to the number of employees proposed by the Mountain Lodge, the adequacy of the environmental document, and possible parking and traffic issues related to the Mountain Lodge. The letter stated that the number of employees required by the Mountain Lodge was underestimated in the staff report and the environmental document at 11 employees. The appellant stated in his letter that the lodge would likely require 131 to 136 employees, which would result in traffic, parking and environmental impacts that were not addressed in the Mitigated Negative Declaration. The appellant did not appear in person at the hearing to address the issues cited in the letter.

In response to this letter, the applicant stated at the hearing that 11 employees was an accurate number. The applicant stated that at peak operational periods, the number of employees could increase to 30 but would not reach the higher numbers cited by the appellant. The applicant indicated that 136 employees would be accurate for a full-service restaurant; however, the Mountain Lodge would be a cafeteria-based, limited-service restaurant that is unique in its location and seasonal nature. In addition, the Community Development Resource Agency Director also made a statement addressing the current parking available to Northstar employees and made reference to a project proposed by the applicant that would include 300 additional employee parking spaces. Based on this information, the Planning Commission determined that 11 employees was an accurate number and that the Mitigated Negative Declaration was the appropriate environmental document for the project.

Also included in the May 25, 2011 letter to Michael Johnson was a concern regarding the lack of adequate parking for existing employees at the Ritz Carlton Hotel. The appellant stated that he did not want the proposed project to exacerbate the existing employee parking issues for the Ritz

Carlton. As presented by staff during the Planning Commission hearing, the issues associated with employee parking for the Ritz Carlton employees is separate and distinct from this current proposal, and it is not appropriate to try and combine the two issues.

Regarding employee parking for the Ritz Carlton employees, the Ritz Carlton project, as with all County projects, is required to provide sufficient off-street parking for its employees. Condition of Approval 129 for the Northstar Highlands project (of which the Ritz Carlton is a part of) required that adequate parking for employees and guest be provided. Prior to the opening of the Ritz Carlton Hotel, the developer of the hotel (East-West Partners) had not yet identified and/or constructed a permanent solution for employee parking. The developer of the hotel requested that an interim employee parking solution be permitted so that the developer could continue to try and identify a permanent solution. In a letter from the County dated October 9, 2009 (Attachment G), and in an effort to facilitate the timely opening of the Ritz Carlton Hotel, the Community Development Resource Agency Director authorized the temporary, short-term use of the existing construction staging area for the hotel for use as employee and overflow parking for the hotel. As stipulated in the letter, the use of this interim employee/overflow parking area was permitted through December 2011, at which time the hotel was to identify a permanent solution for its employee and overflow parking responsibilities. To date, the hotel has not yet addressed its permanent employee parking requirements.

As was discussed at the Planning Commission meeting, it is important to note that the parking issues associated with the Ritz Carlton Hotel are separate from any parking requirements associated with the larger Northstar resort. Northstar does not have any obligation to provide parking to the hotel or its employees. As stated at the Planning Commission hearing, representatives from Northstar remain committed to reaching cooperative solutions to parking issues with the hotel, but it is not the responsibility of the resort to provide parking for the hotel employees.

The Planning Commission adopted a motion (6:1 with Commissioner Gray voting no) to approve both entitlements. Commissioner Gray disagreed with arguments presented for the Variance and, as a result, voted no on both the Variance and the Conditional Use Permit request.

APPEAL

On June 3, 2011, Thomas Morone, Receiver for the Highlands Hotel Company, submitted an appeal (Attachment A) of the Planning Commission's decision to approve the Conditional Use Permit and the Variance request. The Appellant identified two items as the basis for the appeal, including inadequate analysis of parking impacts and an inadequate environmental document (Mitigated Negative Declaration).

The appellant states that the applicant significantly underestimated the number of employees that would be required to operate the lodge, citing statistics from the National Restaurant Association on the relationship between restaurant size and employee headcount. According to these statistics, full service restaurants that average a \$15.00 check per person with seating for 750 people (indoor and outdoor seating for the Lodge) generate a need for approximately 131 to 135 employees. The appellant states that this number would not include maintenance or janitorial staff. The appellant contends that the project should have identified a corresponding need for additional employee parking and that the Mitigated Negative Declaration should have included an analysis of this element of the project. In addition, there should be a corresponding increase in traffic fees, based on the corresponding increase in employee-generated traffic. Finally, the appellant states that together with inadequate mitigation and requirements for parking, the Mitigated Negative Declaration failed to address impacts related to special events, a use included in the approval of the Northstar Mountain Lodge.

The appellant states "If the administrative record contains substantial evidence that any aspect of a project 'may have a significant effect on the environment' the lead agency must prepare an Environmental Impact Report" [Pub. Res. Code §§ 21100, 21151; Guidelines §§ 15002(f)(1), 15063(b)(1), 15064(a)(1)]. To support this statement, the appellant states that there is more than a fair argument that the project will have a significant adverse impact on parking and a significant effect on the environment, stating that parking requirements resulting from 135 employees would result in potentially significant impacts to the environment.

RESPONSE TO APPEAL

As identified above, the appeal submitted identifies two issues as the basis for the appeal. A response to each issue is provided below.

Inadequate Parking Impacts Analysis

In its analysis of the appellant's claims regarding the number of employees that would be required to staff the new lodge, the Planning Commission concluded that there was no factual basis to support the claims made by the appellant. Northstar has the existing Big Springs Lodge at the mid-mountain area and the Summit Deck and Grill, and the staffing at these existing facilities was used to determine the number of employees that would be required to serve the new lodge. In its review of the project, the Planning Commission concluded that the location of the facility within a ski resort further makes inapplicable the general restaurant survey data cited by the appellant. As presented by the applicant at the Planning Commission hearing, the design intent of the lodge, the operating premise and the functions are not comparable to a typical restaurant. The proposed facility is part of the resort's master plan to accommodate the existing capacity of the resort, given the overcrowding of the current on-mountain restaurant facilities.

The Planning Commission concluded that, ultimately, the proposed lodge will not increase total visitation to the resort and create additional stress on existing parking. Rather, unlike the restaurants providing the data on which the appellant relies, the facility will be serving guests who are already at the resort and currently impacting parking and other resources. The proposed lodge will provide a cafeteria-style facility, a bar/food service area, restrooms, and a small retail area for accessories such as goggles, sun cream, and batteries. The facility is designed for operational efficiency given its limited year-round use.

The appellant provided statistics on restaurant size and employee headcount suggesting a need for 17.5 to 18.1 employees per 100 seats. Because the Lodge will provide 750 seats, the appellant concluded that 131 to 136 restaurant employees would be needed. The survey cited by the appellant is based on the median of results reported by restaurants. The proposed Lodge does not resemble the "median" restaurant. The data cited by the appellant appears to be based on restaurants that are open all day serving breakfast, lunch and dinner with direct access from parking lots proximate to the facility. A typical restaurant bears no relationship to an on-mountain restaurant at a ski resort located at a remote top-of-the-mountain setting with no vehicular access.

In developing its numbers for the restaurant, the applicant anticipates that there will be peak times (i.e., over prime holidays such as Christmas there could be up to 35 employees for two shifts, averaging 29 Full Time Equivalents (FTE) during a peak month such as December). Staffing levels during normal winter weekends will be lower. Mid-week staffing levels will be even lower. During summer months, the applicant estimates one FTE will suffice, as the services provided are minimal. During months when the facility is closed (e.g., May, June, November and October), the facility will have no employees. When these numbers are annualized over the entire year (as is the typical process for calculating traffic impact fees), the number anticipated employees is 11.3 FTE's.

In the appeal, similar to the letter submitted to the Planning Commission, the appellant compares the ski shop at the restaurant to that of the Ritz Carlton, which is run by Northstar. This comparison is between two disparate and incomparable operations. As stated by the applicant during the Planning Commission hearing, the Ritz Carlton's level of guest attention and service equates to an increased number of employees to satisfy that expectation. In addition, the ski shop at the Ritz has many retail functions that it accommodates including a full demo/rental shop and lines of clothing. The new restaurant facility ski shop will not provide these services or carry this type of comprehensive merchandise. The ski shop at the restaurant, like many on mountain restaurants at ski resorts, is an accessory-only shop. The facility will sell sun cream, goggles, sun glasses, batteries, Chap Stick, hand warmers, and other, similar incidentals that a guest might need either because they lost them on the mountain or they forget to bring them. The retail space as envisioned is about 300 square feet and can be serviced by one employee, which is well below the figure of 1.7 per 100 square feet that the appellant cites.

The appellant also states that Northstar will need additional staff for special events and weddings. As stated by the applicant, the existing operations at the resort do not bring on additional staff given the resort's existing summer time banquet staff. Additionally, the resort rarely, if ever, has special events or weddings during the winter months or high season. As stated by the applicant during the Planning Commission meeting, having special events at the mountain restaurants, during the winter, would conflict with the resort's core business, which is operating the restaurants as on-mountain food service facilities for the skiing guests. Additionally, access to the proposed facility is a ski lift that is for use by the skiing guest and has limited capacity. Accordingly, the applicant stated that the resort would not compromise the resort's core function (a ski resort) by adding special events during the winter operating hours.

After receiving public testimony, the Planning Commission concluded that the applicant's identification of 11 FTEs was appropriate and accurate for the proposed project, and the Planning Commission concluded that the industry-wide data cited by the appellant was not applicable in light of the location, nature and function of the proposed Lodge.

Based upon the appellant's belief that the proposed lodge will require additional employees, the appellant asserts that Northstar should provide additional parking for its projected employees, janitorial staff and special events/weddings. To this end, the appellant states that the Planning Commission relied on the possibility of a future parking facility proposed by Northstar as the basis for supporting the project, and this future parking area is neither a condition nor a component of the project.

Regarding the availability of parking for the new employees who will work at the proposed mountain lodge facility, the applicant provided information to show that the resort has significant and adequate parking on its property. At present, approximately 2,400 parking spaces are available for use by resort guests and employees. In addition, Northstar has identified various areas within the resort where future parking may be provided. The resort currently has an extensive parking management plan in place for its employees during peak visitation periods. This plan includes raffle tickets to employees traveling with more than three employees in a vehicle, close-in parking for those traveling with more than four employees people in a vehicle, a shuttle from remote parking at the Truckee airport on peak days, free bus service to employees in Kings Beach and Truckee, and free bus tickets to all employees riding the regional bus system (TART). In addition, the resort provides free shuttle service to the Sawmill Heights employee housing project located on the resort.

Based upon the above, the Planning Commission concluded that there is in fact adequate parking and alternative transportation services available to serve the parking demands generated by the proposed lodge facility. The Planning Commission did not concur with the applicant that additional parking was required to accommodate the new employees.

Inadequate Environmental Document

The second issue raised by the appellant is the adequacy of the Mitigated Negative Declaration. The appellant states an EIR must be prepared because the record contains substantial evidence the Lodge project may have significant environmental effects. The appellant cites the CEQA Guidelines and case law in support of this claim.

The standards for preparation of an EIR, as opposed to a mitigated negative declaration, are well established:

[A] public agency must prepare an EIR whenever substantial evidence supports a fair argument that a proposed project “may have a significant effect on the environment.” “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in the environment. [¶] If there is substantial evidence in the whole record supporting a fair argument that a project may have a significant nonmitigable effect on the environment, the lead agency shall prepare an EIR, even though it may also be presented with other substantial evidence that the project will not have a significant effect.

“Substantial evidence” means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (Guidelines, § 15384, subd. (a).) Substantial evidence “shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” (Guidelines, § 15384, subd. (b).) “Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.” (Guidelines, § 15384, subd. (a).)

Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence for a fair argument. [¶] On the other hand, mere argument, speculation, and unsubstantiated opinion, even expert opinion, is not substantial evidence for a fair argument. ([Pub. Resources Code,] § 21082.2, subd. (c); Guidelines, § 15384, subd. (a).)

(Pocket Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903, 927-929 [citations omitted].)

In this case, the appellant’s primary claim is that the Lodge will require more employees than estimated in the MND, and that the additional employees will cause environmental effects. As explained above, the appellant’s claim regarding the number of employees is based on survey data that bears no relationship to the manner in which Northstar will operate the Lodge. At most, appellant’s letter indicates there may be other ways to estimate the number of employees at the Lodge. Even if that were true, however, that does not mean the record contains a “fair argument” of significant environmental effects. In order to require preparation of an EIR, there must be evidence that significant environmental impacts will result from a higher number of employees. The record contains no such evidence. The only effect of estimating a higher number of employees would be to increase the amount of the County’s Traffic Impact Fee that the project must pay. The number of employees plays no role in any other impact analysis or mitigation measure. Under such circumstances, an EIR is not required.

Given the available parking areas (2,400 spaces) and the parking management plan in place at Northstar, the additional employees required to staff the lodge would not generate a need for additional parking and would not generate significant environmental impacts. Therefore, the Planning Commission determined that a Mitigated Negative Declaration is the appropriate document for the project.

CONCLUSION

In its analysis of the issues raised by the appellant, staff could find no validity in any of the assertions included in the appeal. As described in this report, there is in fact adequate parking provided within the resort to accommodate the new employees that may be generated by the proposed project. Additionally, staff could find no basis to support the appellant's claim that an EIR is required for this project. The Planning Commission, after receiving the concerns raised by the appellant, concluded that there was no factual basis to any of the assertions, and the Planning Commission took action to approve the project as requested by the applicant. Staff recommends the Board deny the appeal and uphold the project approval as approved by the Planning Commission.

RECOMMENDATION

Staff recommends that the Board of Supervisors uphold the action by the Planning Commission as follows:

1. Deny the appeal of Thomas Morone on the basis set forth in the staff report;
2. Approve the Mitigated Negative Declaration, the Conditional Use Permit and the height Variance of 49.5 feet for the Northstar Mountain Lodge by adopting the Planning Commission findings for approval as set forth on pages 5-6 of Attachment F, and approving the Project subject to the conditions of approval attached hereto as Attachment E, which shall constitute the Board's Findings and Conditions in this matter.

ATTACHMENTS:

Attachment A:

1. Vicinity Map
2. Site Plan

Attachment B: Appeal Letter from Thomas Morone, Receiver for Highlands Hotel Company, Received 6-3-2011

Attachment C: Opposition Letter from Thomas Morone, Receiver for Highlands Hotel Company, Dated 5-25-11

Attachment D:

1. Letter from Thomas Morone, Receiver for the Highlands Hotel Company, Dated 7-1-2011
2. Page 29 of PowerPoint Presentation, Vail Resorts 2011 Investors Meeting

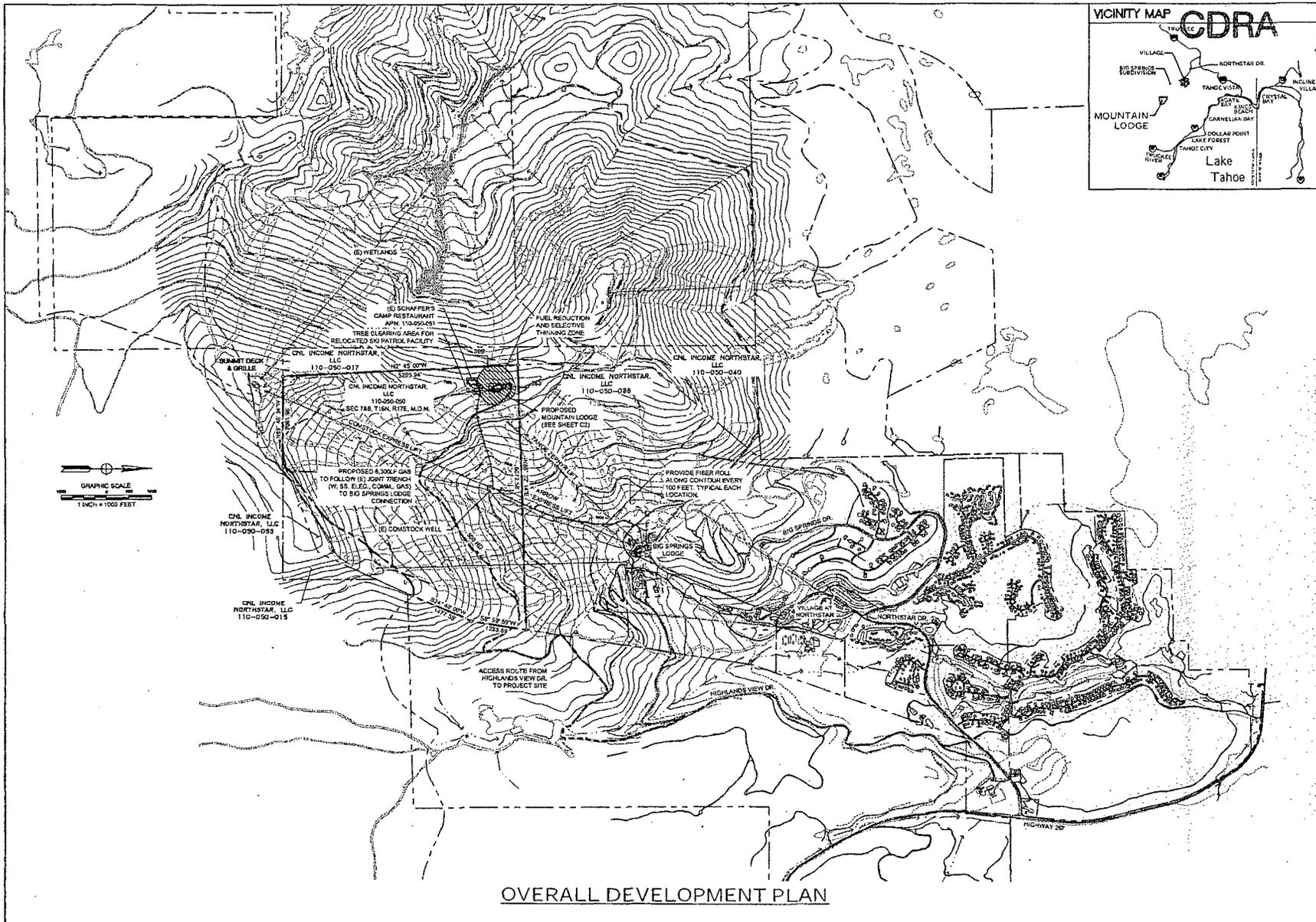
Attachment E: Recommended Conditions of Approval

Attachment F: May 26, 2011 Planning Commission Staff Report

Attachment G: October 9, 2009 Letter from Michael Johnson to Jim Telling regarding employee parking for the Ritz Carlton

cc: Thomas Morone – Appellant
CNL Properties, LLC – Tim Beck – Applicant
CNL Properties, LLC – Jen Mader – Applicant
Michael Johnson – Community Development/Resources Agency Director
Paul Thompson – Deputy Director, Planning Services
Phil Frantz – Engineering and Surveying Department
Justin Hansen – Environmental Health Services
Scott Finley – County Counsel

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A.P.N. 110-050-050
NORTHSTAR-AT-TAHOE
TRUCKEE, CA 96161
PLACER COUNTY

DATE: 1/20/11
SCALE: 1"=1000'
BY: [Signature]

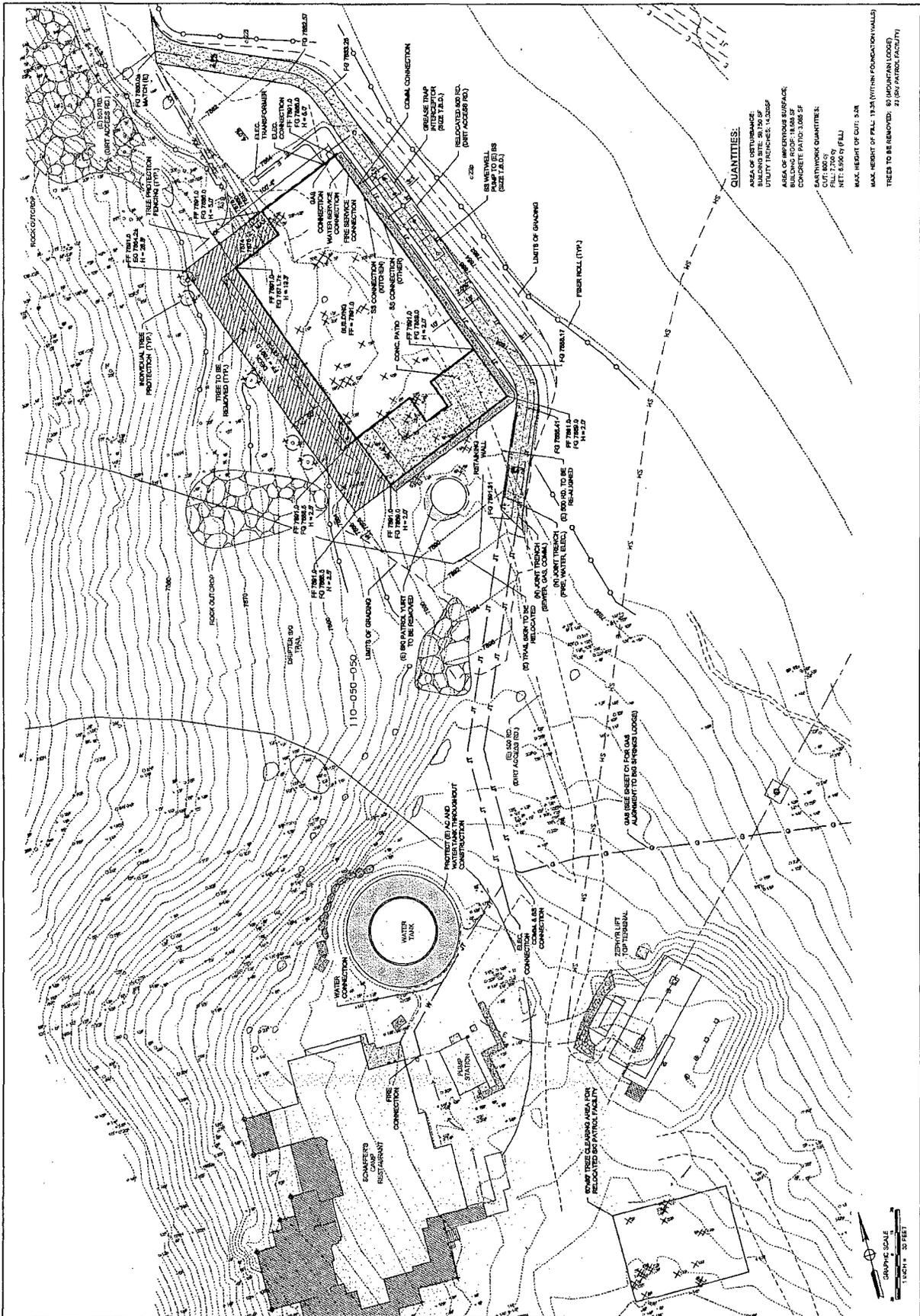
NOT FOR CONSTRUCTION

OVERALL SITE PLAN

C1

ATTACHMENT A-1

14



15



PLACER COUNTY PLANNING DEPARTMENT

AUBURN OFFICE

3091 County Center Dr
Auburn, CA 95603

530-886-3000/FAX 530-886-3080

Web page: www.placer.ca.gov/planning

TAHOE OFFICE

565 W. Lake Blvd./P. O. Box 1909
Tahoe City CA 96145

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E-Mail : planning@placer.ca.gov

Reserved for Date Stamp

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PLANNING APPEALS

*PCPA
T 20110043*

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

—OFFICE USE ONLY—

Last Day to Appeal 6/6/11 (5 pm)

Letter _____

Oral Testimony _____

Zoning FOR-B-X-160acm

Maps: 7-full size and 1 reduced for Planning Commission Items

Appeal Fee \$ 504.00

Date Appeal Filed 6/3/11

Receipt # 11-0874275

Received by llc

Geographic Area East

—TO BE COMPLETED BY THE APPLICANT—

- Project name Northstar-at-Tahoe Mountain Lodge
- Appellant(s) Thomas Morone, Receiver for: (310) 316-3957
Highlands Hotel Company, LLC
Address P.O. Box 999
Telephone Number _____
Truckee CA Fax Number _____
City State Zip Code _____
- Assessor's Parcel Number(s): 110-050-050, 110-050-038
- Application being appealed (check all those that apply): *PCPA 20110043
 Administrative Approval (AA-_____) Tentative Map (SUB-_____)
 Use Permit (CUP/MUP- *_____) Variance (VAA- *_____)
 Parcel Map (P-_____) Design Review (DSA-_____)
 General Plan Amendment (GPA-_____) Rezoning (REA-_____)
 Specific Plan (SPA-_____) Rafting Permit (RPA-_____)
 Planning Director Interpretation _____ (date) Env. Review (EIAQ-_____)
 Minor Boundary Line Adj. (MBR-_____) Other: _____
- Whose decision is being appealed: Placer County Planning Commission
(see reverse)
- Appeal to be heard by: Board of Supervisors
(see reverse)
- Reason for appeal (attach additional sheet if necessary and be specific):
Failure to comply with CEQA. Please see attachment.

(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s)

Thomas Morone

Receiver for Highlands Hotel Co.
llc

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Attachment to Question #7 – Reason for appeal:

The Appellant appeals the Planning Commission's May 26, 2011 decision relating to the Northstar-at-Tahoe Mountain Lodge project:

- (a) Approval of the Conditional Use Permit and Variance (PCPA 20110043) ("the Project"); and
- (b) Adoption of a Mitigated Negative Declaration ("MND").

On May 25, 2011, the Appellant objected to the MND for the Project and the absence of conditions mitigating Project impacts. A copy of our letter is attached hereto and incorporated herein as Exhibit "1." Our letter objected to the reasonableness of assertions of the MND, and submitted evidence contradicting the applicant's claim that only 11 employees will be hired for the Project. Our letter provided substantial evidence that there is a "fair argument" the Project could have a significant effect on the environment, including parking. The Planning Commission nevertheless approved the Project without requiring an environmental impact report ("EIR") for the Project. As such, the basis for the appeal is the County's failure to comply with CEQA in approving the Project.

I. INADEQUATE ANALYSIS OF PARKING IMPACTS

The Project includes the construction of an approximately 17,687 square foot (two-story) Mountain Lodge on the Northstar-at-Tahoe ski slope. The Mountain Lodge will also include approximately 4,697 square feet of outdoor patio and decking, which will be located on the west and south sides of the structure. The lodge will provide restaurant and cafeteria services, along with a lounge, restrooms, retail and guest services and special events, and will accommodate indoor seating for approximately 500 guests and outdoor seating for approximately 250 guests. The facility will be open year-round and in the evening.

Despite the magnitude of the Project, it does not include additional parking. Instead, the applicant claims that the Project will serve existing clients, and it will only generate approximately 11 new Northstar employees. Moreover, since the Project will be accessed via the Tahoe Zephyr ski lift, the applicant claims that no parking improvements will be required.

The applicant provided all of the information upon which the County relied, including the estimate of 11 employees. The County did not independently verify the employment estimates. However, as set forth in our May 25, 2011 letter, the National Restaurant Association publishes statistics each year on relationships between restaurant size and employee headcount. (See Exhibit "1.") As illustrated in the studies, with 750 seats available for lunch, the restaurant component of the Lodge could generate between 131 and 136 restaurant employees. The MND also failed to take into account the increased janitorial and maintenance staff cleaning for is 15,750 square feet of conditioned space, or the ski shop. Nor did the MND consider the impacts of using the restaurant for special events and weddings.

In addition to underestimating the number of employees, the MND provides wholly inadequate mitigation for parking and other project-related impacts. In fact, the only mitigation measure is to require traffic impact fees in the amount of \$24,999.15, which is based on trips

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associated with 11 new employees.¹ Although the County concluded that the cumulative effect of an increase in traffic has the potential to create significant impacts to the areas transportation system, the approvals contain no conditions limiting or controlling the parking. Moreover, the County failed to discuss use of the restaurant for wedding and special events. Instead, the Planning Commission relied on the possibility of a parking structure to be built in the future, which is neither a condition nor a component of the Project.

With the possibility of 135 restaurant employees and the additional guests from the restaurant and special events, how could there be no mitigation measures to address the increased parking? As set forth in the attached letter, Northstar-at-Tahoe already suffers from a deficiency in parking, and the Project will only make the parking problems worse. Therefore, based on the inadequate analysis of parking, the Planning Commission should not have approved the Project.

II. AN EIR MUST BE PREPARED UNDER CEQA

If the administrative record contains substantial evidence that any aspect of a project "may have a significant effect on the environment," the lead agency must prepare an EIR. (Pub. Res. Code §§ 21100, 21151; Guidelines §§ 15002(f)(1), 15063(b)(1), 15064(a)(1). Put another way,

... if a lead agency is presented with a **fair argument** that a project may have a significant effect on the environment, the lead agency shall prepare an EIR **even though** it may also be presented with other substantial evidence that the project will not have a significant effect. (*No Oil, Inc. v. City of Los Angeles* (1974), 13 Cal.3d 68).

(Guidelines § 15064(f)(1) (emphasis added); see also *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002.)

Based on our May 25, 2011 letter, there is more than a fair argument that the Project will have a significant adverse impact on parking. At the very least, a fair argument can be made that the project may have a significant effect on the environment. As a result, the County must prepare an EIR, "even though it may also be presented with other substantial evidence that the project will not have a significant effect." (*No Oil, Inc. v. City of Los Angeles, supra*, 13 Cal.3d 68.) In other words, even though the applicant asserted that only 11 new employees would be hired, there is substantial evidence in the record that there could be at least 135 new employees, which would have a potentially significant impact on the environment.

¹ The sole mitigation measure relies on the incorrect number of employees. Based even on 100 employees, the traffic mitigation fee would be approximately \$250,000, not \$25,000. Under the County's own regulations, therefore, the proposed fees are therefore inadequate to mitigate Project impacts.

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III. CONCLUSION

For the reasons set forth above, we respectfully request that, unless the Project is significantly modified to address the concerns set forth above, the County should take no further action with respect to the Project until such time as the County has prepared and certified an EIR for it that complies with CEQA.

cc: CNL Income Northstar, LLC,
c/o Tim Beck and Jen Mader
P.O. Box 129
Truckee, CA 96160

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EXHIBIT "1"

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**HIGHLANDS HOTEL COMPANY, LLC
D.B.A. RITZ-CARLTON HIGHLANDS, LAKE TAHOE**

May 25, 2010

*Via Facsimile (530-745-3132)
and Email (mjohnson@placer.ca.gov)*

Mr. Michael J. Johnson, AICP
Community Development Resource Agency
County of Placer
3091 County Center Dr., Suite 190
Auburn, CA 95603

**RE: Northstar-at-Tahoe Mid-Mountain Lodge
PCPA 20110043**

Dear Mr. Johnson:

I am the Receiver for Highlands Hotel Company, LLC, the owner of the Ritz-Carlton, Lake Tahoe, which is located 0.9 miles downslope of the proposed 15,750-square foot lodge (the "Lodge"). I have reviewed the mitigated negative declaration and object to the reasonableness of several assertions in that document, specifically that it will generate only 11 incremental employees; this understatement has ramifications on greenhouse gas emissions, population and housing, and transportation and traffic issues.

The Lodge will have 500 indoor restaurant/lounge seats and 250 outdoor seats for a total of 750 seats. The National Restaurant Association publishes statistics each year on relationships between restaurant size and employee headcount. I have attached copies of the pages from the 2010 study for restaurants with an average per guest check that is under \$15 and from the 2010 study for limited-service restaurants for your reference. As illustrated in the studies, the average number of full-time equivalent employees for a moderate-priced restaurant is 17.5 per 100 seats and for a limited-service restaurant (fast food or cafeteria) is 18.1 per 100 seats. With 750 seats available for lunch, the restaurant component of the Lodge could generate between 131 and 136 restaurant employees.

The negative declaration did not provide square footage measures for the ski shop, but this too will generate incremental employees. The 1,737-square foot sports shop operated by Northstar-at-Tahoe within the Ritz-Carlton, Lake Tahoe frequently has 10 employees on duty, exclusive of ticket sales employees for a ratio of 1.7 employees per 100 square feet of retail space.

The building will also require janitorial and maintenance staff cleaning for its 15,750 square feet of conditioned space.

In addition to underestimating the number of employees, the Mitigated Negative Declaration provides no mitigation for parking and other project-related impacts.

Thomas Morone - Receiver
P.O. Box 999
Truckee, CA 96160

Phone (310) 316-3957
Cell (310) 489-5029
E-mail tmorone@warnickco.com

Mr. Michael J. Johnson, AICP
Community Development Resource Agency, County of Placer
May 25, 2011
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Greenhouse gas emissions will increase due to the transportation requirements of 135-plus incremental employees, and the incremental grills, stoves, ovens, and other heating elements associated with restaurant operations regardless of the LEED certification for the building's HVAC systems and insulation.

The winter population will increase during the ski season by 135-plus employees at low wage scales. The Sawmill Heights employee housing project is already at or near capacity.

Transportation and traffic issues will become more pronounced, particularly with regard to employee parking. The 300-space employee lot required in the entitlements for the Village at Northstar and Highlands development has not yet been completed.

Booth Creek, and now Vail Resorts, declined the Ritz-Carlton, Lake Tahoe's request to park approximately 100 employee vehicles on the existing employee lot during the winter. You will recall this employee parking shortage was the reason that your office granted Highlands Hotel Company temporary permission to use the construction staging area on the contiguous parcel rather than to shuttle hotel employees to and from the Truckee airport area.

Hotel management informs us that employee demands for parking were also underestimated at the Sawmill Employee Housing project, and that the employee housing operation runs out of parking before it leases up fully. The parking shortage there has been an impediment to its acceptance.

Approving a new development with 135-plus incremental employees without fulfilling the requirements of the original entitlements will only exacerbate the parking problem and generate increased congestion from shuttle trips along Highway 267.

The project, if generally accepted employee-generation figures are used, will have unmitigated significant impacts on the entire Northstar development. Under these circumstances, a Mitigated Negative Declaration is not appropriate and an environmental impact report ("EIR") should be prepared.

Sincerely,


Thomas F Morone

cc: Kathy Heckert (kheckert@placer.ca.gov)
Melanie Jackson (mjackson@placer.ca.gov)
Michael Wells (mwells@placer.ca.gov)

2010 EDITION

Restaurant Industry Operations Report

FULL SERVICE RESTAURANTS

(Average Check Per Person Under \$15)



NATIONAL
RESTAURANT
ASSOCIATION

Deloitte.

RECEIVED

JUN 03 2011

CDRA

23

RECEIVED

JUN 03 2011

CDRA

Exhibit A-7

Full Service Restaurants (Average Check Per Person Under \$15)

Employee Information*

	Full-Time Equivalent Employees			Amount per Full-Time Equivalent Employee	
	Total	Per 100	Per 100 Average	Total Sales	Total Payroll and Benefits
		Restaurant Seats	Daily Covers		
All Restaurants	22.0	17.5	8.9	\$ 51,599	\$ 17,962
Type of Establishment					
Food Only	19.8	17.5	8.2	\$ 42,581	\$ 15,604
Food and Beverage	23.0	17.4	9.1	54,527	17,457
Restaurant Location					
Hotel	**	**	**	**	**
Shopping Center or Mall	22.5	16.9	**	\$ 52,941	\$ 16,949
Sole Occupant	20.6	16.6	10.1	53,330	17,291
Other	21.5	20.6	8.9	46,845	17,568
Profit versus Loss					
Profit	27.0	18.1	8.2	\$ 54,586	\$ 17,480
Loss	19.6	15.4	8.8	49,085	17,397
Menu Theme					
Hamburger	**	**	**	**	**
Steak/Seafood	**	**	**	**	**
Chicken	**	**	**	**	**
Pizza	**	**	**	**	**
Sandwiches/Subs/Deli	**	**	**	**	**
American (varied)	25.5	19.8	9.1	\$ 49,048	\$ 16,923
Mexican	**	**	**	**	**
Asian	**	**	**	**	**
Italian	**	**	**	**	**
Other	20.2	16.3	9.8	43,739	14,972
Average Check					
Under \$10.00	19.8	19.5	7.7	\$ 44,385	\$ 16,697
\$10.00 to \$14.99	22.9	17.3	9.8	54,732	17,372
Affiliation					
Single Unit - Independent	18.5	15.8	8.9	\$ 48,079	\$ 16,757
Multi-Unit - Company Operated	39.9	22.8	10.4	55,651	17,516
Multi-Unit - Franchise Operated	**	**	**	**	**
Ownership					
Sole Proprietorship	16.5	18.0	**	\$ 44,881	**
Partnership	22.5	17.7	11.3	50,438	\$ 17,442
Public Corporation	**	**	**	**	**
Private Corporation	23.2	17.1	8.9	53,187	17,221
Sales Volume					
Under \$500,000	8.9	11.3	**	\$ 36,475	**
\$500,000 to \$999,999	14.9	13.6	8.9	48,718	\$ 16,492
\$1,000,000 to \$1,999,999	25.8	18.0	7.4	52,439	17,465
\$2,000,000 and Over	51.5	26.3	8.5	59,045	19,257

* All amounts are medians. Based on 35 hours per week. Factors used to compute full-time equivalent employees are as follows:
 full-time (35 hours or more) equals 1.0; part-time (20-34 hours) equals 0.7; part-part-time (less than 20 hours) equals 0.35.

**Insufficient data

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**HIGHLANDS HOTEL COMPANY, LLC
D.B.A. RITZ-CARLTON HIGHLANDS, LAKE TAHOE**

May 25, 1010

*Via Facsimile (530-745-3132)
and Email (mjohnson@placer.ca.gov)*

Mr. Michael J. Johnson, AICP
Community Development Resource Agency
County of Placer
3091 County Center Dr., Suite 190
Auburn, CA 95603

**RE: Northstar-at-Tahoe Mid-Mountain Lodge
PCPA 20110043**

Dear Mr. Johnson:

I am the Receiver for Highlands Hotel Company, LLC, the owner of the Ritz-Carlton, Lake Tahoe, which is located 0.9 miles downslope of the proposed 15,750-square foot lodge (the "Lodge"). I have reviewed the mitigated negative declaration and object to the reasonableness of several assertions in that document, specifically that it will generate only 11 incremental employees; this understatement has ramifications on greenhouse gas emissions, population and housing, and transportation and traffic issues.

The Lodge will have 500 indoor restaurant/lounge seats and 250 outdoor seats for a total of 750 seats. The National Restaurant Association publishes statistics each year on relationships between restaurant size and employee headcount. I have attached copies of the pages from the 2010 study for restaurants with an average per guest check that is under \$15 and from the 2010 study for limited-service restaurants for your reference. As illustrated in the studies, the average number of full-time equivalent employees for a moderate-priced restaurant is 17.5 per 100 seats and for a limited-service restaurant (fast food or cafeteria) is 18.1 per 100 seats. With 750 seats available for lunch, the restaurant component of the Lodge could generate between 131 and 136 restaurant employees.

The negative declaration did not provide square footage measures for the ski shop, but this too will generate incremental employees. The 1,737-square foot sports shop operated by Northstar-at-Tahoe within the Ritz-Carlton, Lake Tahoe frequently has 10 employees on duty, exclusive of ticket sales employees for a ratio of 1.7 employees per 100 square feet of retail space.

The building will also require janitorial and maintenance staff cleaning for its 15,750 square feet of conditioned space.

In addition to underestimating the number of employees, the Mitigated Negative Declaration provides no mitigation for parking and other project-related impacts.

Thomas Morone - Receiver
P.O. Box 999
Truckee, CA 96160

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Cell (310) 489-5029
E-mail tmorone@warnickco.com

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ATTACHMENT C

Mr. Michael J. Johnson, AICP
Community Development Resource Agency, County of Placer
May 25, 2011
Page 2

Greenhouse gas emissions will increase due to the transportation requirements of 135-plus incremental employees, and the incremental grills, stoves, ovens, and other heating elements associated with restaurant operations regardless of the LEED certification for the building's HVAC systems and insulation.

The winter population will increase during the ski season by 135-plus employees at low wage scales. The Sawmill Heights employee housing project is already at or near capacity.

Transportation and traffic issues will become more pronounced, particularly with regard to employee parking. The 300-space employee lot required in the entitlements for the Village at Northstar and Highlands development has not yet been completed.

Booth Creek, and now Vail Resorts, declined the Ritz-Carlton, Lake Tahoe's request to park approximately 100 employee vehicles on the existing employee lot during the winter. You will recall this employee parking shortage was the reason that your office granted Highlands Hotel Company temporary permission to use the construction staging area on the contiguous parcel rather than to shuttle hotel employees to and from the Truckee airport area.

Hotel management informs us that employee demands for parking were also underestimated at the Sawmill Employee Housing project, and that the employee housing operation runs out of parking before it leases up fully. The parking shortage there has been an impediment to its acceptance.

Approving a new development with 135-plus incremental employees without fulfilling the requirements of the original entitlements will only exacerbate the parking problem and generate increased congestion from shuttle trips along Highway 267.

The project, if generally accepted employee-generation figures are used, will have unmitigated significant impacts on the entire Northstar development. Under these circumstances, a Mitigated Negative Declaration is not appropriate and an environmental impact report ("EIR") should be prepared.

Sincerely,


Thomas F Morone

cc: Kathy Heckert (kheckert@placer.ca.gov)
Melanie Jackson (mjackson@placer.ca.gov)
Michael Wells (mwells@placer.ca.gov)

2010 EDITION

Restaurant Industry Operations Report

FULL SERVICE RESTAURANTS
(Average Check Per Person Under \$15)



NATIONAL
RESTAURANT
ASSOCIATION

Deloitte.

Exhibit A-7

Full Service Restaurants (Average Check Per Person Under \$15)

Employee Information*

	Full-Time Equivalent Employees			Amount per Full-Time Equivalent Employee	
	Total	Per 100 Restaurant Seats	Per 100 Average Daily Covers	Total Sales	Total Payroll and Benefits
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Chicken	**	**	**	**	**
Pizza	**	**	**	**	**
Sandwiches/Subs/Deli	**	**	**	**	**
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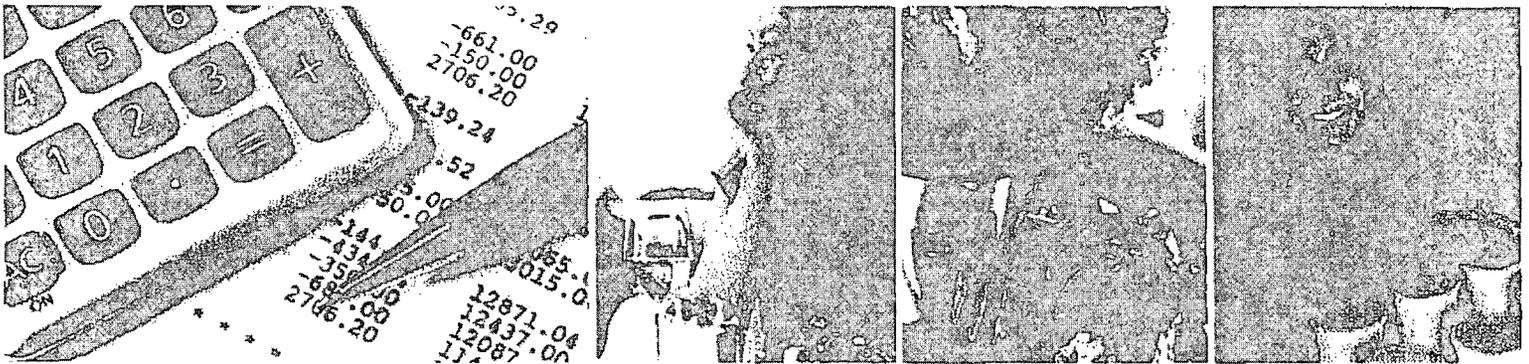
**Insufficient data

28

2010 EDITION

Restaurant Industry Operations Report

LIMITED SERVICE RESTAURANTS



NATIONAL
RESTAURANT
ASSOCIATION.

Deloitte.

Exhibit D-7
Limited Service Restaurants
Employee Information*

	Full-Time Equivalent Employees			Amount per Full-Time Equivalent Employee	
	Total	Per 100 Restaurant Seats	Per 100 Average Daily Covers	Total Sales	Total Payroll and Benefits
All Restaurants	13.1	18.1	5.3	\$ 63,365	\$ 19,369
Type of Establishment					
Food Only	11.9	22.2	4.9	\$ 61,558	\$ 17,831
Food and Beverage	14.1	14.9	7.6	65,004	19,807
Restaurant Location					
Hotel	**	**	**	**	**
Shopping Center or Mall	11.3	17.1	5.2	\$ 60,220	\$ 19,094
Sole Occupant	15.0	22.8	4.0	68,208	18,107
Other	11.4	15.7	9.0	57,297	16,671
Profit versus Loss					
Profit	14.4	18.7	4.6	\$ 67,059	\$ 18,617
Loss	9.5	**	6.4	53,731	19,584
Menu Theme					
Hamburger	**	**	**	**	**
Steak/Seafood	**	**	**	**	**
Chicken	**	**	**	**	**
Pizza	**	**	**	**	**
Sandwiches/Subs/Deli	12.0	17.0	6.5	\$ 52,110	**
American (varied)	**	**	**	**	**
Mexican	**	**	**	**	**
Asian					
Italian	**	**	**	**	**
Other	11.4	21.8	2.8	**	19,322
Average Check					
Under \$7.50	13.6	24.9	2.8	\$ 68,842	\$ 18,054
\$7.50 and Over	13.2	16.8	7.4	61,542	19,369
Affiliation					
Single Unit - Independent	8.8	14.5	6.6	\$ 57,818	\$ 15,682
Multi-Unit - Company Operated	16.4	23.6	4.8	68,605	19,345
Multi-Unit - Franchise Operated	15.3	**	4.4	60,942	19,915
Ownership					
Sole Proprietorship	8.4	16.9	5.9	\$ 54,800	\$ 15,481
Partnership	**	**	**	**	**
Public Corporation	**	**	**	**	**
Private Corporation	15.4	22.2	5.3	62,785	18,681
Sales Volume					
Under \$500,000	6.5	11.9	7.7	\$ 51,390	\$ 15,021
\$500,000 to \$999,999	11.9	17.4	6.2	66,948	19,469
\$1,000,000 to \$1,999,999	17.8	22.6	4.1	68,049	18,798
\$2,000,000 and Over	**	**	**	**	**

* All amounts are medians. Based on 35 hours per week. Factors used to compute full-time equivalent employees are as follows: full-time (35 hours or more) equals 1.0; part-time (20-34 hours) equals 0.7; part-part-time (less than 20 hours) equals 0.35.

** Insufficient data

**HIGHLANDS HOTEL COMPANY, LLC
D.B.A. RITZ-CARLTON HIGHLANDS, LAKE TAHOE**

July 1, 2011

VIA FACSIMILE AND U.S. MAIL

Melanie Jackson
Placer County Planning Department
County of Placer
3091 County Center Drive
Auburn, CA 95603
Facsimile: (530) 745-3132

Re: June 3, 2011 Appeal of Northstar-at-Tahoe Mountain Lodge

Dear Ms. Jackson:

This letter is submitted pursuant to Placer County Code section 17.60.110(C) in support of the June 3, 2011 appeal I filed for the Northstar-at-Tahoe Mid-Mountain Lodge project (the "Lodge") that was approved by the Planning Commission on May 26, 2011. Specifically, I am submitting the presentation made at the Vail Resorts' 2011 investors meeting.¹

On page 29 of the presentation, Vail Resorts is representing to potential investors that the Lodge will actually seat 811 customers, rather than the approximately 750 customers identified in the Planning Services Division's staff report for the May 26, 2011 project approval. Using the National Restaurant Association statistics I provided with the June 3, 2011 appeal, an 811 customer restaurant will require between 142-147 restaurant employees. This increased number of employees further underscores the inadequate analysis in the mitigated negative declaration that asserted that the Lodge will generate only 11 incremental employees. An environmental impact report should be prepared for the project.

Sincerely,



Thomas F. Morone

¹ The presentation can be found at <http://investors.vailresorts.com/?Tab=presentations#news>, under the "2011 Investors' Meeting Presentation" link.

Thomas Morone - Receiver
P.O. Box 999
Truckee, CA 96160

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High Impact Capital Plan



- * Spending \$28-\$32 million at Northstar-at-Tahoe
 - * Aggressive move to solidify market position
 - * Further establish Northstar-at-Tahoe as premier resort in Tahoe for families
 - * New high-speed chairlift and 10% expansion of terrain
 - * Addition of new ski runs to increase capacity
 - * Enables incremental growth in visitation
- * New 811-seat, on-mountain restaurant at the top of the Zephyr Express lift
 - * Expands on-mountain dining capacity by 47%
- * Reprogramming retail and enhancing restaurant offering
- * One-Time systems integration of \$2.5 million





**RECOMMENDED CONDITIONS OF APPROVAL –
CONDITIONAL USE PERMIT/VARIANCE - "NORTHSTAR
MOUNTAIN LODGE" (PCPA 20110043)**

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

1. This Conditional Use Permit (PCPA 20110043) authorizes the construction of an approximately 17,687 square foot Mountain Lodge at the Northstar-at-Tahoe Ski Resort. The Mountain Lodge will also include approximately 4,697 square feet of outdoor patio and decking, which will be located on the west and south sides of the structure. The lodge will provide restaurant and cafeteria services, along with a lounge, restrooms, retail and guest services and special events, and will accommodate indoor seating for approximately 500 guests and outdoor seating for approximately 250 guests. The lodge is approved for year-round operation and will be accessed via the Tahoe Zephyr ski lift and/or shuttle.

Noise levels resulting from the occurrence of special events shall comply with the requirements of the Placer County Noise Ordinance.

2. The Variance is approved to allow for a maximum height of 49.5 feet.

3. The project is subject to review and approval by the Placer County Design/Site Review Committee. Such a review shall be conducted prior to the submittal of the Improvement Plans for the project and shall include, but not be limited to: Architectural colors, materials, and textures of all structures; landscaping; irrigation; signs; exterior lighting; pedestrian and vehicular circulation; recreational facilities; snow storage areas; recreation vehicle storage area(s); fences and walls; noise attenuation barriers; all open space amenities; tree impacts, tree removal, tree replacement areas, entry features, trails, wetland impacts, wetland replacement areas, etc. (MM I-3)(PD)

4. Prior to any grading or tree removal activities, during the raptor nesting season (March 1 – September 1), a focused survey for raptor nests shall be conducted by a qualified biologist. A report summarizing the survey shall be provided to Placer County and the California Department of Fish & Game (CDFG) within 30 days of the completed survey. If an active raptor nest is identified appropriate mitigation measures shall be developed and implemented in consultation with CDFG. If construction is proposed to take place between March 1st and September 1st, no construction activity or tree removal shall occur within 500 feet of an active nest (or greater distance, as determined by the CDFG). Construction

activities may only resume after a follow up survey has been conducted and a report prepared by a qualified raptor biologist indicating that the nests (or nests) are no longer active, and that no new nests have been identified. A follow up survey shall be conducted 2 months following the initial survey, if the initial survey occurs between March 1st and July 1st. Additional follow up surveys may be required by the DRC, based on the recommendations in the raptor study and/or as recommended by the CDFG. Temporary construction fencing and signage as described herein shall be installed at a minimum 500 foot radius around trees containing active nests. If all project construction occurs between September 1st and March 1st no raptor surveys will be required. Trees previously approved for removal by Placer County, which contain stick nests, may only be removed between September 1st and March 1st. A note which includes the wording of this condition of approval shall be placed on the Improvement Plans. Said plans shall also show all protective fencing for those trees identified for protection within the raptor report. **(MM IV-1)(PD)**

5. Northstar shall implement fuels reduction on approximately two acres of conifer forest. The treatments reduce the height and density of ground fuels and reduce shrubs and small trees (less than 6 inches in diameter at breast height) that create fuel ladders. Suppressed and intermediate trees shall be removed to reduce the density of the residual stand and improve stocking levels.

The hazardous fuels reduction will occur through “thinning from below”. “Thinning from below” will remove primarily suppressed and intermediate trees from the lower canopy (understory). The upper forest canopy will remain intact, as the larger dominant and co-dominant overstory trees will be retained. By removing the large number of suppressed and intermediate trees in the understory (1”-11” DBH trees), the “fuel ladder” configuration will be eliminated, surface fuels will be reduced, crown bulk density will be decreased, and crown base height will be increased. These changes will alter fire behavior in the treated stands, with the goal of reducing fire intensity, reducing severity of fire damage, and provide better opportunities for fire suppression success, in the event a wildland fire enters these stands. **(MM IV-7)(PD)**

6. 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 SOPA-certified (Society of Professional Archaeologists) archaeologist retained to evaluate the deposit. The Placer County Planning Department and Department of Museums must also be contacted for review of the archaeological find(s).

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 Department. A note to this effect shall be provided on the Improvement Plans for the project.

Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique or sensitive nature of the site. **(MM V-2) (PD)**

7. Construction of the proposed project will create a temporary increase in ambient noise levels, which could exceed Ordinance standards. However, because there are no sensitive receptors in the immediate vicinity, the following condition of approval will allow construction activities to take place during daylight hours.

A. Construction hours will be allowed from sunrise to sunset.

B. A temporary sign (4'x4') shall be located on the project site depicting the above construction hour limitations. Said sign shall include a toll free public information phone number where surrounding residents can report violations and the developer/builder will respond and resolve noise violations.

These conditions will be included on the improvement plans.

Essentially quiet activities that do not involve heavy equipment or machinery may occur at other times.

The Planning Director is authorized to waive the time frames based on special circumstances, such as adverse weather conditions.

8. Prior to the issuance of a Certificate of Occupancy, the applicant shall complete the process of annexation of the subject parcel into the jurisdiction of the Northstar Community Services District. **(PD)**

IMPROVEMENTS/IMPROVEMENT PLANS

9. The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Department (ESD) for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on and off site. All existing and proposed utilities and easements, on site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. The applicant shall pay plan check and inspection with the 1st Improvement Plan submittal. (NOTE: Prior to plan approval, all applicable recording and reproduction cost shall be paid). It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or Development Review Committee (DRC) review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the

applicant's expense and shall be submitted to the ESD in both hard copy and electronic versions in a format to be approved by the ESD prior to acceptance by the County of site improvements.

Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve drainage issues.

Any Building Permits associated with this project shall not be issued until, at a minimum, the Improvement Plans are approved by the Engineering and Surveying Department.

Prior to the County's final acceptance of the project's improvements, submit to the Engineering and Surveying Department two copies of the Record Drawings in digital format (on compact disc or other acceptable media) in accordance with the latest version of the Placer County Digital Plan and Map Standards along with two blackline hardcopies (black print on bond paper) and two PDF copies. The digital format is to allow integration with Placer County's Geographic Information System (GIS). The final approved blackline hardcopy Record Drawings will be the official document of record. MM VI.1 (ESD)

10. The Improvement Plans shall show all proposed grading, drainage improvements, vegetation and tree removal and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, grubbing, or tree stump removal shall occur until the Improvement Plans are approved and any required temporary construction fencing and BMPs have been installed and inspected by a member of the Development Review Committee (DRC). All cut/fill slopes shall be at a maximum of 2:1 (horizontal: vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Department (ESD) concurs with said recommendation. Fill slopes shall not exceed 1.5:1 (horizontal: vertical)

The applicant shall revegetate all disturbed areas. Revegetation, undertaken from April 1 to October 1, shall include regular watering to ensure adequate growth, unless otherwise approved by the ESD. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to ensure proper installation and maintenance of erosion control/winterization before, during, and after project construction. Soil stockpiling or borrow areas, shall have proper erosion control measures applied for the duration of the construction as specified in the Improvement Plans.

The applicant shall submit to the ESD a letter of credit or cash deposit in the amount of 110 percent of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, and tree disturbance, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to

the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body. MM VI.2 (ESD)

11. Staging Areas: The Improvement Plan(s) shall identify the stockpiling and/or vehicle staging areas with locations as far as practical from existing dwellings and protected resources in the area. MM VI.3 (ESD)

12. Prior to Improvement Plan approval, submit Proof of Contract with a State licensed contractor if blasting is required for the installation of site improvements. The developer shall comply with applicable County Ordinances that relate to blasting and use only State licensed contractors to conduct these operations. MM VI.4 (ESD)

13. The Improvement Plan submittal shall include a limited drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the Engineering and Surveying Department for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing and proposed conditions, the downstream effects of the proposed improvements, and a Best Management Practices (BMP) Plan to provide temporary and permanent water quality protection. MM IX.1 (ESD)

14. The Improvement Plans shall show that water quality treatment facilities/Best Management Practices (BMPs) shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Department (ESD) such as the Stormwater Quality Design Manual for the Sacramento and South Placer Regions.

Construction (temporary) BMPs for the project include, but are not limited to: Straw Wattles, Hydroseeding (EC-4), Silt Fence (SE-1), Construction Fencing, Diversion Dikes, Gravel Bags, and revegetation techniques.

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the Engineering and Surveying Department (ESD). BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) BMPs for the project include, but are not limited to: Revegetation, Infiltration Trenches (TC-10), etc. No water quality facility construction shall be permitted

within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All BMPs shall be maintained as required to insure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Failure to do so will be grounds for discretionary permit revocation. Prior to Improvement Plan approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance. MM VI.5 & MM IX.2 (ESD)

15. Prior to Improvement Plan approval, the applicant shall obtain a State Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) construction stormwater quality permit and shall provide to the Engineering and Surveying Department evidence of a state-issued Waste Discharge Identification (WDID) number or filing of a Notice of Intent and fees. MM VI.6 (ESD)

16. The Improvement Plan submittal shall include a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:

- A) Structural foundations, including retaining wall design (if applicable);
- B) Grading practices;
- C) Erosion/winterization;
- D) Special problems discovered on-site, (i.e., groundwater, expansive/unstable soils, etc.)
- E) Slope stability

Once approved by the Engineering and Surveying Department (ESD), two copies of the final report shall be provided to the ESD and one copy to the Building Services Division for its use. If the soils report indicates the presence of critically expansive or other soils problems that, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report shall be required, prior to approval of the Improvement Plans. It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. MM VI.15 (ESD)

17. Prior to Improvement Plan approval, provide the Engineering and Surveying Department with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. A representative's signature from the appropriate fire protection district shall be provided on the Improvement Plans. (ESD)

GRADING

18. There shall be no grading or other disturbance of ground between October 15 of any year and May 1 of the following year, unless a Variance has been granted by the RWQCB and the Placer County ESD. **MM VI.7 (ESD)**
19. No grading operations shall occur under saturated soil conditions. **MM VI.8 (ESD)**
20. Truck routes are to be located across existing logging roads. **MM VI.9 (ESD)**
21. Existing drainage patterns shall not be significantly modified. **MM VI.10 (ESD)**
22. Drainage swales disturbed by construction activities shall be stabilized by appropriate soil stabilization measures to prevent erosion. **MM VI.11 (ESD)**
23. All non-construction areas shall be protected by fencing or other means to prevent unnecessary disturbance. **MM VI.12 (ESD)**
24. During construction, temporary gravel, straw bale, earthen, or sandbag dikes and/or nonwoven filter fabric fence shall be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff. **MM VI.13 (ESD)**
25. Revegetated areas shall be continually maintained in order to assure adequate growth and root development. Erosion control facilities shall be installed with a routine maintenance and inspection program to provide continued integrity of erosion control facilities. **MM VI.14 (ESD)**

FEES

26. The applicant shall financially participate in an Open Space Preservation Program. This financial participation shall be through the payment of \$5,000.00 per acre, or portion thereof, of new impervious surface. The fee shall be due and payment shall be made prior to issuance of the applicable building permit. **(PD)**
27. Prior to issuance of any Building Permits, this project shall be subject to the payment of traffic impact fees that are in effect in this area (Tahoe), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) shall be required and shall be paid to Placer County DPW prior to any Building Permits for the project:
 - A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code

The current total combined estimated fee is \$24,999.15 (based on trips associated with 11 new employees). The fees were calculated using the information supplied. If the use or the square footage changes, then the fees will change. The fees to be paid shall be based on the fee program in effect at the time that the application is deemed complete. MM XVI.1 (ESD)

ENVIRONMENTAL HEALTH

28. An approved Public Water Supply Permit from Environmental Health Services for the Northstar-at-Tahoe Comstock Water System must be obtained prior to building permit issuance.
29. If at any time during the course of executing the proposed project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the applicant shall immediately stop the project and contact Environmental Health Services Hazardous Materials Section. The project shall remain stopped until there is resolution of the contamination problem to the satisfaction of Environmental Health Services and to Lahontan Regional Water Quality Control Board. A note to this effect shall be added to the Improvement Plans where applicable.
30. The discharge of fuels, oils, or other petroleum products, chemicals, detergents, cleaners, or similar chemicals to the surface of the ground or to drainage ways on, or adjacent to, the site is prohibited.
31. If Best Management Practices are required by the DPW for control of urban runoff pollutants, then any hazardous materials collected shall be disposed of in accordance with all applicable hazardous materials laws and regulations.
32. Prior to approval of a Building Permit for the restaurant and cafeteria, contact Environmental Health Services, pay required fees, and apply for a plan check. Submit to Environmental Health Services, for review and approval, complete construction plans and specifications as specified by the Division.
33. Contact Environmental Health Services, pay required fees and obtain a permit to operate a food establishment prior to opening for business. All food handling operations shall comply with the requirements of Placer County Code and California Retail Food Code.
34. The dumpster location and enclosure shall be reviewed and approved by the Development Review Committee and the solid waste collection franchise holder.
35. Submit to the Environmental Health Services a "will-serve" letter from the franchised refuse collector for weekly or more frequent refuse collection service. **(COMPLETED)**

36. Submit to Environmental Health Services a “will-serve” letter from Northstar Community Services District indicating that the district can and will provide sewerage service to the project. The project shall connect the project to this public sewer.

AIR POLLUTION

37. The proposed lodge shall incorporate all necessary “LEED for New Construction” design elements, and follow all required steps, in order to receive LEED Certification through the U.S. Green Building Council. **(APCD)**

38. Prior to approval of Grading or Improvement Plans, (whichever occurs first), on project sites greater than one acre, the applicant shall submit a Construction Emission / Dust Control Plan to the Placer County APCD. If APCD does not respond within twenty (20) days of the plan being accepted as complete, the plan shall be considered approved. The applicant shall provide written evidence, provided by APCD, to the local jurisdiction (city or county) that the plan has been submitted to APCD. It is the responsibility of the applicant to deliver the approved plan to the local jurisdiction. The applicant shall not break ground prior to receiving APCD approval, of the Construction Emission / Dust Control Plan, and delivering that approval to the local jurisdiction issuing the permit.

39. A) In order to control dust, operational watering trucks shall be on site during construction hours. In addition, dry, mechanical sweeping is prohibited. Watering of a construction site shall be carried out in compliance with all pertinent APCD rules (or as required by ordinance within each local jurisdiction). **(APCD)**

B) Include the following standard note on the Improvement/Grading Plan: The prime contractor shall be responsible for keeping adjacent public thoroughfares clean of silt, dirt, mud, and debris, and shall “wet broom” the streets (or use another method to control dust as approved by the individual jurisdiction) if silt, dirt, mud or debris is carried over to adjacent public thoroughfares. *(Based on APCD Rule 228 / section 401.5)* **(APCD)**

C) Include the following standard note on the Improvement/Grading Plan: The contractor shall apply water or use other method to control dust impacts offsite. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site. *(Based on APCD Rule 228 / section 401.1, 401.4)* **(APCD)**

40. Include the following standard note on the Improvement/Grading Plan: During construction, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less. *(Based on APCD Rule 228 / section 401.5)* **(APCD)**

41. Include the following standard note on the Improvement/Grading Plan: The prime contractor shall suspend all grading operations when wind speeds (including instantaneous

gusts) are excessive and dust is impacting adjacent properties. *(Based on APCD Rule 228)*
(APCD)

42. Include the following standard note on the Improvement/Grading Plan: In order to minimize wind driven dust during construction, the prime contractor shall apply methods such as surface stabilization, establishment of a vegetative cover, paving, (or use another method to control dust as approved by the individual jurisdiction). *(Based on APCD Rule 228 / section 402)*
(APCD)

43. Include the following standard note on the Improvement/Grading Plan: The contractor shall suspend all grading operations when fugitive dust exceeds Placer County APCD Rule 228 (Fugitive Dust) limitations. The prime contractor shall be responsible for having an individual who is CARB-certified to perform Visible Emissions Evaluations (VEE). This individual shall evaluate compliance with Rule 228 on a weekly basis. It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond the property boundary at any time. Lime or other drying agents utilized to dry out wet grading areas shall not exceed Placer County APCD Rule 228 Fugitive Dust limitations. Operators of vehicles and equipment found to exceed opacity limits will be notified by APCD and the equipment must be repaired within 72 hours. *(Based on APCD Rule 228)* **(APCD)**

44. Include the following standard note on the Improvement/Grading Plan: Construction equipment exhaust emissions shall not exceed Placer County APCD Rule 202 Visible Emission limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified by APCD to cease operations and the equipment must be repaired within 72 hours. *(Based on APCD Rule 202)* **(APCD)**

45. Include the following standard note on the Improvement/Grading Plan: A person shall not discharge into the atmosphere volatile organic compounds (VOC's) caused by the use or manufacture of Cutback or Emulsified asphalts for paving, road construction or road maintenance, unless such manufacture or use complies with the provisions of Rule 217. *(Based on APCD Rule 217)*. **(APCD)**

46. Include the following standard note on the Improvement/Grading Plan: During construction the contractor shall utilize existing power sources (e.g., power poles) or clean fuel (i.e. gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators. **(APCD)**

47. Include the following standard note on the Improvement/Grading Plan: During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment. **(APCD)**

48. Include the following standard note on the Improvement/Grading Plan: During construction, no open burning of removed vegetation shall be allowed unless permitted by the PCAPCD. All removed vegetative material shall be either chipped on site or taken to an appropriate recycling site, or if a site is not available, a licensed disposal site. *(Based on APCD Rule 310) (APCD)*

49. Include the following standard note on all building plans approved in association with this project: All wood burning devices and fireplaces associated with this project shall be subject to all applicable APCD Rules & Regulations.

50. Include the following standard note on the Improvement/Grading Plan: The demolition or remodeling of any structure, if applicable to this project, may be subject to the National Emission Standard for Hazardous Air Pollutants (NESHAPS) for Asbestos. This may require that a structure to be demolished be inspected for the presence of asbestos by a certified asbestos inspector, and that all asbestos materials be removed prior to demolition. For more information, call the California Air Resources Board at (916) 916) 322-6036 or the US EPA at (415) 947-8704.

MISCELLANEOUS CONDITIONS

51. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys fees awarded by a certain development project known as the Northstar Mountain Lodge. The applicant shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provision of this condition. **(County Counsel)**

52. The Improvement Plans shall include a note stating that: During project construction, staking shall be provided pursuant to Section 5-1.07 of the County General Specifications. **(ESD)**

53. Prior to Improvement Plan approval: This project is located within a "State Responsibility Area" and, as such, is subject to fire protection regulations established by the

State Board of Forestry. Compliance with these regulations shall be evidenced by submittal of a letter from California Department of Forestry (CDF) to the Engineering and Surveying Department. **(ESD)**

54. The applicant shall obtain a Timber Harvest Plan, a Timberland Conversion or comparable permit as approved by CAL FIRE. The Timberland Conversion shall include the following:

- A. The decrease in timber base in the county as a result of the project.
- B. The cover type, including commercial species, density, age and size composition affected by the project.
- C. The ground slopes and aspects of the area affected by the project.
- D. The soil types affected by the project.
- E. Any significant problems that may affect the conversion. **(CAL FIRE)**

EXERCISE OF PERMIT

55. The applicant shall have 36 months to exercise this Conditional Use Permit. Unless exercised, this approval shall expire on June 6, 2014. **(PD)**



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, Agency Director

**PLANNING
SERVICES DIVISION**

Paul Thompson
Deputy Planning Director

HEARING DATE: May 26, 2011
ITEM NO.: 1
TIME: 10:05.am

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: May 26, 2011
SUBJECT: **Conditional Use Permit & Variance (PCPA 20110043)**
Northstar Mountain Lodge
Mitigated Negative Declaration

COMMUNITY PLAN: Martis Valley Community Plan

COMMUNITY PLAN DESIGNATION: Forest, 60-640 acre minimum

ZONING: FOR-B-X 160 Ac. Min. (Forestry, combining minimum Building Site of 160 acres);
RES-Ds-PD=15 (Resort, combining Design Scenic Corridor, combining a Planned Residential Development of 15 units per acre)

STAFF PLANNER: Melanie Jackson, Associate Planner

LOCATION: The project site is located approximately 500 feet to the north of the Tahoe Zephyr Ski lift and the Schaffer's Camp restaurant on the Northstar ski slope at Northstar-At-Tahoe ski resort in the Martis Valley area.

ASSESSOR'S PARCEL NUMBER: 110-050-050, 110-050-038

APPLICANT: CNL Income Northstar, LLC, Tim Beck/Jen Mader

PROPOSAL: The applicant is requesting approval of a Conditional Use Permit and a Variance for the construction of an approximately 17,687 square foot (two-story) Mountain Lodge on the Northstar-At-Tahoe ski slope in the Martis Valley area.

CEQA COMPLIANCE: A mitigated negative declaration has been prepared for this project and has been finalized pursuant to CEQA. The Mitigated Negative Declaration must be found to be adequate by the decision-making body to satisfy the requirements of

CEQA, and a recommended finding for this purpose can be found at the end of this staff report.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Community Development Resource Agency staff and the Departments of Public Works, Environmental Health, and the Air Pollution Control District were transmitted copies of the project plans and application for review and comment. All County comments have been addressed and conditions have been incorporated into the staff report.

SITE CHARACTERISTICS:

The proposed Mountain lodge will be located on approximately 1.7 acres of an approximately 558 acre parcel in the Northstar-at-Tahoe ski area. The property is zoned Forestry, with a combined building site designation of 160 acre minimum parcel size. The property is located within the Martis Valley Community Plan area, and has a community plan designation of Forest, 40-640 acre minimum parcel size, and Resort, combining Design Sierra, combining a Planned Development designation of 15 units per acre. The proposed project location is currently operated as part of the Northstar-at-Tahoe ski resort and is the current location of a ski/snowboard run. The area is located at a high elevation on the Northstar Ski Slope and contains sloping areas and moderate tree coverage. The surrounding parcels are also operated as a part of the Northstar-at-Tahoe Ski Resort.

EXISTING LAND USE AND ZONING:

	LAND USE		ZONING
SITE	Developed with Tahoe Ski Resort	Northstar-at-	FOR-B-X 160 ac. min. (Forestry, combining minimum building site designation of 160 acres); RES-Ds-PD=15 (Resort, combining Design Scenic Corridor, combining a Planned Residential Development of 15 units per acre)
NORTH	Developed with Tahoe Ski Resort	Northstar-at-	FOR-B-X 160 ac. min. (Forestry, combining minimum building site designation of 160 acres)
SOUTH	Developed with Tahoe Ski Resort	Northstar-at-	FOR-B-X 160 ac. min. (Forestry, combining minimum building site designation of 160 acres); 013 Watson Creek Conservation
EAST	Developed with Tahoe Ski Resort	Northstar-at-	TPZ (Timberland Production); FOR-B-X 160 ac. min. (Forestry, combining minimum building site designation of 160 acres)
WEST	Developed with Tahoe Ski Resort	Northstar-at-	FOR-B-X 160 ac. min. (Forestry, combining minimum building site designation of 160 acres)

BACKGROUND:

As mentioned above, the subject property is bordered by other parcels that are operated in conjunction with the subject property at the Northstar-at-Tahoe Ski Resort. The immediate area surrounding the project location is developed with ski/snowboard runs, the Tahoe Zephyr ski lift, and the Schaffer's Camp Restaurant. The Schaffer's Camp Restaurant, located approximately 500 feet south of the project site, was constructed in 2006 and serves patrons visiting the ski resort.

NORTH TAHOE REGIONAL ADVISORY COUNCIL:

On May 12, 2011, the project was presented before the North Tahoe Regional Advisory Council as an action item. After a brief presentation, the Council unanimously voted to recommend approval of the proposed Conditional Use Permit and Variance to the Placer County Planning Commission.

PROJECT DESCRIPTION:

The applicant is requesting approval of a Conditional Use Permit to construct an approximately 17,687 square foot Mountain Lodge on the Northstar-at-Tahoe ski slope. The proposed Mountain Lodge will also include approximately 4,697 square feet of outdoor patio and decking which will be located on the west and south sides of the structure. In conjunction with the Conditional Use Permit, the applicant is also requesting approval of a Variance to the height limitation of 36 feet in order to allow for 49.5 feet.

The applicant has indicated that the existing guest services facilities have proven to be inadequate to meet the demands of the patrons of the Northstar-at-Tahoe resort, and is proposing the lodge in order to provide mid-mountain guest services facilities on a year-round basis. The lodge will provide restaurant and cafeteria services and will accommodate indoor seating for approximately 500 guests and outdoor seating for approximately 250 guests. The Mountain Lodge will also include a lounge, restrooms, retail and guest services and will be available for special events such as weddings and banquets. The lodge will be accessed via the Tahoe Zephyr ski lift; no parking improvements will be required. As the project is designed to accommodate existing guests, no guests will have vehicle access to the lodge. Maintenance and construction access will be provided by existing private roads.

DISCUSSION OF ISSUES:**Variance Request**

As stated, the applicant is requesting a Variance to the Forestry Zone District height limitation of 36 feet in order to allow for a height of 49.5 feet. The increase in height is in response to the need to address heavy snow loads and the desire to construct a facility that is LEED certified (Leadership in Energy and Environmental Design). Because of the size of the structure, an increased height is necessary to maintain a 3:12 roof pitch. The 3:12 roof design will allow for snow shed in the winter months and will facilitate the use of natural lighting and solar heating for the lodge, factors in achieving LEED certification.

Environmental Analysis

Consistent with the requirements of the California Environmental Quality Act, a Mitigated Negative Declaration (MND) was prepared for the proposed project. Environmental issues

discussed in the environmental document include: Air Quality, Biological Resources, Geology and Soils, Hydrology and Water Quality and Transportation and Traffic. The MND concludes that, with the implementation of mitigation measures included in the document, environmental impacts will be reduced to less than significant levels.

Air Quality

The use of the proposed Mountain Lodge will not generate a significant amount of traffic beyond existing levels. However, the construction of the project may result in short-term diesel exhaust emissions from on-site heavy-duty equipment and would generate diesel PM emissions from the use of off-road diesel equipment required for site grading. With the implementation of mitigation measures included in the environmental document, the proposed facility would be below the significant level and would not violate air quality standards or substantially contribute to existing air quality violations.

In addition, the project proponents plan to construct the Lodge in compliance with LEED certification requirements. For the purposes of environmental review, the inclusion of LEED certification measures were evaluated and resulted in a reduced number of mitigation measures included in the Environmental Document. Because of this, a condition requiring LEED certification is included in the recommended Conditions of Approval to ensure compatibility with air quality standards.

Biological Resources

A wildlife assessment was conducted on the project site by Wildlife Resource Consultants in February of 2011 and determined that, due to the developed nature of the property, the likelihood of special status species occurring on the site is low to moderate. The report concluded that the addition of the proposed Mountain Lodge would not change the nature of the property such that special status species could no longer occupy the surrounding environment. However, the potential of nesting raptors does exist onsite and as a result, a mitigation measure was included in the environmental document to ensure that proper measures are taken to protect nesting raptors if construction occurs in the raptor nesting season.

The construction of the proposed Mountain Lodge will result in the removal of approximately 60 trees from the project site. Because of the potential for environmental impacts to result from the tree removal, a mitigation measure was included in the environmental document that will ensure that impacts will remain at a less than significant level.

Geology and Soils

The project will result in the disturbance of approximately two acres of area and will include moving approximately 3,508 cubic yards of soil on site (approximately 1,822 cubic yards will be imported). All ground disturbing activities will be conducted in accordance with the Lahontan Region Project Guidelines for Erosion Control. With the implementation of the mitigation measures included in the environmental document, the project's site specific impacts associated with soil disruptions will be reduced to a less than significant level.

Hydrology and Water Quality

Approximately 30 percent of the project site will be covered by impervious services. In order to mitigate impacts that would result from this, the applicants propose to construct

dripline trenches that will infiltrate stormwater runoff from the proposed impervious surfaces. Further, the applicants have prepared a revegetation and stabilization plan that will limit runoff to small quantities or reduce any increases in runoff back to existing levels. With the implementation of the dripline trenches, the revegetation and stabilization and the mitigation measures included in the environmental document, the project's site specific impacts associated with increases in the surface runoff can be mitigated to a less than significant level.

Transportation and Traffic

The proposed project creates site specific impacts on local transportation systems that are considered less than significant when analyzed against the existing baseline traffic conditions. However, the cumulative effect of an increase in traffic has the potential to create significant impacts to the area's transportation system. However, with the implementation of mitigation measures included in the environmental document, the proposed project impacts associated with increases in traffic will be mitigated to a less than significant level.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Conditional Use Permit and Variance for the Northstar Mountain Lodge (PCPA20110043), based upon the following findings and subject to the attached recommended conditions of approval.

FINDINGS:

CEQA:

The Planning Commission has considered the proposed Mitigated Negative Declaration, the proposed mitigation measures, the staff report and all comments thereto and hereby adopts the Mitigated Negative Declaration for the project based upon the following findings:

1. The Mitigated Negative Declaration for the Northstar Mountain Lodge project has been prepared as required by law. With the incorporation of all mitigation measures, the project is not expected to cause any significant adverse impacts.
2. There is no substantial evidence in the record as a whole that the project as revised and mitigated may have a significant effect on the environment.
3. The Mitigated Negative Declaration as adopted for the project reflects the independent judgment and analysis of Placer County which has exercised overall control and direction of its preparation.
4. The custodian of records for the project is the Placer County Planning Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.

Conditional Use Permit:

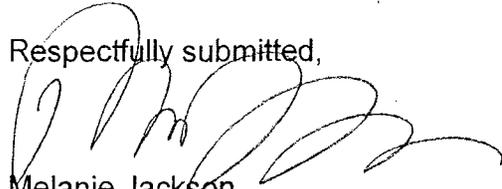
1. The proposed uses are consistent with all applicable provisions of Placer County Code, Chapter 17, Placer County Zoning Ordinance and any applicable provisions of other chapters in this code. The proposed project is consistent with the standards set forth by the Forestry and Resort Zone districts of the Placer County Zoning Ordinance.

2. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan and the Martis Valley Community Plan.
3. The establishment, maintenance or operation of the proposed uses will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, nor will it be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
4. The proposed use is consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
5. The proposed use will not generate a volume of traffic beyond the design capacity of all roads providing access to the parcel, consistent with the applicable requirements of the Placer County General Plan and the Martis Valley Community Plan.

Variance

1. There are special circumstances applicable to the subject property, including the heavy snow loads and the need to provide natural light and passive solar heating. Because of such circumstances, the strict application of the Zoning Ordinance has been found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
2. The granting of this Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
3. The Variance does not authorize a use that is not otherwise allowed in the zone district.
4. The granting of this Variance does not, under the circumstances and conditions applied in this particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
5. The Variance is consistent with the *Placer County General Plan* and the *Martis Valley Community Plan*.

Respectfully submitted,


Melanie Jackson
Associate Planner

ATTACHMENTS:

- Attachment A – Conditions of Approval
- Attachment B – Vicinity Map and Site Plan
- Attachment C – Mitigated Negative Declaration

cc: Tim Beck – Applicant, CNL Income Properties
Jen Mader – Applicant, CNL Income Properties
Phil Frantz – Engineering and Surveying Division
Justin Hansen – Environmental Health Services
YuShuo Chang – Air Pollution Control District
Andy Fisher – Placer County Parks Division
Karin Schwab – County Counsel's Office
Michael Johnson – CDRA Director
Paul Thompson – Deputy Planning Director
Subject/chrono files



COUNTY OF PLACER
Community Development Resource Agency

Michael J. Johnson, AICP
Agency Director

**ENVIRONMENTAL
COORDINATION
SERVICES**

Michael Wells, Coordinator

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The project listed below was reviewed for environmental impact by the Placer County Environmental Review Committee and was determined to have no significant effect upon the environment. A proposed Mitigated Negative Declaration has been prepared for this project and has been filed with the County Clerk's office.

PROJECT: Northstar-at-Tahoe Mountain Lodge (PCPA 20110043)

PROJECT DESCRIPTION: The project proposes the construction of an approximately 15,750 square-foot Mountain Lodge at the Northstar-At-Tahoe ski slope. The lodge will provide restaurant and cafeteria services, along with a lounge, restrooms, retail and guest services and special events, and will accommodate indoor seating for approximately 500 guests and outdoor seating for approximately 250 guests.

PROJECT LOCATION: approximately 500 feet to the north of the Tahoe Zephyr ski lift and Schaffer's Camp Restaurant at the Northstar-at-Tahoe Ski Resort, Placer County

APPLICANT: Northstar-at-Tahoe Resort, P.O. Box 129, Truckee, CA 96160, 530-562-8043

The comment period for this document closes on **May 25, 2011**. A copy of the Negative Declaration is available for public review at the County's web site <http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvcs/NegDec.aspx> Community Development Resource Agency public counter, and at the Truckee Public Library. Property owners within 300 feet of the subject site shall be notified by mail of the upcoming hearing before the Planning Commission. Additional information may be obtained by contacting the Environmental Coordination Services, at (530)745-3132, between the hours of 8:00 am and 5:00 pm, at 3091 County Center Drive, Auburn, CA 95603.

Published in Sierra Sun on Wednesday, April 27, 2011



COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
SERVICES**

Michael J. Johnson, AICP
Agency Director

Michael Wells, Coordinator

MITIGATED NEGATIVE DECLARATION

In accordance with Placer County ordinances regarding implementation of the California Environmental Quality Act, Placer County has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment, and on the basis of that study hereby finds:

- The proposed project will not have a significant adverse effect on the environment; therefore, it does not require the preparation of an Environmental Impact Report and this **Negative Declaration** has been prepared.
- Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the project has incorporated specific provisions to reduce impacts to a less than significant level and/or the mitigation measures described herein have been added to the project. A **Mitigated Negative Declaration** has thus been prepared.

The environmental documents, which constitute the Initial Study and provide the basis and reasons for this determination are attached and/or referenced herein and are hereby made a part of this document.

PROJECT INFORMATION

Title: Northstar-at-Tahoe Mountain Lodge	Plus# PCPA 20110043
Description: The project proposes the construction of an approximately 15,750 square-foot Mountain Lodge at the Northstar-At-Tahoe ski slope. The lodge will provide restaurant and cafeteria services, along with a lounge, restrooms, retail and guest services and special events, and will accommodate indoor seating for approximately 500 guests and outdoor seating for approximately 250 guests.	
Location: approximately 500 feet to the north of the Tahoe Zephyr ski lift and Schaffer's Camp Restaurant at the Northstar-at-Tahoe Ski Resort, Placer County	
Project Owner/Applicant: Northstar-at-Tahoe Resort, P.O. Box 129, Truckee, CA 96160, 530-562-8043	
County Contact Person: Melanie Jackson	530-745-3036

PUBLIC NOTICE

The comment period for this document closes on **May 25, 2011**. A copy of the Negative Declaration is available for public review at the County's web site <http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvcs/NegDec.aspx>, Community Development Resource Agency public counter, and at the Truckee Public Library. Property owners within 300 feet of the subject site shall be notified by mail of the upcoming hearing before the Planning Commission. Additional information may be obtained by contacting the Environmental Coordination Services, at (530)745-3132 between the hours of 8:00 am and 5:00 pm at 3091 County Center Drive, Auburn, CA 95603. For Tahoe projects, please visit our Tahoe Office, 565 West Lake Blvd., Tahoe City, CA 96145.

If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references. Refer to Section 18.32 of the Placer County Code for important information regarding the timely filing of appeals.



COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
SERVICES**

Michael J. Johnson, AICP
Agency Director

Michael Wells, Coordinator

3091 County Center Drive, Suite 190 • Auburn • California 95603 • 530-745-3132 • fax 530-745-3080 • www.placer.ca.gov

INITIAL STUDY & CHECKLIST

This Initial Study has been prepared to identify and assess the anticipated environmental impacts of the following described project application. The document may rely on previous environmental documents (see Section C) and site-specific studies (see Section I) prepared to address in detail the effects or impacts associated with the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000 et seq.) CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to prepare an EIR, use a previously-prepared EIR and supplement that EIR, or prepare a Subsequent EIR to analyze the project at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a Negative Declaration shall be prepared. If in the course of analysis, the agency recognizes that the project may have a significant impact on the environment, but that by incorporating specific mitigation measures the impact will be reduced to a less than significant effect, a Mitigated Negative Declaration shall be prepared.

Project Title: Northstar-at-Tahoe Mountain Lodge	Plus# PCPA 20110043
Entitlement(s): Conditional Use Permit, Design/Site Review Agreement	
Site Area: 1.7 acres / 74,052 square feet	APNs: 110-050-050, 110-050-038
Location: The project site is located approximately 500 feet to the north of the Tahoe Zephyr ski lift and Schaffer's Camp Restaurant at the Northstar-at-Tahoe Ski Resort located in the Martis Valley area.	

A. BACKGROUND:

Project Description:

The applicant is requesting approval of a Conditional Use Permit, a Variance and a Design/Site Review Agreement for the construction of an approximately 15,750 square foot Mountain Lodge at the Northstar-At-Tahoe ski slope. The proposed Mountain Lodge will also include approximately 10,300 square feet of outdoor patio and decking which will be located on the west and south sides of the structure. The lodge will provide restaurant and cafeteria services, along with a lounge, restrooms, retail and guest services and special events, and will accommodate indoor seating for approximately 500 guests and outdoor seating for approximately 250 guests. The lodge will be operated year-round and will be accessed via the Tahoe Zephyr ski lift.

It is estimated that site development activities will result in approximately 3,508 cubic yards of soil being moved; approximately 1,822 cubic yards of this material will be imported. There is no public vehicle access to the site and no parking improvements will be required for the project. Maintenance and construction access will be provided by existing seasonal roads on the mountain.

Project Site (Background/Existing Setting):

Situated on about 1.7 acres of ridgeline about 500 feet north of the Shaffer's Camp Restaurant, the terrain drops relatively steeply on the west side through forested slopes; numerous ski runs have been carved through the forested slopes to the east. The project parcel is approximately 558 acres in size and is zoned FOR-B-X 160 ac.

min. (Forestry, combining Building Site 160 acre minimum) The property is located within the Martis Valley Community Plan area, and the Community Plan designation is Tourist/Resort Commercial

B. ENVIRONMENTAL SETTING:

Location	Zoning	General Plan/Community Plan Designations	Existing Conditions and Improvements
Site	Forestry, combining Building Site 160 acre minimum	Tourist/Resort Commercial	Developed with Northstar-at-Tahoe Ski Resort
North	Forestry, combining Building Site 160 acre minimum	Forest 40-640 Acre Minimum	Developed with Northstar-at-Tahoe Ski Resort
South	Forestry, combining Building Site 160 acre minimum	Forest 40-640 Acre Minimum/ Tourist/Resort Commercial	Developed with Northstar-at-Tahoe Ski Resort
East	Forestry, combining Building Site 160 acre minimum	Forest 40-640 Acre Minimum	Developed with Northstar-at-Tahoe Ski Resort
West	Forestry, combining Building Site 160 acre minimum	Forest 40-640 Acre Minimum	Developed with Northstar-at-Tahoe Ski Resort

C. PREVIOUS ENVIRONMENTAL DOCUMENT:

The County has determined that an Initial Study shall be prepared in order to determine whether the potential exists for unmitigatable impacts resulting from the proposed project. Relevant analysis from the County-wide General Plan and Community Plan Certified EIRs, and other project-specific studies and reports that have been generated to date, were used as the database for the Initial Study. The decision to prepare the Initial Study utilizing the analysis contained in the General Plan and Specific Plan Certified EIRs, and project-specific analysis summarized herein, is sustained by Sections 15168 and 15183 of the CEQA Guidelines.

Section 15168 relating to Program EIRs indicates that where subsequent activities involve site-specific operations, the agency would use a written checklist or similar device to document the evaluation of the site and the activity, to determine whether the environmental effects of the operation were covered in the earlier Program EIR. A Program EIR is intended to provide the basis in an Initial Study for determining whether the later activity may have any significant effects. It will also be incorporated by reference to address regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

The following documents serve as Program-level EIRs from which incorporation by reference will occur:

- ➔ Placer County General Plan EIR
- ➔ Martis Valley Community Plan EIR

Section 15183 states that "projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site." Thus, if an impact is not peculiar to the project or site, and it has been addressed as a significant effect in the prior EIR, or will be substantially mitigated by the imposition of uniformly applied development policies or standards, then additional environmental documentation need not be prepared for the project solely on the basis of that impact.

The above stated documents are available for review Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, 3091 County Center Drive, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division Office, 565 West Lake Blvd., Tahoe City, CA 96145.

D. EVALUATION OF ENVIRONMENTAL IMPACTS:

The Initial Study checklist recommended by the State of California Environmental Quality Act (CEQA) Guidelines is used to determine potential impacts of the proposed project on the physical environment. The checklist provides a list of questions concerning a comprehensive array of environmental issue areas potentially affected by the project

(see CEQA Guidelines, Appendix G). Explanations to answers are provided in a discussion for each section of questions as follows:

- a) A brief explanation is required for all answers including "No Impact" answers.
- b) "Less Than Significant Impact" applies where the project's impacts are insubstantial and do not require any mitigation to reduce impacts.
- c) "Less Than Significant with Mitigation Measures" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The County, as lead agency, must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
- d) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- e) All answers must take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts [CEQA Guidelines, Section 15063(a)(1)].
- f) Earlier analyses may be used where, pursuant to the tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [CEQA Guidelines, Section 15063(c)(3)(D)]. A brief discussion should be attached addressing the following:
 - ➔ **Earlier analyses used** – Identify earlier analyses and state where they are available for review.
 - ➔ **Impacts adequately addressed** – Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - ➔ **Mitigation measures** – For effects that are checked as "Less Than Significant with Mitigation Measures," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- g) References to information sources for potential impacts (i.e. General Plans/Community Plans, zoning ordinances) should be incorporated into the checklist. Reference to a previously-prepared or outside document should include a reference to the pages or chapters where the statement is substantiated. A source list should be attached and other sources used, or individuals contacted, should be cited in the discussion.

I. AESTHETICS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista? (PLN)			X	
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (PLN)				X
3. Substantially degrade the existing visual character or quality of the site and its surroundings? (PLN)			X	
4. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (PLN)			X	

Discussion- Items I-1,3:

The grading and trenching for foundations and utilities, the removal of some of the vegetation to accommodate the facility and the construction of the lodge building will alter the landscape in the immediate vicinity of the proposed project. A series of small mountain ridges and depressions defines the local topography and this natural landscape serves to limit views of the project site to those areas in the immediate vicinity of the project. The form, mass and profile of the proposed lodge building, and the materials used in the construction of the lodge, will be designed to blend with the natural terrain and surroundings. The design of the lodge will be subject to the review and approval of the Design/Site Review Committee, which will address items including architectural features, colors, materials, landscaping and exterior lighting. The project will not have an adverse effect on scenic vistas and will not degrade the existing visual character of the site or its surroundings. No mitigation measures are required.

Discussion- Item I-2:

The proposed project will not substantially damage scenic resources within a state scenic highway as it is not located within a state scenic highway corridor.

Discussion- Item I-4:

Any exterior lighting that is to be installed with the development of the new lodge facility will be subject to the review and approval of the Site/Design Review Committee (see Discussion- Items I-1,3). No mitigation measures are required.

II. AGRICULTURAL & FOREST RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (PLN)				X
2. Conflict with General Plan or other policies regarding land use buffers for agricultural operations? (PLN)				X
3. Conflict with existing zoning for agricultural use, a Williamson Act contract or a Right-to-Farm Policy? (PLN)				X
4. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section				X

4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?(PLN)				
5. Involve other changes in the existing environment which, due to their location or nature, could result in the loss or conversion of Farmland (including livestock grazing) or forest land to non-agricultural or non-forest use? (PLN)				X

Discussion- Items II-1,2,3:

There are no farmlands or agricultural operations on or in the vicinity of the project site.

Discussion- Items II-4,5:

The approval of the project will not result in a need to rezone the property and the development of the site will not result in a significant loss or conversion of forest land to non-forest uses.

III. AIR QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan? (APCD)			X	
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (APCD)		X		
3. Result in a cumulatively considerable net increase of any criteria for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (APCD)		X		
4. Expose sensitive receptors to substantial pollutant concentrations? (APCD)			X	
5. Create objectionable odors affecting a substantial number of people? (APCD)			X	

Discussion- Item III-1:

The project is located within the Mountain Counties Air Basin (MCAB) portion of Placer County. The proposed project includes a 15,750 sq. ft. lodge and restaurant/cafeteria with associated construction activities. The lodge is open year round. The project would not contribute a significant impact to the region, as the related emissions would be below the significant level. The project will not result in a significant obstruction to the Tahoe Air Quality Plan. No mitigation measures are required.

Discussion- Items III-2,3:

The MCAB is designated non-attainment for the federal and state ozone standards (ROG and NO_x), unclassified for the federal particulate matter standard (PM_{2.5}) and non-attainment for the federal particulate matter standard (PM₁₀).

Construction of the project will include grading improvements which may result in short-term diesel exhaust emissions from on-site heavy-duty equipment and would generate diesel PM emissions from the use of off-road diesel equipment required for site grading. In order to reduce construction related air emissions, associated grading plans shall list the District's Rules and State Regulations. A Dust Control Plan shall be submitted to the Placer County Air Pollution Control District for approval prior to the commencement of earth disturbing activities demonstrating all proposed measures to reduce air pollutant emissions. Operational related emissions are minimal and include electricity and water usage. The proposed facility would be below the significant level and will not violate air quality standards or substantially contribute to existing air quality violations. With the implementation of the following mitigation measures and notes on the grading improvement plans, construction related emissions would not result in a cumulatively considerable net increase of any non-attainment criteria.

Mitigation Measures- Items III-2,3:

MM III.1

1. Prior to approval of Grading or Improvement Plans, (whichever occurs first), on project sites greater than one acre, the applicant shall submit a Construction Emission / Dust Control Plan to the Placer County APCD. If APCD does not respond within twenty (20) days of the plan being accepted as complete, the plan shall be considered approved. The applicant shall provide written evidence, provided by APCD, to the local jurisdiction (city or county) that the plan has been submitted to APCD. It is the responsibility of the applicant to deliver the approved plan to the local jurisdiction. The applicant shall not break ground prior to receiving APCD approval, of the Construction Emission / Dust Control Plan, and delivering that approval to the local jurisdiction issuing the permit.
- 2a. In order to control dust, operational watering trucks shall be on site during construction hours. In addition, dry, mechanical sweeping is prohibited. Watering of a construction site shall be carried out in compliance with all pertinent APCD rules (or as required by ordinance within each local jurisdiction).
- 2b. Include the following standard note on the Improvement/Grading Plan: The prime contractor shall be responsible for keeping adjacent public thoroughfares clean of silt, dirt, mud, and debris, and shall "wet broom" the streets (or use another method to control dust as approved by the individual jurisdiction) if silt, dirt, mud or debris is carried over to adjacent public thoroughfares. *(Based on APCD Rule 228 / section 401.5)*
- 2c. Include the following standard note on the Improvement/Grading Plan: The contractor shall apply water or use other method to control dust impacts onsite. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site. *(Based on APCD Rule 228 / section 401.1, 401.4)*
3. Include the following standard note on the Improvement/Grading Plan: During construction, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less. *(Based on APCD Rule 228 / section 401.5)*
4. Include the following standard note on the Improvement/Grading Plan: The prime contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) are excessive and dust is impacting adjacent properties. *(Based on APCD Rule 228)*
5. Include the following standard note on the Improvement/Grading Plan: In order to minimize wind driven dust during construction, the prime contractor shall apply methods such as surface stabilization, establishment of a vegetative cover, paving, (or use another method to control dust as approved by the individual jurisdiction). *(Based on APCD Rule 228 / section 402)*
6. Include the following standard note on the Improvement/Grading Plan: The contractor shall suspend all grading operations when fugitive dust exceeds Placer County APCD Rule 228 (Fugitive Dust) limitations. The prime contractor shall be responsible for having an individual who is CARB-certified to perform Visible Emissions Evaluations (VEE). This individual shall evaluate compliance with Rule 228 on a weekly basis. It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond the property boundary at any time. Lime or other drying agents utilized to dry out wet grading areas shall not exceed Placer County APCD Rule 228 Fugitive Dust limitations. Operators of vehicles and equipment found to exceed opacity limits will be notified by APCD and the equipment must be repaired within 72 hours. *(Based on APCD Rule 228)*
7. Include the following standard note on the Improvement/Grading Plan: Construction equipment exhaust emissions shall not exceed Placer County APCD Rule 202 Visible Emission limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified by APCD to cease operations and the equipment must be repaired within 72 hours. *(Based on APCD Rule 202)*
8. Include the following standard note on the Improvement/Grading Plan: A person shall not discharge into the atmosphere volatile organic compounds (VOC's) caused by the use or manufacture of Cutback or Emulsified asphalts for paving, road construction or road maintenance, unless such manufacture or use complies with the provisions of Rule 217. *(Based on APCD Rule 217)*.
9. Include the following standard note on the Improvement/Grading Plan: During construction the contractor shall utilize existing power sources (e.g., power poles) or clean fuel (i.e. gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators.
10. Include the following standard note on the Improvement/Grading Plan: During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment.
11. Include the following standard note on the Improvement/Grading Plan: During construction, no open burning of removed vegetation shall be allowed unless permitted by the PCAPCD. All removed vegetative material shall be either chipped on site or taken to an appropriate recycling site, or if a site is not available, a licensed disposal site. *(Based on APCD Rule 310)*
12. Include the following standard note on all building plans approved in association with this project: All wood burning devices and fireplaces associated with this project shall be subject to all applicable APCD Rules & Regulations.

Discussion- Items III-4,5:

The project includes grading operations which would result in short-term diesel exhaust emissions from on-site heavy-duty equipment and would generate diesel PM emissions from the use of off-road diesel equipment required for site grading. Because of the dispersive properties of diesel PM and the temporary nature of the mobilized equipment use, short-term construction-generated TAC emissions would not expose sensitive receptors to substantial pollutant concentrations and therefore would have a less than significant effect. No mitigation measures are required.

IV. BIOLOGICAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN)		X		
2. Substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number of restrict the range of an endangered, rare, or threatened species? (PLN)			X	
3. Have a substantial adverse effect on the environment by converting oak woodlands? (PLN)				X
4. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN)				X
5. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (PLN)				X
6. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (PLN)			X	
7. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (PLN)		X		
8. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (PLN)				X

Discussion- Item IV-1:

Based upon a wildlife assessment of the project area conducted by Wildlife Resource Consultants (February 2011), several special status species could potentially occur in the project area. The assessment determined, based on previous surveys and the developed nature of the property, that the likelihood of special status species occurring on the site is low to moderate, because the site area is currently developed with ski runs. The report concluded that the addition of a 15,750 square foot lodge on the property would not change the developed nature of the property such that special status species could no longer occupy the surrounding environment. Nevertheless, the potential for nesting raptors is present in the project area and development activities could have an adverse effect on these species.

Mitigation Measures- Item IV-1:

MM IV.1 Prior to any grading or tree removal activities, during the raptor nesting season (March 1 - September 1), a focused survey for raptor nests shall be conducted by a qualified biologist. A report summarizing the survey shall be provided to Placer County and the California Department of Fish & Game (CDFG) within 30 days of the completed survey. If an active raptor nest is identified appropriate mitigation measures shall be developed and implemented in consultation with CDFG. If construction is proposed to take place between March 1st and September 1st, no construction activity or tree removal shall occur within 500 feet of an active nest (or greater distance, as determined by the CDFG). Construction activities may only resume after a follow up survey has been conducted and a report prepared by a qualified raptor biologist indicating that the nest(s) are no longer active, and that no new nests have been identified. A follow up survey shall be conducted 2 months following the initial survey, if the initial survey occurs between March 1st and July 1st. Additional follow up surveys may be required by the DRC, based on the recommendations in the raptor study and/or as recommended by the CDFG. Temporary construction fencing and signage as described herein shall be installed at a minimum 500 foot radius around trees containing active nests. If all project construction occurs between September 1st and March 1st, no raptor surveys will be required. Trees previously approved for removal by Placer County, which contain stick nests, may only be removed between September 1st and March 1st. A note which includes the wording of this condition of approval shall be placed on the Improvement Plans. Said plans shall also show all protective fencing for those trees identified for protection within the raptor report.

Discussion- Items IV-2,3,4,5:

According to the wildlife assessment completed by Wildlife Resource Consultants, no aquatic or riparian habitats are present in or near the project area. The project area consists of mixed conifer habitat dominated by Jeffrey pine and white fir and does not include oak woodlands. In addition, there are no wetland areas located on or near the project site. Therefore, the project will not impact wetland, oak woodland, riparian or aquatic habitats. No mitigation measures are required.

Discussion- Item IV-6:

According to the wildlife assessment completed by Wildlife Resource Consultants, the developed nature of the site is unlikely to result in impacts to migratory wildlife species within the project vicinity. Further, the addition of an approximately 15,750 square foot building would not change the developed nature of the site such that species could no longer occupy the surrounding environment. No mitigation measures are required.

Discussion- Item IV-7:

The proposed project will require the removal of approximately 60 trees for the footprint of the structure and will include additional thinning of the vegetation surrounding the project area. However, impacts related to tree removal will be mitigated by the following mitigation measure.

Mitigation Measures- Item IV-7:

MM IV.2 Northstar will implement fuels reduction on approximately two acres of conifer forest. The treatments reduce the height and density of ground fuels and reduce shrubs and small trees (less than 6 inches in diameter at breast height) that create fuel ladders. Suppressed and intermediate trees shall be removed to reduce the density of the residual stand and improve stocking levels.

The hazardous fuels reduction will occur through "thinning from below". "Thinning from below" will remove primarily suppressed and intermediate trees from the lower canopy (understory). The upper forest canopy will remain intact, as the larger dominant and co-dominant overstory trees will be retained. By removing the large number of suppressed and intermediate trees in the understory (1"-11" DBH trees), the "fuel ladder" configuration will be eliminated, surface fuels will be reduced, crown bulk density will be decreased, and crown base height will be increased. These changes will alter fire behavior in the treated stands, with the goal of reducing fire intensity, reducing severity of fire damage, and provide better opportunities for fire suppression success, in the event a wildland fire enters these stands.

Discussion- Item IV-8:

The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Substantially cause adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5? (PLN)			X	
2. Substantially cause adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5? (PLN)			X	
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (PLN)				X
4. Have the potential to cause a physical change, which would affect unique ethnic cultural values? (PLN)				X
5. Restrict existing religious or sacred uses within the potential impact area? (PLN)			X	
6. Disturb any human remains, including those interred outside of formal cemeteries? (PLN)			X	

Discussion- Items V-1,2,5,6:

A records search conducted by the North Central Information Center found that several cultural resources are located approximately one mile west of the project site. The remains of several cabins and a wood rail log chute, remnants of timber activities in the latter 1800's, are situated along a branch of the Martis Creek drainage. In this same area, an isolated basalt flake and an area of lithic scatter have been identified. Although these resources are not in the vicinity of the project site, there may be undiscovered resources on the site that could be unearthed during development activities. The following standard condition will be included for the project:

"If any archeological artifacts, exotic rock (on-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 certified archeologist retained to evaluate the deposit in consultation with the Washoe Tribe. The Placer County Planning Department and Department of Museums must also be contacted for review of the archeological find(s). If the discovery consists of human remains, the Placer County Corner, Native American Heritage Commission and the Washoe Tribe must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Department. A note to this effect shall be provided on the Improvement Plans for the project.

Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements, which provide protection of the site, and/or additional mitigation measures necessary to address the unique or sensitive nature of the site."

No mitigation measures are required.

Discussion- Item V-3:

No unique paleontological resource or geologic features have been identified on the site.

Discussion- Item V-4:

There have been no unique ethnic cultural values associated or identified with the mountain lodge project site.

VI. GEOLOGY & SOILS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Expose people or structures to unstable earth conditions or changes in geologic substructures? (ESD)				X

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2. Result in significant disruptions, displacements, compaction or overcrowding of the soil? (ESD)		X		
3. Result in substantial change in topography or ground surface relief features? (ESD)		X		
4. Result in the destruction, covering or modification of any unique geologic or physical features? (ESD)				X
5. Result in any significant increase in wind or water erosion of soils, either on or off the site? (ESD)		X		
6. Result in changes in deposition or erosion or changes in siltation which may modify the channel of a river, stream, or lake? (ESD)		X		
7. Result in exposure of people or property to geologic and geomorphological (i.e. Avalanches) hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? (ESD)		X		
8. Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (ESD)		X		
9. Be located on expansive soils, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property? (ESD)		X		

Discussion- Items VI-1,4:

The proposed project consists of the construction of an approximately 16,00 square foot building with approximately 10,500 square foot deck, approximately 7,800 linear feet of trench (for water, fire supply, electric line, sewer, natural gas, and communication), and relocation of approximately 7,000 square feet of 500 series access road. According to the United States Department of Agriculture (USDA) Soil Survey of Placer County and the United States Department of Agriculture ~ Natural Resources Conservation Service Web Soil Survey, the proposed project is located on a majority of soils classified as Umpa stony sandy loam, Jorge Tahoma complex, and Jorge very stony sandy loam. There are several other soil types also in the area but in much smaller percentages. The Soil Surveys did not identify any unique geologic or physical features for any of the soil types. Construction of a mountain lodge and utility trenching improvements will not create any unstable earth conditions or change any geologic substructure. Therefore, there is no impact

Discussion- Items VI-2,3:

The project will disturb approximately 2 acres of area and will move approximately 3,508 cubic yards of soil on site (approximately 1,822 cubic yards will be imported). All ground disturbing activities will be conducted in accordance with the Lahontan Region Project Guidelines for Erosion Control. The grading that will occur will include cuts of up to approximately 5 feet and fills of up to approximately 19.5 feet (within foundation walls). The project's site specific impacts associated with soil disruptions and topography changes can be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Items VI-2,3:

MM VI.1 The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Department (ESD) for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on and off site. All existing and proposed utilities and easements, on site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection with the 1st Improvement Plan submittal. (NOTE: Prior to plan approval, all applicable recording and reproduction cost shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or Development Review Committee (DRC) review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed

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by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the ESD in both hard copy and electronic versions in a format to be approved by the ESD prior to acceptance by the County of site improvements.

Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety.

Any Building Permits associated with this project shall not be issued until, at a minimum, the Improvement Plans are approved by the Engineering and Surveying Department.

Prior to the County's final acceptance of the project's improvements, submit to the Engineering and Surveying Department two copies of the Record Drawings in digital format (on compact disc or other acceptable media) in accordance with the latest version of the Placer County Digital Plan and Map Standards along with two blackline hardcopies (black print on bond paper) and two PDF copies. The digital format is to allow integration with Placer County's Geographic Information System (GIS). The final approved blackline hardcopy Record Drawings will be the official document of record.

MM VI.2 The Improvement Plans shall show all proposed grading, drainage improvements, vegetation and tree removal and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the Development Review Committee (DRC). All cut/fill slopes shall be at a maximum of 2:1 (horizontal: vertical) unless a soils report supports a steeper slope and the ESD concurs with said recommendation. Fill slopes shall not exceed 1.5:1 (horizontal: vertical)

The applicant shall revegetate all disturbed areas. Revegetation, undertaken from April 1 to October 1, shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to ensure proper installation and maintenance of erosion control/winterization before, during, and after project construction. Soil stockpiling or borrow areas, shall have proper erosion control measures applied for the duration of the construction as specified in the Improvement Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the Engineering and Surveying Department.

The applicant shall submit to the ESD a letter of credit or cash deposit in the amount of 110 percent of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

MM VI.3 Staging Areas: The Improvement Plan(s) shall identify the stockpiling and/or vehicle staging areas with locations as far as practical from existing dwellings and protected resources in the area.

MM VI.4 Prior to Improvement Plan approval, submit Proof of Contract with a State licensed contractor if blasting is required for the installation of site improvements. The developer shall comply with applicable County Ordinances that relate to blasting and use only State licensed contractors to conduct these operations.

Discussion- Items VI-5, 6:

The disruption of the soil discussed in Items 2 and 3 above increases the risk of erosion and creates a potential for contamination of storm runoff with disturbed sediment or other pollutants introduced through typical grading practices. In addition, this soil disruption has the potential to modify the existing on site drainageways by transporting erosion from the disturbed area into local drainageways. Discharge of concentrated runoff after construction could also contribute to these impacts in the long-term. Erosion potential and water quality impacts are always present and occur when soils are disturbed and protective vegetative cover is removed. The project would increase the potential for erosion impacts without appropriate mitigation measures. The project's site specific impacts associated with erosion can be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Items VI-5,6:

Refer to text in MM VI.1

Refer to text in MM VI.2

Refer to text in MM VI.3

MM VI.5 Water quality Best Management Practices (BMPs), shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the ESD).

Construction (temporary) BMPs for the project include, but are not limited to: Straw Wattles, Hydroseeding (EC-4), Silt Fence (SE-1), Construction Fencing, Diversion Dikes, Gravel Bags, and revegetation techniques.

MM VI.6 Prior to Improvement Plan approval, the applicant shall obtain a State Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) construction stormwater quality permit and shall provide to the Engineering and Surveying Department evidence of a state-issued Waste Discharge Identification (WDID) number or filing of a Notice of Intent and fees.

MM VI.7 There shall be no grading or other disturbance of ground between October 15 of any year and May 1 of the following year, unless a Variance has been granted by the RWQCB and the Placer County ESD.

MM VI.8 No grading operations shall occur under saturated soil conditions.

MM VI.9 Truck routes are to be located across existing logging roads.

MM VI.10 Existing drainage patterns shall not be significantly modified.

MM VI.11 Drainage swales disturbed by construction activities shall be stabilized by appropriate soil stabilization measures to prevent erosion.

MM VI.12 All non-construction areas shall be protected by fencing or other means to prevent unnecessary disturbance.

MM VI.13 During construction, temporary gravel, straw bale, earthen, or sandbag dikes and/or nonwoven filter fabric fence shall be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff.

MM VI.14 Revegetated areas shall be continually maintained in order to assure adequate growth and root development. Erosion control facilities shall be installed with a routine maintenance and inspection program to provide continued integrity of erosion control facilities.

Discussion- Items VI-7,8,9:

The proposed project consists of the construction of an approximately 16,00 square foot building with approximately 10,500 square foot deck, approximately 7,800 linear feet of trench (for water, fire supply, electric line, sewer, natural gas, and communication), and relocation of approximately 7,000 square feet of 500 series access road. Based on soil reports for projects in the area, the project site is considered moderately to highly stable and free from ground failures. According to the United States Department of Agriculture (USDA) Soil Survey of Placer County and the United States Department of Agriculture ~ Natural Resources Conservation Service Web Soil Survey, the proposed project is located on soil with slopes identified as greater than 8 percent. The soils are also identified to have a moderate potential for expansive soils. Compliance with the CBC/UBC will require all project elements to be designed to withstand seismic forces and any potential expansive soils. The project's site specific impacts associated with geologic hazards or the creation of substantial risks to life or property based on expansive soils can be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Items VI-7,8,9:

Refer to text in MM VI.1

Refer to text in MM VI.2

MM VI.15 The Improvement Plan submittal shall include a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:

- A) Structural foundations, including retaining wall design (if applicable);
- B) Grading practices;
- C) Erosion/winterization;
- D) Special problems discovered on-site, (i.e., groundwater, expansive/unstable soils, etc.)
- E) Slope stability

Once approved by the Engineering and Surveying Department (ESD), two copies of the final report shall be provided to the ESD and one copy to the Building Services Division for its use. If the soils report indicates the presence of critically expansive or other soils problems that, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report shall be required, prior to approval of the Improvement Plans. It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report.

VII. GREENHOUSE GAS EMISSIONS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant and/or cumulative impact on the environment? (APCD)			X	
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (APCD)			X	

Discussion- All Items:

Greenhouse gas (GHG) emissions of primary concern from land use projects include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Construction related activities resulting in exhaust emissions may come from fuel combustion for heavy-duty diesel and gasoline-powered equipment, portable auxiliary equipment, material delivery trucks, and worker commuter trips. Operational GHG emissions would result from on-site fuel combustion for space and water heating, fireplaces/stoves; and off site emissions at utility providers associated with the project's electricity and water demands.

The project would result in minor grading and the construction of a lodge. The lodge is proposed to be built as a "LEED Certified" building. The construction and operational related GHG emissions resulting from the project would not substantially hinder the State's ability to attain the goals identified in AB 32 (i.e., reduction of statewide GHG emissions to 1990 levels by 2020; approximately a 30 percent reduction from projected 2020 emissions). Thus, the construction and operation of the project would not generate substantial greenhouse gas emissions, either directly or indirectly, which may be considered to have a significant impact on the environment, nor conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases and is therefore considered to have a less than significant impact. No mitigation measures are required.

VIII. HAZARDS & HAZARDOUS MATERIALS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials? (EHS)			X	
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (EHS)			X	
3. Emit hazardous emissions, substances, or waste within one-quarter mile of an existing or proposed school? (APCD)			X	

4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (EHS)				X
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (PLN)				X
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area? (PLN)				X
7. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (PLN)				X
8. Create any health hazard or potential health hazard? (EHS)			X	
9. Expose people to existing sources of potential health hazards? (EHS)				X

Discussion- Item VIII-1:

The use of hazardous substances during normal construction is expected to be limited in nature, and will be subject to the standard handling and storage requirements. The project does not propose to use or store hazardous materials. Accordingly, impacts related to the handling, transport, use or disposal of hazardous materials, are considered to be less than significant. No mitigation measures are required.

Discussion- Item VIII-2:

Construction of the proposed project would involve the short-term use and storage of hazardous materials typically associated with grading, such as fuel and other substances. All materials would be used, stored, and disposed of in accordance with applicable federal, state, and local laws including Cal-OSHA requirements and manufacturer's instructions. Therefore, the risk of accident or upset conditions involving the release of hazardous materials is less than significant. No mitigation measures are required.

Discussion- Item VIII-3:

It does not appear that there are any "sensitive receptors" (i.e. school) within one quarter mile of the project site. In addition, the project does not propose a use that typically would involve any activities that would emit hazardous substances or waste that would affect a substantial number of people and is therefore considered to have a less than significant impact. No mitigation measures are required.

Discussion- Item VIII-4:

The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result will not create a significant hazard to the public or the environment.

Discussion- Items VIII-5,6:

The proposed project is not within an airport land use plan, within two miles of a public airport, or within the vicinity of a private airstrip and therefore would not result in a safety hazard for people residing or working within the project area.

Discussion- Item VIII-7:

Site development activities will include the removal of vegetation on the project site and the thinning of vegetation around the site, reducing the effect of wildland fires. In addition, the project will be required to provide for fire flows for the protection of the structure and occupants of the structure.

Discussion- Item VIII-8:

Mosquito breeding is not expected to significantly impact this project. Common problems associated with over watering of landscaping and residential irrigation have the potential to breed mosquitoes. As a condition of this project, it is recommended that drip irrigation be used for landscaping areas. No mitigation measures are required.

Discussion- Item VIII-9:

The project will not expose people to existing sources of potential health hazards.

IX. HYDROLOGY & WATER QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Violate any federal, state or county potable water quality standards? (EHS)				X
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lessening of local groundwater supplies (i.e. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (EHS)			X	
3. Substantially alter the existing drainage pattern of the site or area? (ESD)			X	
4. Increase the rate or amount of surface runoff? (ESD)		X		
5. Create or contribute runoff water which would include substantial additional sources of polluted water? (ESD)		X		
6. Otherwise substantially degrade surface water quality?(ESD)		X		
7. Otherwise substantially degrade ground water quality? (EHS)				X
8. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard boundary or Flood Insurance Rate Map or other flood hazard delineation map? (ESD)				X
9. Place within a 100-year flood hazard area improvements which would impede or redirect flood flows? (ESD)				X
10. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (ESD)				X
11. Alter the direction or rate of flow of groundwater? (EHS)				X
12. Impact the watershed of important surface water resources, including but not limited to Lake Tahoe, Folsom Lake, Hell Hole Reservoir, Rock Creek Reservoir, Sugar Pine Reservoir, French Meadows Reservoir, Combie Lake, and Rollins Lake? (EHS, ESD)		X		

Discussion- Item IX-1:

The project will utilize the Northstar-at-Tahoe Comstock water well installed in accordance through permits obtained from Placer County Environmental Health Services (PCEHS). The water well is drilled in excess of 100-feet below ground surface and is protected from contaminants at the ground surface by a sanitary seal and an annular seal. This impact is less than significant and no mitigation measures are required.

Discussion- Item IX-2:

The project currently has an existing well drilled. The existing well meets the County standard for providing adequate water supply for the proposed project. The project lies in a hardrock fractured water supply. It is impossible to quantify how much water will be yielded from a fractured water supply or how long any water well will be sustained. The proposed project is a low use as compared to an industrial use or an agricultural use. Thus, the

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potential to deplete the groundwater supply is considered to be less than significant in this case. No mitigation measures are required.

Discussion- Item IX-3:

The proposed project consists of the construction of an approximately 16,00 square foot building with approximately 10,500 square foot deck, approximately 7,800 linear feet of trench (for water, fire supply, electric line, sewer, natural gas, and communication), and relocation of approximately 7,000 square feet of 500 series access road. A preliminary drainage report was prepared for the proposed project. The project site is located on a ridgeline between the peaks of Lookout Mountain and Mt. Pluto. Being located at a ridgeline, the site straddles two large watershed basins. All drainage in the vicinity of the project's area is by sheet flow, which is interrupted by downed timber, forest debris, and rock outcroppings with most if not all of the runoff being infiltrated into the soil before it reaches channelized flow. Based on the size of the watersheds involved and the relatively small changes to be expected in the watersheds, the post project watersheds are generally consistent with the pre project drainage patterns. The proposed construction will not significantly alter the drainage patterns of the site. Therefore, this impact is less than significant. No mitigation measures are required.

Discussion- Item IX-4:

The proposed project consists of the construction of an approximately 16,00 square foot building with approximately 10,500 square foot deck, approximately 7,800 linear feet of trench (for water, fire supply, electric line, sewer, natural gas, and communication), and relocation of approximately 7,000 square feet of 500 series access road. A preliminary drainage report was prepared for the proposed project. The project is located on a ridgeline between two watersheds. The western watershed is approximately 181 acres, of which only approximately 1 acre (or 0.6 percent) is influenced by the project. The eastern watershed is approximately 381 acres, of which approximately 1.1 acres (or 0.3 percent) is influenced by the project. Approximately 30 percent of the project site (approximately 22,000 square feet) will be covered by impervious surfaces. The project proposes dripline trenches that will infiltrate stormwater runoff from the proposed impervious surfaces. The project proposes a revegetation and stabilization plan that will limit runoff to small quantities or reduce any increases in runoff back to existing levels. The project's site specific impacts associated with increases in the surface runoff can be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Item IX-4:

Refer to text in MM VI.1

Refer to text in MM VI.2

MM IX.1 The limited Improvement Plan submittal shall include a limited drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the Engineering and Surveying Department for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing and proposed conditions, the downstream effects of the proposed improvements, and a Best Management Practices (BMP) Plan to provide temporary and permanent water quality protection.

Discussion- Items IX-5,6:

The construction of the proposed improvements has the potential to degrade water quality. Stormwater runoff naturally contains numerous constituents; however, urbanization and urban activities including development and redevelopment typically increase constituent concentrations to levels that potentially impact water quality. Pollutants associated with stormwater include (but are not limited to) sediment, nutrients, etc. The proposed development has the potential to result in the generation of new dry-weather runoff containing said pollutants and also has the potential to increase the concentration and/or total load of said pollutants in wet weather stormwater runoff. The proposed project's impacts associated with water quality can be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Items IX-5,6:

Refer to text in MM VI.1 to MM VI.3

Refer to text in MM VI.5 to MM VI.14

MM IX.2 Water quality Best Management Practices (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the ESD).

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BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) BMPs for the project include, but are not limited to: Revegetation, Infiltration Trenches (TC-10), etc. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All BMPs shall be maintained as required to insure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance.

Discussion- Item IX-7:

This project is not likely to otherwise degrade groundwater quality

Discussion- Items IX-8,9,10:

The project construction is not located within a 100-year flood hazard area as defined and mapped by the Federal Emergency Management Agency (FEMA). The project improvements are not proposed within a local 100-year flood hazard area and no flood flows would be redirected after construction of the improvements. The project improvements are not located within any levee or dam failure inundation area. Therefore, there is no impact.

Discussion- Item IX-11:

This project is not likely to change the direction or rate of flow of groundwater. The project lies in a hardrock subsurface which is also known as a hardrock fractured water supply. Due to the nature of a hardrock water supply, it is very difficult to ascertain the longevity and sustainability of any water well located with this subsurface condition. In this case, the project proponent is proposing using the Northstar-at-Tahoe Comstock water well for each of the proposed project. The well which has been drilled meets the PCEHS standard for a public water system. Given the hardrock fractured water supply and the location the well, the likelihood of altering the rate or direction of flow is considered to be less than significant. No mitigation measures are required

Discussion- Item IX-12:

As discussed in Items 5 and 6 above, the project has the potential to increase water quality impacts to local drainageways, and therefore, local watersheds. The proposed project is located within the Martis Creek watershed. The proposed project's impacts associated with impacts to surface water quality can be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Item IX-12:

Refer to text in MM VI.1 to MM VI.3

Refer to text in MM VI.5 to MM VI.14

Refer to text in MM IX.1 to MM IX.2

X. LAND USE & PLANNING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Physically divide an established community? (PLN)				X
2. Conflict with General Plan/Community Plan/Specific Plan designations or zoning, or Plan policies adopted for the purpose of avoiding or mitigating an environmental effect? (EHS, ESD, PLN)				X
3. Conflict with any applicable habitat conservation plan or natural community conservation plan or other County policies, plans, or regulations adopted for purposes of avoiding or mitigating environmental effects? (PLN)			X	
4. Result in the development of incompatible uses and/or the creation of land use conflicts? (PLN)				X

5. Affect agricultural and timber resources or operations (i.e. impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses)? (PLN)			X	
6. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (PLN)				X
7. Result in a substantial alteration of the present or planned land use of an area? (PLN)				X
8. Cause economic or social changes that would result in significant adverse physical changes to the environment such as urban decay or deterioration? (PLN)				X

Discussion- Item X-1:

The proposed project involves the development of a lodge facility, and the installation of associated infrastructure improvements, on the slopes of an established ski resort. The project will not physically divide an established community.

Discussion- Item X-2:

The project site is designated as Tourist/Resort Commercial in the Martis Valley Community Plan and Forestry 160 acres minimum (FOR-B-X-160 ac. min.) by the County Zoning Ordinance. The proposed use is consistent with the Community Plan policies as well as the Zoning Ordinance standards.

Discussion- Item X-3:

The project site is subject to the provisions of Article 12.20 Tree Preservation in Area East of Sierra Summit and is subject to the requirements indicated in this tree preservation zone. The applicant will be required to implement this ordinance as applicable to prevent significant impacts prior to project development. As discussed in Section IV (Biological Resources), the project proposes to mitigate for tree impacts through either an on-site replanting plan or through the payment of mitigation fees based on tree diameters.

In addition, the project site is not located within any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved Habitat Plan Area. No mitigation measures are required.

Discussion- Item X-4:

The proposed construction of a lodge facility on the site is not inconsistent with site zoning and the land use designation of the Community Plan; the lands surrounding this site are developed with ski and snowboard trails and lifts that are accessory to the ski resort. The proposed project will be compatible with the adjacent uses.

Discussion- Item X-5:

There is no timber harvest plan in place, or timber operations proposed, for the project site, or areas in the immediate vicinity of the project site. No mitigation measures are required.

Discussion- Item IX-6:

The proposed project will not disrupt or divide the physical arrangement of an established community.

Discussion- Item IX-7:

The proposed project will not result in a substantial alteration of the present or planned land uses for the project area. The site is currently undeveloped and the proposed project is consistent with the County plans for this site.

Discussion- Item IX-8:

The proposed project will not cause economic or social changes that would result in significant adverse physical changes to the environment, such as urban decay or deterioration.

XI. MINERAL RESOURCES – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. The loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (PLN)				X
2. The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (PLN)				X

Discussion- Item XI-1:

The proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state as the project area does not contain known mineral resources that would be of value to the region and the residents of the state.

Discussion- Item XI-2:

The Martis Valley Community Plan does not delineate the project site as a source of any locally-important mineral resources. The development of the site will not result in a loss of availability of such resources.

XII. NOISE – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan, Community Plan or noise ordinance, or applicable standards of other agencies? (PLN)			X	
2. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)				X
3. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)			X	
4. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (PLN)				X
5. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (PLN)				X

Discussion- Items XII-1,2:

The project site is situated on a ridgeline in the Northstar-at-Tahoe ski resort, near the terminus of the Zephyr Mountain lift. The most significant existing sources of noise in this vicinity include the noise from chairlift operations and the noise from skiers and snowboarders; the nearest sensitive receptors are located at the Ritz-Carlton resort, approximately 0.9 miles downslope from the site. The Martis Valley Community Plan establishes a maximum outdoor noise level of 60dB. The daily operations of a restaurant, cafeteria and lounge will not exceed this standard and will not result in any substantial permanent increase in ambient noise levels. No mitigation measures are required.

Discussion- Item XII-3:

Construction of the proposed project will create a temporary increase in ambient noise levels, which could exceed Ordinance standards. However, because there are no sensitive receptors in the immediate vicinity, the following condition of approval will allow construction activities to take place during daylight hours.

- Construction hours will be allowed from sunrise to sunset, except on Sundays and Federal Holidays.
- A temporary sign (4' x 4') shall be located on the project site depicting the above construction hour limitations. Said sign shall include a toll free public information phone number where surrounding residents can report violations and the developer/builder will respond and resolve noise violations.

These conditions will be included on the Improvement Plans.

Essentially, quiet activities, which do not involve heavy equipment or machinery, may occur at other times. Work occurring within an enclosed building may occur at other times.

The Planning Director is authorized to waive the time frames based on special circumstances, such as adverse weather conditions.

Discussion- Item XII-4:

The proposed project is not located within two miles of a public airport or public use airport.

Discussion- Item XII-5:

The proposed project is not located within the vicinity of a private airstrip.

XIII. POPULATION & HOUSING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Induce substantial population growth in an area, either directly (i.e. by proposing new homes and businesses) or indirectly (i.e. through extension of roads or other infrastructure)? (PLN)				X
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (PLN)				X

Discussion- Item XIII-1:

The proposed project is the development of a day lodge facility to provide services to skiers at a ski resort. The construction of the lodge and the installation of the necessary infrastructure will not induce population growth.

Discussion- Item XIII-2:

The proposed project is a commercial development and will not displace housing.

XIV. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Fire protection? (ESD, PLN)				X
2. Sheriff protection? (ESD, PLN)				X
3. Schools? (ESD, PLN)				X

4. Maintenance of public facilities, including roads? (ESD, PLN)				X
5. Other governmental services? (ESD, PLN)				X

Discussion- Item XIV-1:

The proposed project will result in additional demand for fire protection services as provided by the Northstar Fire District. However, this additional demand will not result in the provision of new or physically altered government service or facilities that would cause significant environmental impacts.

Discussion- Items XIV-2,3,4,5:

The Placer County Sheriff's Department provides police protection services to the project area. No new roads will be constructed as a result of this project and the project will have no effect on local schools. As the proposed project is consistent with the underlying land use designations, the project's development will result in negligible additional demand on the need for police services. As is required for all new projects, "Will Serve" letters will need to be provided from the Sheriff's Department. The incremental increase in demand for police protection services will not result in new or physically altered governmental services that would cause significant impacts.

XV. RECREATION – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (PLN)				X
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (PLN)				X

Discussion- All Items:

The proposed Mountain Lodge is a restaurant and cafeteria facility that will provide a variety of guest services to day skiers at the resort. The construction and operation of this facility will have no effect on existing recreational facilities in the area and no new facilities will need to be constructed as a result of the development of this project.

XVI. TRANSPORTATION & TRAFFIC – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. An increase in traffic which may be substantial in relation to the existing and/or planned future year traffic load and capacity of the roadway system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (ESD)		X		
2. Exceeding, either individually or cumulatively, a level of service standard established by the County General Plan and/or Community Plan for roads affected by project traffic? (ESD)		X		
3. Increased impacts to vehicle safety due to roadway design features (i.e. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (ESD)				X

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4. Inadequate emergency access or access to nearby uses? (ESD)				X
5. Insufficient parking capacity on-site or off-site? (ESD, PLN)				X
6. Hazards or barriers for pedestrians or bicyclists? (ESD)				X
7. Conflicts with adopted policies, plans, or programs supporting alternative transportation (i.e. bus turnouts, bicycle lanes, bicycle racks, public transit, pedestrian facilities, etc.) or otherwise decrease the performance or safety of such facilities? (ESD)				X
8. Change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (PLN)				X

Discussion- Items XVI-1,2:

The proposed project consists of the construction of an approximately 16,00 square foot building with approximately 10,500 square foot deck, approximately 7,800 linear feet of trench (for water, fire supply, electric line, sewer, natural gas, and communication), and relocation of approximately 7,000 square feet of 500 series access road. Although there will be no direct automobile (wheeled vehicle) access to the site, the proposed project will generate approximately 11 new Northstar employees. The project is intended to serve the existing skiers at Northstar. The proposed project creates site-specific impacts on local transportation systems that are considered less than significant when analyzed against the existing baseline traffic conditions; however, the cumulative effect of an increase in traffic has the potential to create significant impacts to the area's transportation system. With the project traffic added to the existing traffic volumes, all area roadway segments and intersections will continue to operate within acceptable LOS standards. For potential cumulative traffic impacts, the Placer County General Plan includes a fully funded Capital Improvement Program, which with payment of traffic mitigation fees for the ultimate construction of the CIP improvements, will help reduce the cumulative traffic impacts to less than significant levels. The proposed project's impacts associated with increases in traffic can be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Items XVI-1,2:

MM XVI.1 Prior to issuance of any Building Permits, this project shall be subject to the payment of traffic impact fees that are in effect in this area (Tahoe), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) shall be required and shall be paid to Placer County DPW:

A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code

The current total combined estimated fee is \$24,999.15 (based on trips associated with 11 new employees). The fees were calculated using the information supplied. If the use or the square footage changes, then the fees will change. The fees to be paid shall be based on the fee program in effect at the time that the application is deemed complete.

Discussion- Item XVI-3:

The project proposes no roadways for public access and the project of constructing a mountain lodge for skiers and associated utilities within a ski resort does not create incompatible uses. Therefore, there is no impact.

Discussion- Item XVI-4:

The proposed project does not impact the access to any nearby use or impact emergency access. Therefore, there is no impact.

Discussion- Item XVI-5:

The proposed project is providing parking spaces in accordance with County approvals. Therefore, there is no impact.

Discussion- Item XVI-6:

The proposed project does not create any hazards or barriers for pedestrians or bicyclists since there are no public pedestrian or public bicycle facilities within the project area. Therefore, there is no impact.

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Discussion- Item XVI-7:

The proposed project will not conflict with any existing policies or preclude anticipated future policies, plans, or programs supporting alternative transportation. Therefore, there is no impact.

Discussion- Item XVI-8:

The proposed project will not air traffic patterns in the vicinity.

XVII. UTILITIES & SERVICE SYSTEMS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (ESD)			X	
2. Require or result in the construction of new water or wastewater delivery, collection or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (EHS, ESD)			X	
3. Require or result in the construction of new on-site sewage systems? (EHS)				X
4. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (ESD)				X
5. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (EHS)			X	
6. Require sewer service that may not be available by the area's waste water treatment provider? (EHS, ESD)			X	
7. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs in compliance with all applicable laws? (EHS)			X	

Discussion- Items XVII-1,2,6:

The proposed project will be provided sewer service from the Northstar Community Services District. The Northstar Community Services District has provided comments regarding the project and has identified that there is capacity for the proposed project in the sewer system. The comments did not identify any significant sewer issues for the proposed project. The sewer district will be required to grant their approval prior to Improvement Plan approval and Building Permit issuance. Therefore, this impact is less than significant. No mitigation measures are required.

Discussion- Item XVII-3:

This project will be served by a public utility district and will not require the construction of new on-site sewage systems.

Discussion- Item XVII-4:

The proposed project consists of the construction of an approximately 16,00 square foot building with approximately 10,500 square foot deck, approximately 7,800 linear feet of trench (for water, fire supply, electric line, sewer, natural gas, and communication), and relocation of approximately 7,000 square feet of 500 series access road. There are no new storm water drainage facilities or expansion of existing drainage facilities that are proposed or required. Therefore, there is no impact.

Discussion- Item XVII-5:

The project currently has an existing water wells drilled by permit through Placer County Environmental Health Services. There is sufficient water available to serve this project as the existing well meets the minimum standards

set for the by PCEHS for water supply. Thus, the concern about whether this parcel has sufficient water available for this project is considered to be less than significant. No mitigation measures are required.

Discussion- Item XVII-7:

The project will be served by the Eastern Regional Materials Recovery Facility. This facility has sufficient permitted capacity to accommodate the project's solid waste disposal needs. No mitigation measures are necessary.

E. MANDATORY FINDINGS OF SIGNIFICANCE:

Environmental Issue	Yes	No
1. Does the project have the potential to degrade the quality of the environment, substantially impact biological resources, or eliminate important examples of the major periods of California history or prehistory?		X
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		X
3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X

F. OTHER RESPONSIBLE AND TRUSTEE AGENCIES whose approval is required:

<input checked="" type="checkbox"/> California Department of Fish and Game	<input type="checkbox"/> Local Agency Formation Commission (LAFCO)
<input checked="" type="checkbox"/> California Department of Forestry	<input type="checkbox"/> National Marine Fisheries Service
<input type="checkbox"/> California Department of Health Services	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> California Department of Toxic Substances	<input type="checkbox"/> U.S. Army Corp of Engineers
<input type="checkbox"/> California Department of Transportation	<input type="checkbox"/> U.S. Fish and Wildlife Service
<input type="checkbox"/> California Integrated Waste Management Board	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> California Regional Water Quality Control Board	<input type="checkbox"/> _____

G. DETERMINATION – The Environmental Review Committee finds that:

Although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described herein have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

H. ENVIRONMENTAL REVIEW COMMITTEE (Persons/Departments consulted):

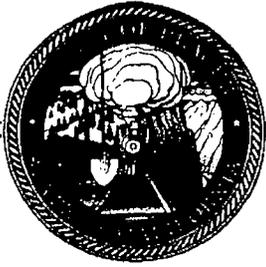
Planning Services Division, Melanie Jackson, Chairperson
 Engineering and Surveying Department, Phillip A. Frantz
 Department of Public Works, Transportation
 Environmental Health Services, Justin Hansen
 Air Pollution Control District, Angel Rinker
 Flood Control Districts, Andrew Darrow
 Facility Services, Parks, Andy Fisher
 Environmental Engineering Division, Janelle Heinzler
 Northstar Fire District, Mark Shadowens

Signature Michael Wells Date April 22, 2011
 Michael Wells, Environmental Coordinator

I. SUPPORTING INFORMATION SOURCES: The following public documents were utilized and site-specific studies prepared to evaluate in detail the effects or impacts associated with the project. This information is available for public review, Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, Environmental Coordination Services, 3091 County Center Drive, Suite 190, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division office, 565 West Lake Blvd., Tahoe City, CA 96145.

County Documents	<input checked="" type="checkbox"/> Community Plan	
	<input checked="" type="checkbox"/> Environmental Review Ordinance	
	<input checked="" type="checkbox"/> General Plan	
	<input checked="" type="checkbox"/> Grading Ordinance	
	<input checked="" type="checkbox"/> Land Development Manual	
	<input type="checkbox"/> Land Division Ordinance	
	<input checked="" type="checkbox"/> Stormwater Management Manual	
	<input checked="" type="checkbox"/> Tree Ordinance	
<input type="checkbox"/>		
Trustee Agency Documents	<input type="checkbox"/> Department of Toxic Substances Control	
	<input type="checkbox"/>	
Site-Specific Studies	Planning Department	<input checked="" type="checkbox"/> Biological Study
		<input type="checkbox"/> Cultural Resources Pedestrian Survey
		<input checked="" type="checkbox"/> Cultural Resources Records Search
		<input checked="" type="checkbox"/> Lighting & Photometric Plan
		<input type="checkbox"/> Paleontological Survey
		<input checked="" type="checkbox"/> Tree Survey & Arborist Report
		<input checked="" type="checkbox"/> Visual Impact Analysis
		<input type="checkbox"/> Wetland Delineation
		<input type="checkbox"/> Acoustical Analysis
	<input type="checkbox"/>	
	Engineering & Surveying Department, Flood Control District	<input type="checkbox"/> Phasing Plan
		<input checked="" type="checkbox"/> Preliminary Grading Plan
		<input type="checkbox"/> Preliminary Geotechnical Report
		<input checked="" type="checkbox"/> Preliminary Drainage Report
		<input type="checkbox"/> Stormwater & Surface Water Quality BMP Plan
		<input type="checkbox"/> Traffic Study
		<input type="checkbox"/> Sewer Pipeline Capacity Analysis
		<input type="checkbox"/> Placer County Commercial/Industrial Waste Survey (where public sewer is available)
		<input type="checkbox"/> Sewer Master Plan
		<input type="checkbox"/> Utility Plan
	<input type="checkbox"/>	
	Environmental Health Services	<input type="checkbox"/> Groundwater Contamination Report
		<input type="checkbox"/> Hydro-Geological Study
		<input type="checkbox"/> Acoustical Analysis
		<input type="checkbox"/> Phase I Environmental Site Assessment

		<input type="checkbox"/> Soils Screening
		<input type="checkbox"/> Preliminary Endangerment Assessment
		<input type="checkbox"/> _____
	Air Pollution Control District	<input type="checkbox"/> CALINE4 Carbon Monoxide Analysis
		<input type="checkbox"/> Construction Emission & Dust Control Plan
		<input type="checkbox"/> Geotechnical Report (for naturally occurring asbestos)
		<input type="checkbox"/> Health Risk Assessment
		<input type="checkbox"/> URBEMIS Model Output
	<input type="checkbox"/> _____	
	Fire Department	<input type="checkbox"/> Emergency Response and/or Evacuation Plan
		<input type="checkbox"/> Traffic & Circulation Plan
		<input type="checkbox"/> _____
	Mosquito Abatement District	<input type="checkbox"/> Guidelines and Standards for Vector Prevention in Proposed Developments
<input type="checkbox"/> _____		



COUNTY OF PLACER
Community Development Resource Agency

ADMINISTRATION

Michael J. Johnson, AICP
Agency Director

October 9, 2009

Jim Telling
Highlands Hotel Company, LLC
P.O. Box 2537

Truckee, CA 96160

SUBJECT: Approval of Temporary Surface Employee and Overflow Parking for the Ritz-Carlton Highlands, Lake Tahoe

Dear Mr. Telling:

As discussed at our meeting on August 26, 2009, the Highlands Hotel Company, LLC (HHCo) is continuing to address all outstanding Conditions of Approval for the Ritz-Carlton Highlands, Lake Tahoe to allow for the opening of the hotel in early December. One of the issues discussed at our meeting was the need to address employee and overflow event parking in the near-term, as well as the need to identify a long-term solution for employee parking.

Currently, an area in front of and downhill from the hotel is being used as the construction staging area. This area has been previously approved for a sixty one unit residential condominium project. Because of current market conditions, HHCo is not considering commencing development of the parcels for at least another two to three years. During the interim period, HHCo has considered utilizing this already-paved construction staging area as a location for Hotel employee parking. Additionally, the construction staging area was seen as a possible location for short-term overflow event parking.

While long-term solutions for the ultimate placement of employee parking continue to be explored (in addition to the already-identified parking at the Tahoe-Truckee Airport), it is the hope of HHCo and The Ritz-Carlton that the construction staging area could be used as a near-term solution to minimize the time, vehicular traffic and expense associated with shuttling employees back-and-forth from the Tahoe-Truckee Airport area.

In reviewing the project file and the associated records, I have concluded that the intent of the conditions was to assure that, at Highlands Phase 1 project build-out there is a comprehensive parking and transit management plan. My interpretation of Northstar Highlands Condition #129 is that the condition does not extend to prohibiting temporary parking on a construction staging areas. After taking into consideration that the area where the construction staging is currently located and the knowledge it will ultimately be developed with residences as part of the Northstar Highlands Phase 1 project, the County

can be assured that higher and better uses have already been approved and the potential to allow for the area to be used as permanent surface parking is limited.

On the basis of the analysis described above, I hereby conclude that the Conditions of Approval for the Northstar Highlands project intended to address build-out conditions of the project, and that the temporary, short-term use of the existing construction staging area for use by employee and overflow parking is permitted. Accordingly, I hereby approve the use of the construction staging area for short-term employee and overflow parking, as shown on Attachment A, subject to the following conditions:

- All applicable conditions previously approved for the Northstar Highlands project shall remain intact and in effect.
- The use of the construction staging area for employee and overflow parking shall be permitted from December 2009 through December 2011. Prior to December 1, 2011, HHCo (or any other responsible party) may request a one or two year extension to this approval. Prior to granting any extension of approval, County staff shall determine the effectiveness of the use of the construction staging area for employee/overflow parking, and shall determine the appropriateness of allowing an extension to this approval.
- Consistent with Northstar Highlands COA #129, HHCo shall continue to work with County staff to create and identify a long-term and permanent parking and transit plan for Northstar Highlands Phase 1, including addressing employee and overflow parking of the Ritz-Carlton Highlands, Lake Tahoe.

Should you have any questions or need additional information regarding this approval, please call me directly at (530) 745-3099.

Sincerely,

MICHAEL J. JOHNSON, AICP
Agency Director

cc:

