



Tahoe Regional Planning Agency
Regional Plan Implementation Committee and Governing Board
128 Market Street
Stateline, NV 89449

June 22, 2015

Subject: Tahoe Basin Area Plan 2015 Notice of Preparation and Tahoe City Lodge Project

Dear Chair Beyer and Members of the Governing Board and Regional Plan Implementation Committee:

The Friends of the West Shore (FOWS) and Tahoe Area Sierra Club (TASC) appreciate the opportunity to provide comments regarding the Placer County Tahoe Basin Area Plan (TBAP) Revised Notice of Preparation (NOP). FOWS and TASC appreciate the time taken by Placer County and TRPA staff to revise the NOP and provide the public with the full suite of NOP and draft Area Plan documents. We are extremely concerned with the environmental and community impacts of the proposed TBAP's proposals/plans, including but not limited to the proposed changes in zoning related to allowing areas of higher density, the conversion of Commercial Floor Area (CFA) to Tourist Accommodation Units (TAUs), the intent and impacts of the "Opportunity Sites," the complexity of the planning document (e.g. including programmatic level and project-level reviews in the same document), and the lack of land use planning for future flooding events. Although we will provide more detailed comments before the public scoping comment period ends, we have compiled several initial recommendations and concerns to be evaluated in the DEIR/S. Subjects include, but are not limited to:

- The Environmental Document, Process, and Tiering
- Pilot Program(s)
- Adaptation to Climate Change
- Traffic and Transit impacts and benefits
- Affordable/low-income housing
- Scenic impacts and viewsheds
- Alternatives to examine in the DEIR
- Density, Smart Growth, and Critical Mass
- Water Supply, Drought, and Climate Change, and
- Cumulative Impacts, including Reasonably Foreseeable Projects

Detailed comments follow below, and we also herein incorporate all comments submitted by Ellie Waller and the North Tahoe Preservation Alliance. Please feel free to contact Jennifer Quashnick at jqtahoe@sbcglobal.net if you have any questions.

Sincerely,

Susan Gearhart,
President
Friends of the West Shore

Laurel Ames
Conservation Chair
Tahoe Area Sierra Club

Jennifer Quashnick
Conservation Consultant

1. The Environmental Document, Process, and Tiering

There have been many changes since the first NOP was released in July 2014,¹ and now the Tahoe City Lodge Pilot Project has been added. The NOP states the Area Plan review and the Kings Beach Town Center Design concept will be evaluated at the program-level,² while the Pilot Project will be analyzed at the project-level. All analyses will be combined into the same EIR/S document, although staff clarified at Placer County's 6/16/2015 public scoping workshop that the Tahoe City Lodge Project review would eventually be considered separate from the Area Plan at the project-approval stage. With program-level reviews, project-level reviews, design concepts, and pilot projects, there is great potential for the distinctions among the different review levels to be confusing. We recommend staff lay these out very clearly for the public and decision-makers. In addition, when alternatives are considered (see comments below), this may become even more complex as there will be program-level alternatives to review which may conflict with the proposed Tahoe City Pilot Project and Kings Beach Design Concept.

We request that TRPA and Placer County ensure the environmental document and process are very clearly explained to the public and decision-makers.

The Regional Plan Update (RPU) EIS was conducted at a "broad, regional scale with a focus on overall policy-level issues."³ The localized impacts of the policies in the RPU, as well as the impacts of changes in the proposed draft Area Plan (that were not included in the RPU), must be thoroughly examined in the EIR/S. For example, although the RPU adopted a new threshold standard for attached algae,⁴ the conditions of the nearshore areas around Tahoe City and Kings Beach, the relationship to runoff, the complexity of water patterns, and upland developments, were not examined at a localized scale. Further, the RPU's policies were based on implementation of the TMDL requirements,⁵ which focus on mid-lake clarity, not the nearshore.⁶

¹ "An NOP for the Area Plan was previously released on July 16, 2014; this revised NOP is being released because of substantial changes to the Draft Area Plan and because the EIR/EIS will now include project-level environmental review of the Tahoe City Lodge Pilot Project." (NOP, p. 1)

² "The EIR/EIS will analyze impacts of the Area Plan at a program level." (NOP, p. 2)

³ "As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or project required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects." (Final RPU EIS, Volume 1. Response to comment O16-160)

⁴ "Significant [RPU] amendments include... Establishing new Threshold Management Standards for attached algae (a nearshore water quality indicator) and aquatic invasive species." (Final RPU EIS, Volume 1, p. 3-26).

⁵ "The Draft Regional Plan included targeted amendments that support the findings and water quality improvement strategies of the TMDL." (Final RPU EIS, Volume 1, p. 3-26).

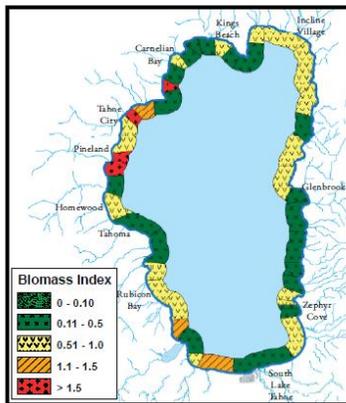
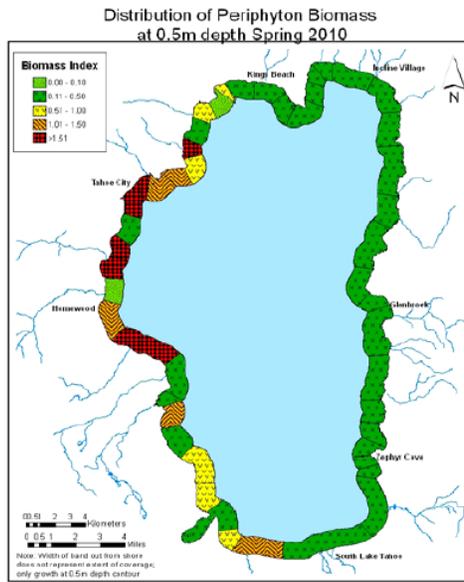
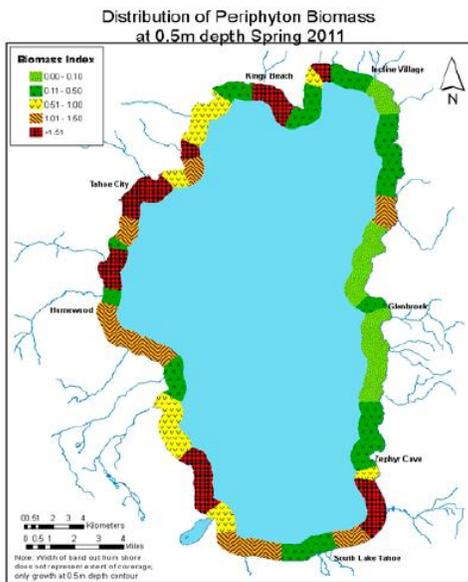
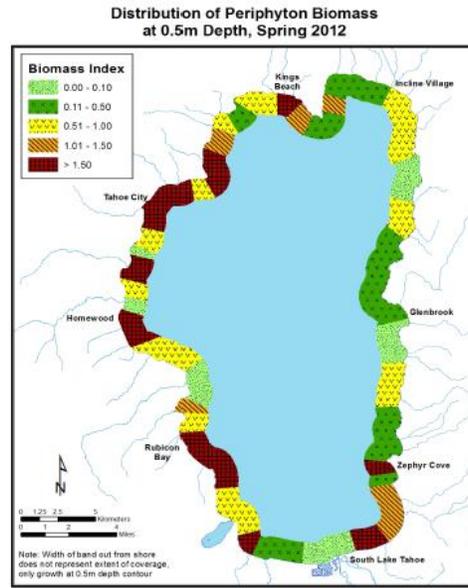
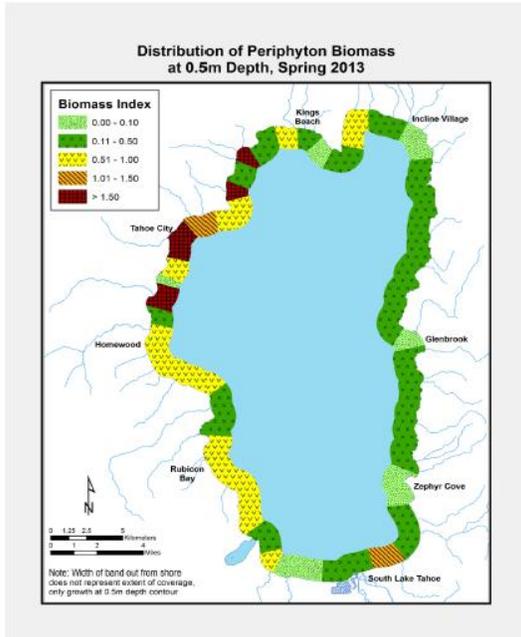
⁶ In the Lahontan Regional Water Quality Controls Board's 11/02/2010 response to TMDL comments by the League to Save Lake Tahoe (LTSLT-56), Lahontan stated: "The draft Lake Tahoe TMDL was developed to meet federal requirements under section 303(d) of the federal Clean Water Act, by addressing Lake Tahoe's deep water transparency. Because the Lake is not meeting the deep water transparency standard, it was listed as impaired on the federal 303(d) list. The TMDL was developed to specifically address that impairment. Because Lake Tahoe's nearshore environment is not yet listed as impaired on the

As noted by the Tahoe Environmental Research Center's (TERC's) State of the Lake Reports (2008-2014),⁷ attached algae biomass is generally elevated along the north and west shores of Lake Tahoe.⁸ In fact, the biomass in the nearshore adjacent to Tahoe City has been among the highest documented in the State of the Lake Reports each year since 2008:

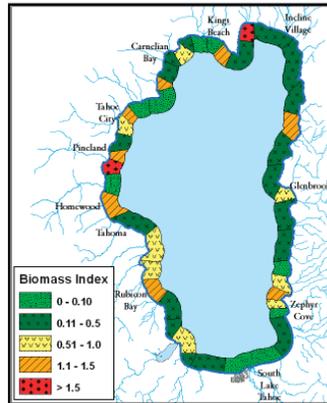
State Water Board's 303(d) list, the draft Lake Tahoe TMDL does not specifically address issues in the nearshore." [Emphasis added].

⁷ <http://terc.ucdavis.edu/stateofthelake/>

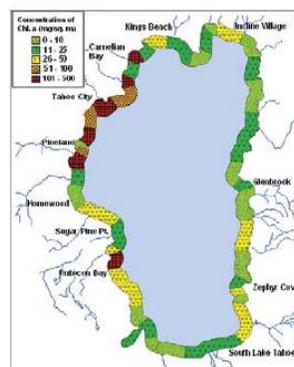
⁸ "Zones of elevated PBI are evident, particularly along the north and west shores of Lake Tahoe..." p. 10.9. http://terc.ucdavis.edu/stateofthelake/sotl-reports/2014/10_biology.pdf



2009



2008



2007

The RPU EIS did not analyze impacts at the localized scale, where effects on the nearshore are more direct. Rather, the RPU EIS's regional analysis treated Lake Tahoe as one large 'bowl,' only examining impacts from the perspective of mid-lake clarity. Where and how much pollution enters the Lake and how it affects the immediate nearshore areas are topics that were not examined in the RPU EIS. In response to public comments requesting examination of the nearshore conditions and increased coverage in Town Centers bordering the Lake,⁹ the Final RPU EIS included a PLRM model estimate. However, the model only developed estimates of the *runoff* from properties with BMPs compared to that of properties without BMPs; it contained no examination of the location of the runoff, the existing nearshore conditions, the substrate or lack thereof, water depth, and other local features.¹⁰ For example, the same amount of pollution entering the Lake in the south shore may not have the same impact as the same amount of pollution entering the Lake near Tahoe City. Differences in local areas such as the depth of the nearshore water, which impacts the level of mixing in the nearshore, and the lake bed features in the localized environment (e.g. rocks versus sand), may lead to more or less algae in a given area. For example, since periphyton is attached algae, it will be more common in areas where there are more items to attach to in the nearshore (e.g. rocks). In addition, the Final RPU EIS notes the PLRM simulation is "a simple aggregate representation of all centers:"

Note: The PLRM simulation described in Appendix C of the Final EIS is a simple aggregate representation of all Centers. The results presented in Table 3-4 are valid as a relative comparison of estimated changes in pollutant loading that could result from policies included in the Final Draft Plan. In practice, the Lake Tahoe TMDL requires local jurisdictions to complete load reduction plans that identify catchments (i.e., sub-watersheds) and their respective pollutant loading to Lake Tahoe. Estimates of existing condition pollutant loading in specific community centers, developed by local jurisdictions using site-specific analysis and detailed stormwater modeling, will differ from the existing condition estimate presented in Table 3-4. (Final RPU EIS, Volume 1, p. 3-31)

As a result, the TBAP EIR/S must thoroughly examine the specific impacts of each alternative on the nearshore areas affected by land in the Area Plan. The EIR/S must also clearly identify the existing conditions of Tahoe's nearshore areas that fall within and/or border the Area Plan, and the impacts of the Area Plan's policies and requirements.

2. Pilot Program(s)

The NOP and draft TBAP documents do not include a definition or list of criteria to document what qualifies as a "Pilot Project or Program." For example, the Area Plan/RPU needs to identify what type, size, location, and other features qualify a project to receive exemptions and/or amendments to the TRPA RPU. As the goal of the RPU is to achieve and maintain threshold standards, the Area Plan/RPU must also identify what level of environmental benefit a project or program must provide, and how it will be measured and ensured, in order to receive the special considerations. Finally, the definition needs to include the purpose of the Pilot Project or Program and a plan for how the results will be used to

⁹ For example, 6/27/2012 comments by the CA Attorney General state: "The DEIS explains that attached algae in the nearshore is an important water quality issue, and that addressing it would have a beneficial effect on water quality. Yet the DEIS does not contain any analysis of the impacts to the nearshore of the numerous proposed changes to coverage rules contained in Alternative 3 and other alternatives." (TRPA RPU Final EIS, Volume 2, p. 2-75). [Emphasis added]

¹⁰ Final RPU EIS, Volume 1, p. 3-31 and 3-32.

assess the pros and cons of the Pilot Project/Program and be used to influence any amendments to the RPU or Area Plan that are needed to provide additional environmental benefits.

We request the EIR/S clearly lay out this information so the public may review and comment on the Pilot Project/Program and associated criteria and assessment tools, as noted above. In addition, the EIR/S must clearly analyze the potential impacts of the proposed Pilot Program, including negative impacts that may result, and actions that will be taken to mitigate them, if the anticipated benefits (which also need to be defined) are not realized.

3. Adaptation to Climate Change

The NOP and draft Area Plan give very little attention to need to **adapt** to the impacts of climate change. The document focuses solely on analyzing GHG emissions.¹¹ However, available climate change information has for years indicated that our precipitation patterns will shift, meaning we will see more rain, less snow, and heavy rains will often come in large, individual storms. This will result in a lot of rain in a short period of time, and as noted by meteorologists,¹² we need to prepare for larger episodic storms.¹³ In fact, meteorologists have continued to warn the public of the likelihood of increased 200- to 500-year Megaflood storm events as a result of climate change.¹⁴ Now is the time to plan for accommodating more water.

¹¹ “The EIR/EIS will evaluate potential air quality impacts using the latest widely accepted air quality modeling tools. Projected air quality conditions and GHG emissions associated with the Area Plan and the Tahoe City Lodge Pilot Project will be compared against the conditions contemplated in the Regional Plan EIS, RTP/SCS EIR/EIS, and Lake Tahoe Sustainability Action Plan to determine whether they are within the envelope of what has already been analyzed.... With regards to Tahoe City Lodge Pilot Project impacts on GHGs and climate change, the EIR/EIS will quantify estimated operational carbon dioxide emissions from both stationary and mobile sources.” (NOP, p. 16)

¹² http://www.waterboards.ca.gov/lahontan/board_info/agenda/2015/jan/item_13.pdf

¹³ Excerpt of Summary Point slide from referenced presentation to the Lahontan Regional Water Quality Control Board, January 2015 included below in document.

¹⁴ http://tahoe.ca.gov/wp-content/uploads/2014/06/files/2013_VO/UTR_/Dettinger_Ingram_sciam13.pdf;
<http://www.tahoe-culture.com/events/north-shore-events/arkstorm-impacts-at-lake-tahoe-at-terc-jan-31/>;
http://meteora.ucsd.edu/cap/pdf/files/ARKStorm_Summit_Handout_Final.pdf

SUMMARY POINTS

- California's climate is prone to year-to-year and longer term variation in precipitation—drought is an expected part of our climate—present and future.
- Climate warming will broadly affect California hydroclimate and impact water systems across-the-board, but heterogeneously. Expected impacts of climate change: longer “warm” season, loss of spring snow pack, greater winter flood risks.
- Climate changes in annual precipitation remain uncertain in northern California. However, climate change are currently projected to affect precipitation intensities—fewer overall wet days but more intense heavy events.
- Implications:
 - Less snow, more rain
 - Earlier run-off from traditionally snow-fed mountain watersheds
 - Larger floods
 - Potentially, less stored water
 - Water quality implications: warmer surface water, warmer dry spells, .

USGS science for a changing world | Southwest Climate Science Center | CNAP California Nevada Climate Applications Program | Center for Western Weather & Water Extremes UCPR/UCI/UCSD/UCED

The EIR/S must examine the impacts that will result from 200- and 500-year storms, including where the water will go and how it will be managed, under each alternative.

We request Placer County take the opportunity to plan for this now by designing an Area Plan with adequate flood plain protection that accounts for the best available science. The EIR/S must evaluate the impacts of flooding, and identify mechanisms and available land that will be used for flood attenuation.

4. Stormwater Design:

Increased flooding will not only pose a threat to private property and public safety, but will also generate more stormwater runoff, thus creating impacts to both mid-lake and nearshore clarity. As noted in our comments to TRPA on the RPU,¹⁵ there is no evidence to support that planning to capture stormwater based on a 20-year storm design, is sufficient. Excerpts of our comments are included below for easy reference:

Failure of the 1-inch Storm Rule to Protect Soil.

In over-covered areas, the 1-inch storm standard can be too little to protect downstream soils, or protect streams and the lake from excess runoff. [It is important that] adequate performance/maintenance be documented with a requirement to timely

¹⁵

http://www.trpa.org/documents/reisc/2_Other%20Organizations/League%20to%20Save%20Lake%20Tahoe,%20Friends%20Of%20West%20Shore,%20Tahoe%20Area%20Sierra%20Club%20-%20Joint%20Comments.pdf

replace/rebuild non-functioning BMPs. High and over-covered areas in directly connected catchments increases the percentage of rain and snowmelt that would be discharged due to the excess impervious cover, and makes it more difficult for area-wide BMPs to infiltrate or fully treat pollutant loads.

The EIS fails to analyze the adequacy of the 1-inch storm standard in relation to the increased coverage that the plan allows. Also, given advances in scientific understanding over the past two decades, is the 1-hour storm design even appropriate as a basin-wide standard? How do differences in precipitation in different parts of the Basin affect stormwater and runoff? What about different soil types? Are designs for west shore appropriate along east shore, or vice versa? In fact, TASC reviewed several studies associated with the Boulder Bay project evaluated such details and significant differences in runoff were noted with different designs.

(http://www.trpa.org/documents/CEP/Boulder_Bay/FEIS/Appendix_AB_Supplemental_WQ_Study.pdf).

“It is important to note that when stormwater is allowed to run off of the project area, that runoff contains sediment (including fine sediment), nitrogen and phosphorus, the primary elements leading to loss of Lake clarity. It is also critical to understand that the 20yr/1hr storm and the 100yr/1hr storm are design specifications and are not representative of how precipitation and runoff actually occur. In reality, storms often occur in a series, which can result in nearly saturated soils or partially filled storm-water infiltration galleries, tanks or detention basins, thereby reducing conceptual design capacities of storm water management strategies. As a result, we could have a relatively dry year in terms of total moisture, which produces significant runoff because the storms that did occur were abnormally large or occurred in close succession. In order to truly understand the potential for runoff, and as a result the transport of fine sediment, nitrogen and phosphorus, we must model actual data to accommodate the following: • Multiple storms back-to-back; • Longer duration storms; • The timing of storm events (fall, winter, spring); and • The impact of periodic events such as El Nino years.” [Emphasis added].

The EIR/S should analyze whether the 1-hour storm design standard is adequate for ROS (rain-on-snow) events and other high runoff events in the Area Plan, with emphasis on the more developed areas (e.g. Tahoe City and Kings Beach), especially in the face of projected 200-year storms. This assessment needs to be part of a more comprehensive analysis of the impacts of the Area Plan on nearshore areas. We also recommend that water quality treatment plans and projects be designed to accommodate water from 100- to 200-year storms.

5. Traffic and Transit impacts and benefits

The TBAP will draw more residents and day and night visitors to the West and North Shores of Lake Tahoe.¹⁶ This will result in more vehicle traffic in the Basin, including down the West Shore’s 2-lane S.R. 89, especially given the popularity of viewing Emerald Bay.¹⁷ The

¹⁶ “Implementation of the proposed Area Plan and redevelopment of the opportunity sites could influence population growth and housing availability in the Tahoe Region. Direct and indirect population growth will be analyzed in the EIR/EIS.” (NOP, p. 15); Also, see *Table 3.12-1. Population Totals for 2020 and 2035 for Project Alternatives*, RPU DEIS, p. 3.12-9.

¹⁷ “The most popular attraction was Emerald Bay, with 47 percent of survey respondents indicating spending time during their visit there.” North Lake Tahoe Resort Associate Visitor Research, p. 6.

NOP notes the EIR/S will examine LOS impacts, however, does not include VMT.¹⁸ Further, the RPU EIS did not analyze the VMT effects associated with individual Town Centers.¹⁹

The NOP states the analysis will compare traffic impacts to those contemplated by the Regional Plan EIS and RTP/SCS EIR/EIS. However, new projects and plans have since shed more light on increased traffic along the North and West Shores. For example, more recent traffic information was collected for the Fanny Bridge EIS/EIR.²⁰ The DEIR for the proposed expansion of Squaw Valley has also been released, and forecasts additional traffic within the Tahoe Basin. Further, the Squaw Valley DEIR/S concludes “significant and unavoidable” traffic impacts to State Route 28 through and east of Tahoe City.²¹

The EIR/S must examine the VMT generated by the proposed TBAP throughout the entire Area Plan and for individual Centers and Mixed-Use areas. The analysis must also reflect the most recent information regarding transportation conditions and impacts, and the cumulative impacts of reasonably foreseeable projects.

The County’s desire for increased tourist accommodations for overnight guests, as also reflected by the proposed Tahoe City Lodge Pilot Project,²² will draw an estimated 175,200 new visitors per year from outside of the Basin.²³ Most visitors to the area come from the drive-up markets of the Sacramento/Central Valley and San Francisco Bay Area.²⁴ In fact, the project proponent stated that the idea is for new hotel guests to “come by car, park, then recreate.”²⁵ Even if visitors do “park once” then walk and bike around the area, there is still an increase in traffic from visitor ingress and egress as additional visitors come and stay overnight in the Basin.

¹⁸ “Transportation issues are important at both the regional and local levels. On the regional level, transportation systems are key generators of air pollution and water pollution that affect many of TRPA’s environmental thresholds. At the local level, transportation conditions affect the quality of life for residents and visitors as well as economic vitality. Traffic conditions will be evaluated for the proposed Area Plan, and compared against conditions contemplated in the Regional Plan EIS and RTP/SCS EIR/EIS. The EIR/EIS analysis will include analysis of regional VMT and traffic volume forecasts. These forecasts will be used to assess the Level of Service (LOS) that would occur at key roadway segments and intersections. In addition, conditions for other transportation modes—transit, water transit, bicycle, and pedestrian—will be assessed to determine the proposed project’s ability to reduce automobile dependency while enhancing mobility, a goal of the Regional Plan and RTP/SCS.” (NOP, p. 17).

¹⁹ “Due to the policy-level environmental analysis, VMT effects associated with individual Town Centers were not analyzed.” (Final RPU EIS, Volume 1, p. 3-119).

²⁰ http://www.trpa.org/wp-content/uploads/Apdx-G_Traffic-Data.pdf

²¹ “**Significance after Mitigation** Because there are no available mechanisms to provide an acceptable LOS on the SR 28 and SR 89 segments in question, this impact would be significant and unavoidable.” http://www.placer.ca.gov/~media/cdr/ECS/EIR/VSVSP/DEIR/9_VSVSP_DEIR_TransandCirc.pdf; Village at Squaw Valley Specific Plan EIR, p. 9-63.

²² Tahoe City Lodge Pilot Project objectives include: “develop high quality tourist accommodations and amenities in the Tahoe City Town Center; . . . provide new jobs, increased property and transient occupancy taxes, and other economic benefits;” (NOP, p. 7). Notably, the project aims to add a 120-unit Lodge to the area (NOP, p. 8). This will clearly draw additional overnight visitors to Tahoe City.

²³ As noted in the ED Incentives Draft Hearing Report at <http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUUpdate/DraftAreaPlan2015/Draft%20Hearing%20Report.PDF> (p. A-16), and in the NOP (p. 4), Placer County envisions an additional 400 new hotel units. The Hearing Report estimates this will result in 175,200 new visitors per year.

²⁴ ED Incentives Draft Hearing Report, p. A-3.

²⁵ Stated during 6/16/2015 Placer County NOP Scoping Workshop.

The increased VMT and LOS impacts associated with the increase in visitors entering and exiting the Basin must be adequately assessed in the EIR/S.

We appreciate the TBAP's aim to modify parking standards to reduce minimum parking requirements for some land uses and promote shared-use parking (NOP, p. 4). However, new uses such as the proposed Tahoe City Lodge Pilot Project will create a net increase in parking spaces (NOP, p. 8). Further, the NOP states the Pilot Project will include new shared parking with the golf course. The project proponent recently stated that hotel guests would use the parking lot at night, while golf course guests would use it during the day.²⁶ However, this would imply that hotel guests will not actually 'park once' if they are assumed to be driving somewhere else during the day and thus freeing up spaces for patrons of the golf course. This conflicts with the Area Plan's (and RPU's) aim to reduce driving and increase the walkability in Town Centers.

The EIR/S must examine the impacts of providing more parking on the success of the use of transit. The EIR/S must also examine the trips and VMT generated by the additional guest vehicles, and how shared parking will be managed if guests truly do 'park once.'

6. Affordable/low-income housing

The proposed resort and tourist developments will bring more jobs to the area. However, as is common knowledge, most seasonal/resort industry jobs are often part-time and/or pay low/minimum wages. The draft Policy document contained eleven policies under Goal HS-G-3, which specifically called for encouraging the development of low- and very low-income housing and assistance.

HS-G-3 Encourage development of very low-, low-, and moderate-income housing throughout the entire Community Plan Area consistent with Placer County Housing Element's Regional Housing Needs Allocation for the Tahoe Basin (p. 2-27 to 2-28).²⁷

However, in the draft TBAP, these policies have been removed and/or changed. The new language is more general in nature (with a focus on "affordable housing"), yet specifically calls attention to workforce and moderate-income housing only.

HS.P-7

Future housing efforts should seek to remove identified barriers preventing the construction of necessary affordable housing in the region including, but not limited to, workforce and moderate - income housing, secondary residential units and long -term residency in motel units. (draft TBAP, p. 108)

Creating more low-income jobs while not including policies and incentives to provide low- and very low-income housing will serve to further widen the gap between income and cost of housing. Not only does this create social and economic impacts, but when employees cannot afford to live in the Basin, they are forced to commute from other areas, thereby creating

²⁶ Stated during 6/16/2015 Placer County NOP Scoping Workshop.

²⁷

<http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUUpdate/DraftPolicyDoc/Ch2LUandCommDesign.pdf>

additional VMT and vehicle trips. In addition, as developers have told TRPA at several public meetings, the RPU's incentive program is not expansive enough to support the redevelopment of high-end accommodations, the question arises regarding how those incentives will also support the re/development of low- and very low-income affordable housing.

The EIR/s must examine the number, duration (seasonal/year-round, full time/part time), and wages associated with the jobs that will be created by the new re/development promoted by the RPU and draft TBAP, as well as the Pilot Project. The EIR/S must evaluate this information in light of housing needs, and identify policies and regulations that will ensure adequate affordable housing is provided for the new jobs promoted by the TBAP. We also recommend the 2014 policies noted above (as were included in the housing policies in Placer County's Policy Document) be included in the TBAP.

Finally, as the draft TBAP has identified "Opportunity Sites" for development, we request the EIR/S identify potential locations for low- and very low-income housing. Further, the EIR/S should evaluate how policies and incentives will allow for the provision of such housing. Alternatives should include increased requirements for those generating the low- and very low-income jobs to provide adequate housing for the employees.

7. Scenic impacts and viewsheds

The proposed TBAP includes a new approach related to viewsheds:

Implementing Regulations for this Area Plan expand upon the TRPA finding to require that any proposed four-story project on the Lake side of highways either maintain 35 percent of the site as open view corridors to Lake Tahoe, or if existing development does not comply, increase the width of open view corridors by ten percent or more. (TBAP, p. 97).

ii. Four-story buildings in Town Centers located between Lake Tahoe and State Highways 28 or 89 shall maintain 35 percent of the site as open view corridors to Lake Tahoe, or if existing development does not comply, increase the width of open view corridors by 10 percent or more. (2.09 Overlay Districts, A.1.a.ii).

The intent of this language is unclear. We asked staff about the new requirements during the 6/16/2015 public workshop. Staff responded that this results in additional protection of views, in that TRPA's current scenic standards which do not allow for a 'net loss' in views²⁸ are based on "uphill views," while this new standard applies to ground-level views. This meaning is not clear in either the Area Plan or the Implementing Regulations. We are concerned that as written, it suggests only 35% of an existing view of the Lake needs to be preserved when a new 4-story building is constructed.

We request this regulation be amended to clearly define the applicability of this regulation. Further, the EIR/S must examine how views from all levels, including ground-level and uphill, are impacted by the 3- and 4-story buildings that will be allowed in Town Centers.

²⁸ **37.7.9. Finding 9**

When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss."

8. Alternatives to examine in the DEIR

Additional recommendations will be provided by the August 3rd deadline for public scoping comments. However, the EIR/S should include alternatives that provide a complete path toward threshold achievement and maintenance. The EIR/S must also examine and disclose *how* each alternative will achieve and maintain thresholds and/or negatively impact thresholds. For example, for each alternative, the EIR/S should examine and disclose the acres of SEZ that will be restored to a fully functioning SEZ, as well as the amount of SEZ that will be reclassified as non-SEZ, as well as the SEZ acres that will be developed with public service facilities and bike trails (as these public facilities are allowed in SEZs).

In addition, the baseline/no action alternative must represent the land uses included in appropriate Plan Area Statements and Community Plans. Because the RPU's Town Center and mixed-use zoning changes do not take effect unless and until an Area Plan is adopted, the baseline must not contain these changes.

9. Density, Smart Growth, and Critical mass

The concept of 'smart growth' and walkable/bikeable communities assumes that with higher densities in mixed-use areas, per capita driving will decrease. We have expressed several concerns with this concept:

- The TRPA thresholds are not based on *per capita*. Rather, standards for VMT and other environmental resources are based on the total impacts to the Basin and/or a given area.²⁹
- As noted in our comments on the RPU EIS,³⁰ the approach the RPU relied on to estimate reductions in per capita driving is based on information involving development in larger metropolitan areas, such as in Southern California and the San Joaquin Valley.

The RPU EIS did not analyze the 'critical mass' needed for Tahoe's individual communities to make the 'smart growth' approach succeed in reducing overall driving.³¹

²⁹ http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch3_Air-Quality_Oct2012_Final.pdf

³⁰ Other impacts of the population increases associated with the proposed alternatives will negatively impact other threshold standards. Again, this is all apparently done in an attempt to meet CA GHG regulations. The RPU DEIS and RTP DEIR/S have also repeatedly relied on CA-based guidance documents, regulations, models, and other state-based tools that are not reflective of the Basin's unique conditions or environment. Further, the entire concept that by increasing population we can decrease impacts only works (if at all) in areas experiencing major urban sprawl. The references used to support the assumed 'benefits' of the "smart growth concepts" in the Basin (*e.g. Niemeier, Bai, and Handy 2011; pp. 75-79; EPA 2001: p. 47*) are based on areas like Southern California and the San Joaquin Valley that do not in any way compare to the Lake Tahoe Basin. (Final RPU EIS, Volume 2, p. 3-402).

³¹ As explained in our comments on TRPA on the Final RPU EIS, "Several public comments, including ours, asked whether the areas identified for coverage transfers have enough density or adequate configurations to achieve the purported VMT benefits associated with "densification."⁵⁷ We also questioned the relevance of the studies referenced in the RTP EIR/S as they were based on locations with completely different populations, configurations, and anticipated future growth when compared to the Tahoe Basin... In response, TRPA refers readers to Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT, and Master Response 5, Effects of Concentrated Development on Water Quality. Both Master Responses fail to address the detailed

Further, as summarized in the *Paradox of Intensification* (Melia et. al.),³² “Urban intensification as part of a smart growth strategy can facilitate low energy transport modes and reduce overall car use, with benefits to the global environment but evidence suggests the effect will be less than proportional. Hence, in locations where intensification occurs, greater concentrations of traffic tend to occur, and this worsens local environmental conditions. This phenomenon is defined below as the “paradox of intensification.” [Emphasis added].

Since the RPU EIS only provided a broad, regional policy-level review, and did not analyze the VMT impacts within Town Centers, nor the benefits and/or consequences associated with the specific densities proposed in the Town Centers, there remains no evidence upon which to conclude that the increased densification included in the RPU and proposed in the TBAP will reduce driving. Instead, as noted by Melia et. al., evidence suggests it will worsen local conditions. If conditions worsen from these developments in larger urban areas where most people are full time residents, then the question of how conditions will be changed in our smaller communities, where millions of visitors come each year, must be addressed. Although GHG emissions are viewed on a larger, regional/worldwide scale, TRPA’s thresholds for air quality, noise, water quality, VMT, and other natural resources are specifically based on the protection of Lake Tahoe’s environment. These impacts must be examined and disclosed in the EIR/S.

The EIR/S must determine what the critical mass needs to be for the walkable/bikeable concepts to work as intended by the RPU, based on the specific features, developments, populations, and visitor trends in individual communities and Town Centers. This must be assessed at a local scale, and for each individual Town Center and Mixed-Use area.

10. Water Supply, Drought, and Climate Change

It is common knowledge that we are in our 4th year of drought. Most of California, including the Lake Tahoe Basin, is classified as “exceptional drought” (see below). This is the worst rating we could have. It is time to rethink how much water can be used for new developments (including large redevelopments). The water available from the Lake Tahoe Basin is already limited by the Truckee River Operating Agreement (TROA).³³ There is no water entering the Truckee River from Lake Tahoe, and other reservoirs that supply the Truckee River as it flows from the Basin to Pyramid Lake are already drying up.³⁴ New developments, especially overnight tourist units and new residential developments, will increase the demand for water in the Basin. New construction also requires water. In addition, most existing homes in the Basin are second homes. However, as the rest of California becomes warmer and dryer, more people may choose to move to Tahoe’s relatively cooler climate. If more vacant homes become full time homes, the demand for water will increase above present levels.

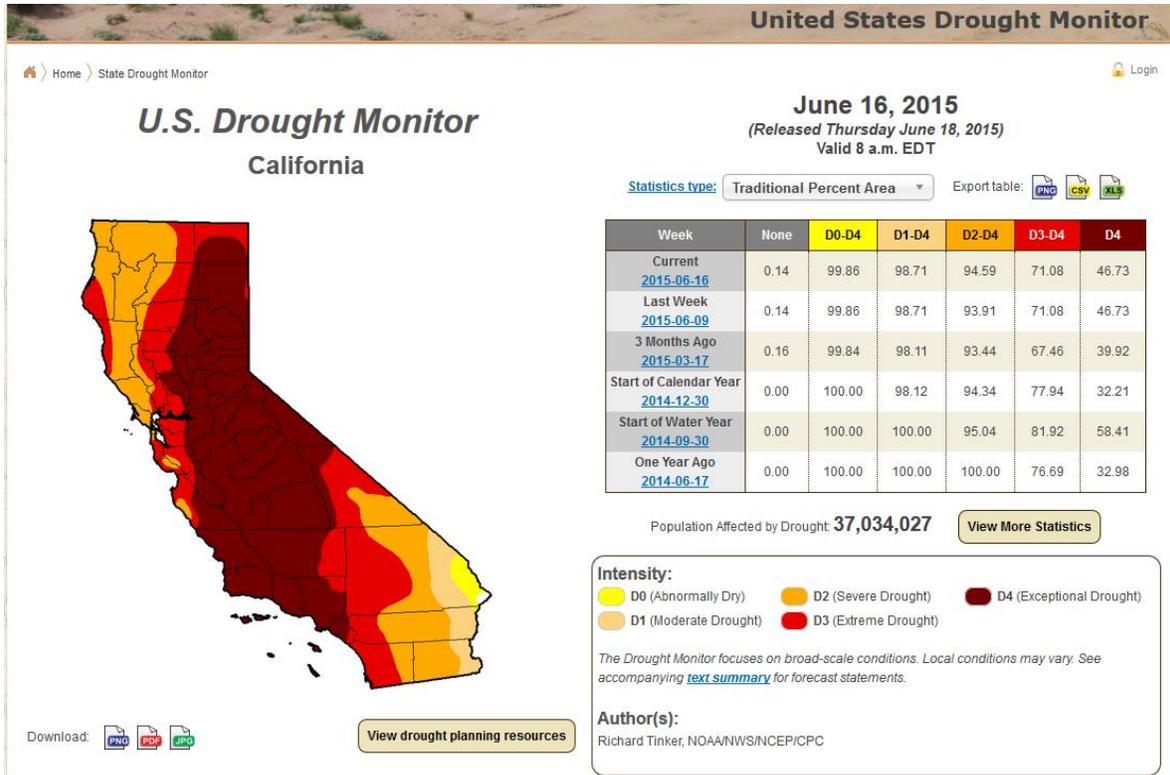
comments and questions raised by the public on these topics.”

(http://www.trpa.org/documents/reisc/6_Comments%20Received%20Outside%20Comment%20Period/Comments%20received%20after%20release%20of%20Final%20Drafts/TASC_FOWS_8.pdf; p. 70).

³² Melia, S.; Barton, H.; Parkhurst, G. "[The Paradox of Intensification](http://eprints.uwe.ac.uk/10555/2/melia-barton-parkhurst_The_Paradox_of_Intensification.pdf)" (PDF). *Transport Policy* **18** (1). http://eprints.uwe.ac.uk/10555/2/melia-barton-parkhurst_The_Paradox_of_Intensification.pdf

³³ <http://www.troa.net/>

³⁴ <http://www.laketahoenews.net/2015/04/boca-reservoir-water-flow-cut-off/>



In light of the prospects of a potentially persistent drought and the increasing effects of climate change, a new analysis needs to be undertaken to determine whether water supplies will be adequate to provide service to this and other Area Plans provided for under the RPU.

11. Reasonably Foreseeable Projects and Plans and Cumulative Impacts

The EIR/S must examine the cumulative impacts of the proposed project in addition to other proposed, approved and not-yet-built, and reasonably foreseeable projects. These projects include, but are not limited to:

- The Martis Valley West Area Plan³⁵
- The Village at Squaw Valley Specific Plan³⁶
- The Martis Valley West Specific Plan³⁷
- The Homewood Mountain Resort³⁸
- Boulder Bay;³⁹
- Alpine Meadows;⁴⁰ and
- Expansions in Northstar⁴¹

³⁵ This Area Plan was suspended, but the application has not been terminated or rescinded by the applicant, and the applicant has stated future intentions to reconsider the proposed Area Plan.

<http://www.tahodailytribune.com/news/15304708-113/developer-residential-units-still-possible-above-north-tahoe>

³⁶

<http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/villageatsquawvalley/draft%20eir>

³⁷ <http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/martisvalleywestparcel>

³⁸ <http://www.skihomewood.com/masterplan>

³⁹ <http://www.trpa.org/document/projects-plans/>

⁴⁰ <http://www.moonshineink.com/news/alpine-meadows-could-get-first-new-subdivision-30-years>

⁴¹ For example, <http://ewpartners.com/development-projects/lake-tahoe/the-highlands-northstar/>.