

### 3.3 ORGANIZATIONS



California Clean Energy Committee

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Letter  
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August 15, 2016

Placer County Community Development Resources Agency  
Environmental Coordination Services  
3091 County Center Drive, Suite 190  
Auburn, CA 95603

Re: Comments on Draft Environmental Impact Report  
Placer County Tahoe Basin Area Plan  
State Clearinghouse No. 2014072039

To Whom It May Concern:

This letter will constitute comments by the California Clean Energy Committee on the Draft Environmental Impact Report for the Placer County Tahoe Basin Area Plan and the Tahoe City Lodge Project (EIR).

The proposed project is an update of the area plan for the portion of Placer County that lies within the Lake Tahoe Basin. It would update the existing community plans, general plans, plan area statements, maps and regulations in the subject area.

The California Clean Energy Committee is a California non-profit corporation located in Davis, California, which advocates on behalf of the general public in California for energy conservation, greenhouse gas reduction, sustainable transportation, the development of clean-energy resources, and related environmental concerns. The Clean Energy Committee actively supports the application of the California Environmental Quality Act (CEQA) to energy conservation and related environmental impacts. Since 2008 the Committee has supported communities across California protecting and conserving valuable environmental resources.

Numerous individuals in the Tahoe Basin have joined the Committee's requests in the past and the Committee's petitions have been submitted to the County with respect to the Homewood Resort development project and the Martis Valley West project. The Committee does not support the proposed area plan because among other things it fails to address the transportation impacts of the proposal and fails to mitigate the resulting impacts.

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All notices regarding this project should be sent to 3502 Tanager Avenue, Davis, California 95616-7531. Please feel free to contact the undersigned for additional information.

Accompanying this letter (hard copy only) there is a USB drive containing electronic copies in pdf format of the documents listed in the appendix to this letter. Please contact us if you have any difficulty displaying the documents.

The draft EIR as distributed combines two specific projects with the area plan. The result is that the bulk of printed output that the public and decisionmakers are left to sort through is a complete burden. This practice effectively obscures the analysis and does not serve the public or decisionmakers well. The material should be divided up in a way that each project can easily be read separately while shared material is not repeated. The material for each project should be separated in a final EIR.

As noted below, there remain a number of areas where the environmental impacts should be more carefully evaluated and where feasible mitigation measures should be adopted. The EIR should be revised and re-circulated.

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1. Wildfire Evacuation

The area plan does not include mapping of known seismic and other geologic hazards. It does not address evacuation routes, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to the high wildfire risk and geologic hazard in the area. The proposed area plan is therefore unlawful under Government Code section 65302(g). (AP 145.)

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2. Transportation Mitigation Impacts

Transportation mitigation measure 10-1c provides that projects within the area will be required to pay Placer County traffic impact fees that are in effect in the area. (EIR 10-31.) The area plan provides for continuing these fees without change. (AP 127.) Impact fees are used to pay for the expansion of the roadway system to serve new development. The transportation policies in the area plan call for expansion of the road and highway systems so that level of service remains consistent with RTP standards. (AP 127.)

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Roadway expansion results in increased reliance on automobile travel and results in additional air quality emissions and GHG emissions. It also results in impacts to biological resources and surface run-off. The county should discuss in the EIR the environmental impacts connected with the projects it proposes to build to mitigate the transportation impacts of the proposed area plan.

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It is unclear what transportation policy T-P-2 means. It states "provide for sufficient capital improvements to meet the target for vehicle miles traveled (VMT) and greenhouse gas reductions." (AP 127.) What targets does this refer to? What capital improvements does the county anticipate would meet GHG reductions? The project must be described with sufficient clarity to allow for environmental review.

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3. Bicycle System Infrastructure

Transportation, air quality, and GHG impacts should be mitigated by increased public funding or developer fees contributed to the numerous bike facility projects in North Lake Tahoe to increase bicycle usage in the North Tahoe area and to offset the project's contribution to vehicle miles travelled and GHG emissions by shifting users to a sustainable mode at other locations in the basin. The Tahoe Regional Planning Agency (TRPA) and the Placer County Regional Bikeway Plan recommend numerous bike facilities that should be funded in order to mitigate impacts.



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4. Landfilling Organic Waste

GHG emissions should be mitigated by implementing a "green bag" or similar program for the plan area similar to the popular green bag program operated by Tahoe Truckee Sierra Disposal (TTSD). TTSD is the waste hauler for the Town of Truckee. According to the Town of Truckee, residents purchase special green bags for yard trimmings. Four green bags will be picked up for free with regular residential refuse and recycling service. Yard waste collected through the green bag program is sent to a biomass center to generate electricity or is chipped and resold as ground cover. This process reduces the amount of green waste that



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enters the landfill, reduces the amount of organic material decomposing anaerobically in the landfill, and reduces landfill gas emissions. Landfill gas contains high levels of methane which is a potent greenhouse gas. The County should analyze and adopt mitigation to provide a green bag service from for the project area. The program would be more effective if it were designed to include food scraps similar to the program operated by the City of Napa.

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5. Carbon Off-Sets

The area plan should mitigate GHG impacts by requiring the purchase of forestry offsets or other types of carbon offsets. With respect to forests, the California Air Resources Board has adopted a Forest Protocol that provides requirements and methods for quantifying the net climate benefits of activities that sequester carbon on forestland. Off-sets for GHG emissions do not need to take place within in the plan area. The area plan should require that new development projects purchase carbon offsets unless the project is able to otherwise mitigate its GHG impacts or falls within another specific exception.

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6. Car-Free Vacation Program

The County should mitigate transportation and GHG impacts by implementing a program to promote car-free vacations. The program would be "CarFree Tahoe" and could be modeled on the successful CarFree Santa Barbara program. Cooperative marketing programs could be set up with resorts, lodging, restaurants, and outdoor activity vendors around the Tahoe Basin who can offer specials to car-free travelers.

A web site should be set up that markets car-free ways to get around and enjoy North Lake Tahoe providing different itineraries. Ways to travel by bicycle and transit could be provided.

Simply providing signage on SR 267 and SR 89 directing people to the Amtrak Station would help. Energy-efficient Amtrak provides regular passenger rail service to Truckee. Every tourist that elects to travel by Amtrak eliminates virtually all of her GHG emissions, air quality impacts, and transportation impacts connected with travelling to the North Shore. Being car-free is a relief to people when they know how to get around without a car.



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The mitigation should include a policy that requires the county to develop a car-free vacation program in cooperation with North Shore businesses and resorts as mitigation. Funding for the program should come from a variety of sources including the private sector, Placer County APCD, Tahoe Truckee Area Regional Transit, local organizations, TRPA, and real estate development impact fees.

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7. Ground Source Heat Pumps

CCEC recommends installing ground source heat pumps (GSHP) to mitigate climate impacts. GSHPs reduce the need for natural gas for space heating in the winter and reduce the amount of electricity required for air conditioning in the summer. GSHPs can be equipped with a "desuperheater" for heating domestic hot water to further reduce fossil fuel use. GSHPs can reduce energy consumption--and corresponding emissions--up to 44% compared with air-source heat pumps and up to 72% compared with electric resistance heating with standard air-conditioning equipment.



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8. Energy Efficiency

To mitigate GHG impacts, CCEC recommends adopting standards that require that all buildings be designed to Energy Star standards or better to mitigate GHG emissions. Upgrading building insulation throughout the building envelope reduces the amount of energy required for building heating and cooling and thereby mitigates GHG emissions and saves money. Energy consumption and GHG emissions can be reduced by homes being oriented to the path of the Sun to reduce the energy required for heating and cooling. Energy efficiency can be increased by using energy-efficient LED lighting and daylighting to bring sunlight into the building. Energy efficiency can be improved by a commissioning agency being used to ensure that the buildings achieve energy conservation requirements.

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9. Solar Energy

GHG emissions should be mitigated by adopting an ordinance requiring the installation of solar PV on all new construction. Making buildings solar ready, as the area plan proposes, does not mitigate GHG emissions. The additional cost of moving from solar ready to installing solar during the course of construction is not large at all and is cost effective.

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10. Sequestered Carbon

The GHG impacts of the area plan should be mitigated by adopting a policy that requires 100% mitigation of all significant destruction of forest for new development. For example, the recent environmental impact report for Martis Valley West determined that the loss of forest land required for the development of 730 new homes was an insignificant impact that did not need to be mitigated. This resulted in the loss of sequestered carbon. A substantial number of trees in the Sierra Nevada are being destroyed by climate related influences such as drought, wildfire, and bark beetle. The area plan should adopt a no net loss policy for sequestered carbon in trees resulting from substantial new development projects. This would require developers who want to build outside of the town area to reforest an equivalent number of trees before they destroy sequestered carbon in the Tahoe Basin.



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11. Transit Subsidy

Transportation mitigation measure 10-1b provides for establishing a county service area zone of benefit over the developable portions of the plan area. On-going annual fees would be assessed to fund expanded transit capacity "as necessary to expand seating capacity to accommodate typical peak-period passenger loads." (EIR 10-31.) The measure states that this at a minimum would mean four hours of additional service on each of three routes and vehicles to operate the additional service.

As described measure 10-1b is limited and unclear. It is apparently designed to mitigate the significant and unavoidable impact of the area plan alternatives on roadway level of service. (EIR 10-16.) This conflicts with the terms of the mitigation itself which say that the fees would be imposed on "all future land uses that generate an increased demand for transit services." (EIR 10-31.) So what kinds of land uses are affected is unclear, what kinds of impacts would lead to the imposition of the fee is unclear, how the fee would be measured is unclear, and who would be responsible for the fee is unclear.

The measure states that annual fees would "fund expansion of transit capacity as necessary to expand seating capacity." (EIR 10-31.) What does the reference to "seating capaci-

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ty" mean? Is this operational expense or capital expense? It looks like the intent is to provide operational and capital funding, but it is not clear.

Further, the value of the mitigation is not just in its ability to reduce transportation impacts or in its ability to reduce transit impacts. Adding additional transit service increases the frequency of trips which increases ridership. Increased transit ridership results in reduced air quality and GHG emissions. Consequently, this mitigation should not be limited to just addressing LOS impacts or transit impacts, whichever may be intended here. It should be also used to mitigate air quality and GHG impacts.

Further the operational funds generated through this mitigation should not be vaguely limited to expanding "seating capacity" and the "expansion of the transit fleet necessary to operate this additional service." Funding is also needed for marketing, transit stop improvement, etc. If the mitigation is intended to reduce LOS impacts, then it should be able to address any expense connected with increasing transit ridership, rather than being artificially limited.

Also the measure should increase its effectiveness by allowing developments that are outside of the basin, e.g., Martis Valley, but that will cause impacts within the basin to buy into the same program.

The mitigation should encourage project developers to seek creative ways to use transit to mitigate their project impacts and the county should commit to reducing transportation impact fees to the extent that a project demonstrates that transit improvements that reliably reduce impacts to transportation, air quality or GHG emissions over the long term. Developers should not be charged for highway widening to the extent that their impacts are mitigated by transit. The County should amend its traffic impact fee program to ensure that fees are paid for the most cost-effective and least destructive form of mitigation.

Further this mitigation needs to take into account that level-of-service as a measure of transportation impacts is sun-setting under SB 743. In the future transportation impacts will be measured by vehicle miles travelled (VMT). This mitigation is for level of service impacts which may not be evaluated for future projects pursuant to SB 743. Using this measure of air quality, lake clarity, and GHG emissions would avoid this problem.

12. Area Plan Review Cycle

The proposed area plan includes numerous elements which are contingent on uncertain funding. For example, the county proposes to develop an implementation strategy within current available funding to meet the priorities in the TART System Plan. (AP 129.) The measures proposed in the plan include reducing headways on the North Shore, South of Squaw and Northstar, and eliminating transit fees. The impacts of the plan depend on

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whether or not projects such as these are funded. Without some statement of what the county is committed to doing and what it is not committed to doing, the definition of what constitutes the project is too unclear. The public and decisionmakers cannot tell what will happen or what will not if the project is approved. The county is asking for a blank check.

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In addition elements of the general plan should be subject to review every four years as is frequently done. The four-year review cycle should provide an opportunity to evaluate progress on the area plans' achievement of goals. The process of review should include convening of a citizens task force. Without periodic public review, the implementation of the plan is likely to be unsuccessful in various aspects.

13. Transportation Demand Management

The county should adopt a programmatic approach to reducing traffic with the goal of achieving no net increase in peak period motor vehicle trips from new development with an exception for uses that directly contribute to the neighborhood character and diversity of the North Shore.

The program at a minimum should require new development projects to prepare and implement a transportation demand management (TDM) plan to achieve an aggressive yet feasible reduction from the trip generation rates included in the Institute of Transportation Engineers' *Trip Generation Manual*. TDM plans should be approved by the county and monitored on an annual basis. They must contain enforcement mechanisms or penalties if targets are not met.

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New developments should be required to offset the remaining peak period motor vehicle trips through one of the following methods--(i) by directly contracting with another property owner or organization to reduce trips generated from another site or (ii) by paying an annual fee to the county for use in reducing motor vehicle trips to the extent feasible through the provision of transit services, carpool/rideshare incentives, bicycle lanes, and other similar programs.

This program will strongly encourage projects to consider how they can become transit-oriented, rather than developing on a car-centered model. It will also encourage that projects incorporate or locate near neighborhood-serving commercial.

14. Parking Management Plans

In order to mitigate transportation, air quality and GHG impacts, the area plan should require that a parking management plan be prepared for each community. The plan should designate parking areas, parking circulation, special signage, parking fees, time limits, ride share incentives, biking and walking options, and shuttle service.

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15. Unbundled Parking

The area plan should provide that the parking provided for multi-family residential be unbundled and not subject to minimum parking requirements in all areas where feasible. "Unbundled parking" is parking that is leased or purchased by the resident separately from the dwelling unit itself.

Unbundled parking does not increase the cost to the consumer. It splits the cost of the dwelling from the cost of the parking. Logistically the developer can unbundle parking either by giving a discount to residents who forgo one or more parking spaces or by lowering the price for the dwelling and making parking an additional charge. Buyers or tenants would not object to having the option of taking a discount if they forego a parking space. Unbundled parking gives the consumer more control over the home purchase or lease. She is released from the obligation to buy or rent parking that she does not believe is worth the cost.

The reduction in costs is especially important to seniors and disabled people who are unable to drive as well as to low and moderate income people who otherwise would be compelled to purchase or rent parking that they cannot use or afford.

With unbundled parking, the landlord or developer can offer residents different parking options at different price points. For example, a developer could offer shared parking at a lower price and a reserved space at a higher price. The number of parking spaces for the developer to build is then based on economics. It depends on the strength of demand for parking and the cost of providing parking.

With unbundled parking, the market determines the amount of parking built, and the developer avoids the cost of building parking spaces that consumers do not believe to be worth the cost. By reducing the amount of parking to what is justified by consumer demand, there is less land occupied by parking allowing the developer to either provide more open space or to increase the number of dwellings that can be developed on a site.

Unbundled parking moves the cost of parking from being a cost of housing and makes it part of the fixed cost of owning a car. It becomes similar to a vehicle registration or license cost that is incurred as part of car ownership. From the standpoint of the consumer, once parking is unbundled, it becomes a cost to consider in making the decision on whether to own and operate another car. Increasing the fixed cost of ownership reduces vehicle miles travelled. Reducing vehicle miles travelled mitigates the significant impacts to air quality and GHG emissions of the area plan.

The following language from section 21184.5 of the Public Resources Code can be used as a model provision:

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(a) Notwithstanding any other law, except as provided in subdivision (b), a multi-family residential project certified under this chapter shall provide unbundled parking, such that private vehicle parking spaces are priced and rented or purchased separately from dwelling units.

(b) Subdivision (a) shall not apply if the dwelling units are subject to affordability restrictions in law that prescribe rent or sale prices, and the cost of parking spaces cannot be unbundled from the cost of dwelling units.

Spill-over to curb parking can be avoided by a combination of reduced street parking, street parking limits, and parking fees. Reducing street parking has ancillary benefits such as (i) reducing development costs by avoiding the construction of paved parking area that is rarely used, (ii) reducing road maintenance costs by lowering the amount of pavement that has to be periodically resurfaced at county expense, (iii) reducing urban heat island effect from paved areas and lowering the amount of energy used and GHGs emitted for building cooling, (iv) providing additional area for green space, (v) reducing bicycle accidents from "dooring," and (vi) allowing for additional dwellings on the site without the developer incurring additional land expense. To the extent that street parking nevertheless must be constructed, restrictions against over-night parking, except for limited times or locations, would eliminate spill-over parking.

16. Parking Cash-Cash Out

Employers owning or leasing buildings in the project area should be required to offer parking cash-out to employees. Parking cash out requires employers to offer employees the option to choose cash in lieu of any parking subsidy offered. Implementation of parking cash-out by individual employers can be used to reduce impacts whether or not employers are able to reduce the number of parking spaces they own or rent. If parking is unbundled or shared, the employer may be able to reduce costs as well. The Placer County Vehicle Trip Reduction ordinance should be amended to require this program. (AP 127.)

17. Shared Parking

The area plan only encourages shared parking. (AP 127.) The area plan should adopt shared parking through either a parking district or public parking in lieu of minimum parking requirements. Employers should be allowed to reduce the number of shared parking spaces they construct or lease based upon (i) the likelihood that multiple facilities will not all require maximum parking at the same time and (ii) the extent to which individual facilities can implement cash-out parking. This reduces costs to employers and moderates single-occupant vehicle demand. Shared parking should be required for all projects where feasible. Allowing the developer not to use shared parking wastes land. In

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addition, large parking areas work against the pedestrian-oriented nature of the area and lead to increased automobile traffic.

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18. Workforce Housing

Development of additional workforce housing in the plan area would have a significant mitigation effect on congestion, air quality emissions, lake clarity, and GHG emissions. Addressing the transportation impacts of the jobs/housing imbalance requires that the county plan for housing to meet the needs of the local workforce. Housing costs are a critical factor in driving up vehicle miles traveled.

The area plan should mitigate transportation-related impacts by limiting the use of a significant part of the available development to workforce housing. The existing program for workforce housing is limited to new development and only offsets impacts resulting from a particular new development.

In order to mitigate the GHG impacts, air quality impacts, lake clarity impacts and transportation impacts of the area plan, the existing inadequacy of workforce housing must be addressed. For example, the area plan could require that 15 or 20 percent of new for-sale units be designed to sell at prices affordable to workers to offset and reduce the significant impacts.

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Building more housing geared to the economic capabilities of people working in the area would allow lower and moderate income employees to live in the Tahoe Basin, rather than having to commute there. The county should further consider mechanisms providing that these units be sold to persons employed in the Tahoe Basin. Moderate income housing does not need to be built with the same architectural grandeur and spaciousness typical of upscale housing now built at Tahoe.

The county has the option of offering some density bonus as an additional inducement to build workforce housing as long as the housing is transit-oriented. Additional workforce dwellings could be constructed within the footprint of an existing project site to address the jobs/housing imbalance and the transportation-related impacts of the area plan.

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This would reduce vehicle miles travelled by employees working in North Tahoe and mitigate the project's impacts on transportation, air quality, and GHG emissions. Current practices have led to rapidly escalating real estate prices which is inequitable to lower and moderate income persons employed in the area.

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Respectfully submitted,



Eugene S. Wilson  
 California Clean Energy Committee

Enclosures

**Letter  
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**California Clean Energy Committee**  
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- 10-1      The comment provides introductory remarks summarizing the objectives of the California Clean Energy Committee. The comment expresses concern about unmitigated traffic impacts and objects to the assessment of the Tahoe City Lodge and, presumably, the Kings Beach Center design concept in the same environmental document as the Area Plan.  
  
 The comment states that the analysis obscures the impacts of the individual topics addressed in the Draft EIR/EIS. TRPA and Placer County disagree. As the Draft EIR/EIS explains, the Tahoe City Lodge project and the Kings Beach Center design concept are examples of the application of Area Plan policies to specific proposals (Draft EIR/EIS, page 3-1).  
  
 The comment states that Placer County and TRPA should recirculate the EIR/EIS for further public review and comment. Recirculation is required when significant new information, as defined in CEQA Guidelines Section 15088.5, is added to an EIR after notice of public review but before certification. The comment does not provide evidence that any of the requirements for recirculation have been triggered and recirculation is not required. The comment is noted for consideration during project review.
  
- 10-2      The comment states that the Area Plan does not include mapping of known seismic and other geologic hazards, address evacuation routes, peak load water supply requirements, and minimum road widths and clearances around structures. The commenter asserts these items are required to be included in the Area Plan per Government Code Section 65302(g). As outlined in Part 1 of the Area Plan, the Placer County General Plan governs all topics not addressed in the Area Plan or TRPA plans. Consistent with Government Code Section 65302(g), the 2013 Placer County General Plan includes a Health and Safety Element, which includes goals and policies related to seismic and geologic hazards, flood hazards, fire hazards, airport hazards, emergency management, public safety and emergency management facilities, hazardous materials, and avalanche hazards. The county's 2015

Placer Operational Eastside Emergency Evacuation Plan is intended to implement the General Plan's Health and Safety Element and further comply with the requirements of Government Code Section 65302(g). In response to this comment two additional policies have been added to the revised Area Plan circulated concurrently with this Final EIR/EIS, which reference the 2015 Placer Operational Eastside Emergency Evacuation Plan and which outline a requirement for all new development projects within the Plan area to prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65303(g). These policies are as follows:

- ▲ **N-H-P-6:** All new development projects within the Plan area shall prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65302 (g) (protection from unreasonable risks associated with the effects of seismic, geologic or flooding events or wildland fires, etc.) and in the furtherance of the Placer Operation Area East Side Emergency Evacuation Plan (Update 2015).
- ▲ **N-H-P-7:** The Placer Operational Area East Side Emergency Evacuation Plan, as updated by the Board of Supervisors in 2015 is hereby incorporated by reference.

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The comment states that the transportation policies in the Area Plan will drive the need to expand the highway system to maintain LOS standards identified in the Regional Transportation Plan (RTP). This statement is incorrect. The traffic analysis for the Area Plan concludes that significant new infrastructure is not required. The Area Plan does not propose to expand the highway system. Instead, the Area Plan proposes that traffic improvements would be designed to support alternative modes of transit such as expanded public transit and bicycle infrastructure. Furthermore, the Area Plan proposes a change in the LOS for town center areas as a result of a desire to minimize impacts associated with roadway expansion and to promote use of alternative models of travel.

The county's adopted traffic impact fee program includes improvements in the "Tahoe Benefit District." Some of these improvements are located within the Tahoe Basin. None of the improvements within the Tahoe Basin are designed to substantially expand the capacity of the roadway system. The improvements within the Tahoe Basin to be funded through this fee program are listed in the Countywide Capital Improvement Program. The improvements consist of shoulder improvements, traffic flow/safety improvements, turn lanes, improvements to intersections, construction of bicycle lanes, acquiring transit vehicles, constructing transit shelters and stops, acquiring CNG vehicles, and installation of "Intelligent Transportation Systems" (ITS) to improve traffic flow. None of the improvements to be funded through traffic impact fees consist of adding lanes to SR 28 or other roadways within the Tahoe Basin. Thus, the improvements included in the fee program within the Tahoe Basin (such as individual turn lanes) do not add significant capacity to area roadways, and would not induce substantial new traffic. In addition, each individual project would be subject to CEQA analysis.

The comment questions Policy T-P-2, which relates to implementation of capital improvements and targets for VMT and GHG, as described below. VMT targets are outlined in the RTP. Capital Improvements associated with reductions in VMT include, but are not limited to: bicycle lanes, transit improvements, park and ride facilities, Intelligent Transportation System (ITS), pedestrian facilities, and trails. These improvements currently exist in the county Capital Improvement Program (CIP) for the Tahoe Region. This question regarding the Area Plan policy does not pertain to the environmental review, and is noted for consideration by the Area Plan team.

With respect to VMT, the Draft EIR/EIS identifies the following significance threshold:

- ▲ Conflict with an applicable plan, policy or ordinance related to the circulation system, or conflict with an applicable congestion management program; such that it would cause the LOS or VMT standards described under the TRPA criteria to be exceeded;

As this threshold indicates, TRPA has adopted thresholds with respect to basin-wide VMT. Under this standard, an alternative would have a significant impact if it would cause total VMT within the Tahoe Region to exceed the TRPA Air Quality Threshold value of 2,030,938 (Draft EIR/EIS, page 10-15). The Draft EIR/EIS evaluates the extent to which each alternative would adhere to this standard. (See Draft EIR/EIS, Impact 10-4, and Master Response 1, VMT and LOS, in Section 3.1 of this Final EIR/EIS.)

With respect to GHG, TRPA has not adopted a basin-wide threshold akin to the threshold for VMT (Draft EIR/EIS, page 12-13). The California Air Resources Board (ARB) has established targets for the Tahoe Metropolitan Planning Organization (TMPO) to achieve in order to comply with SB 375. As stated in the EIR/EIS, “[t]he reduction targets assigned by ARB to TMPO for its next SCS include a 7 percent reduction in GHG per capita by 2020 and a 5 percent reduction in GHG/capita by 2035, as compared to 2005 levels.” (Draft EIR/EIS, page 12-3)

The county has not adopted a threshold with respect to GHG emissions.

The EIR/EIS identifies the following significance thresholds with respect to GHG emissions:

- ▲ Based on Appendix G of the State CEQA Guidelines and the Placer County CEQA Checklist, impacts related to greenhouse gas emissions and climate change would be significant if the project would:
  - generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
  - conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

The Draft EIR/EIS provides a detailed discussion of how these thresholds are applied at a plan- and project-level (Draft EIR/EIS, pages 12-13 through 12-15). At a plan level, as explained, emissions on a per-capita basis would have to be shown to meet the targets set forth in state law in order to be considered less-than-significant.

The selection of an appropriate threshold, and the application of the threshold to a particular plan or project, is challenging due to the rapidly changing nature of the laws, regulations, policies and judicial decisions addressing GHG emissions. The county and TRPA have made a good-faith effort to fashion appropriate standards within the context of this challenging environment.

- 10-4 The comment suggests that mitigation should include funding for bicycle facility projects. The Placer County traffic impact fee program includes funding for bicycle network improvements within the Plan area. Please see response to comment 10-3, and refer to the county’s Capital Improvement Program, and the list of improvements for the Tahoe Region Benefit District. In addition, Transient Occupancy Tax revenues have been an important component in funding bicycle improvements in recent years, and new lodging properties would contribute to growth in this revenue source. The comment is noted for consideration in future capital improvement programs. As set forth in the discussion of Impact 10-6, the Area Plan includes additional policies designed to ensure that the bicycle network is further expanded. Draft EIR Plan Policy Implementation states that additional improvements “shall include construction of the shared-use path gap between Commons Beach and the Wye, and pedestrian crossing improvements along State Route 28 to Lake Tahoe, Commons Beach, and the Truckee River” (Draft Plan, page 129). For additional information on existing and planned improvements to the bicycle network, please see “Linking Tahoe: Active Transportation Plan” (March 2016) available at:

[http://tahoempo.org/ActiveTransportationPlan/docs/ATP\\_Final\\_Appendix%20A%20&%20H.pdf](http://tahoempo.org/ActiveTransportationPlan/docs/ATP_Final_Appendix%20A%20&%20H.pdf).

This plan identifies the existing bicycle network, and identifies planned improvements to expand opportunities for bicyclists. Facilities are proposed in both Tahoe City and Kings Beach. (See Active Transportation Plan, Figure 2-2.) The county's Traffic Impact Fee will provide funding necessary to construct these planned improvements. As noted above, CEQA review will be performed before specific improvements to the bicycle network are approved.

10-5 The comment suggests that greenhouse gas emissions be mitigated by implementing a "green bag" or similar program for the Plan area similar to the green bag program operated by Tahoe Truckee Sierra Disposal (TTSD) for the Town of Truckee. TTSD also serves the Placer County portion of the Tahoe Basin. Truckee's green bag program involves curbside green waste (i.e., yard waste) collection. Placer County has evaluated implementing a green bag program for green waste in the Tahoe Basin, and it has chosen other programs intended to capture green waste. These include: (1) a newly-implemented green waste dumpster rental program, (2) free green waste drop off of up to six yards at the Eastern Regional Materials Recovery Facility between May 1 and October 31, and (3) a free green waste drop-off event, for up to three yards of material, in June at three convenient locations in the Plan area. In addition, recent legislation (AB 1826) requires certain businesses to recycle their organic waste. Placer County recycled green and wood waste prior to the new regulation and is now working with the contracted waste hauler in the Tahoe Basin (i.e., TTSD) to provide food scrap collection services to those businesses required to comply with the law.

10-6 The comment suggests that the Area Plan should mitigate its greenhouse gas (GHG) emissions by requiring the purchase of forestry offsets and other types of carbon offsets. The comment refers to the Forest Protocol adopted by the California Air Resources Board. This is a reasonable suggestion to add to the list of potential measures recommended by the Placer County Air Pollution Control District (PCAPCD). These changes are presented in Chapter 2, "Corrections and Revisions to the Draft EIR/EIS," of this Final EIR/EIS and below. The additional measure does not alter the conclusions of the Draft EIR/EIS with respect to the significance of any environmental impact, but is provided as another mechanism to reduce GHG emissions. See also response to comment 10-8.

Mitigation Measure 12-1 on page 12-27 is revised to read as follows:

**Mitigation Measure 12-1: Implement all feasible energy, water, transportation, and vegetation measures recommended by PCAPCD**

*The following mitigation measure is required for Area Plan Alternatives 1, 2, and 3.*

Require, as feasible, new construction to implement energy, water, transportation, and vegetation measures recommended by PCAPCD available in Appendix F-1 of the District's CEQA Handbook. This would apply to new construction occurring under the Area Plan, including the proposed lodge project. Also, initiate a funding program to apply these measures to existing facilities within the Plan area, as feasible (PCAPCD 2012).

These recommended measures include, but are not limited to:

- ▲ Installing Tank-less or Energy Efficiency water heaters (E5)
- ▲ Installing solar water heaters (E3)
- ▲ Installing energy efficient roofing (E4)
- ▲ Require Energy Star-rated appliances in new construction (E9)
- ▲ Pre-Plumb new construction for Solar Energy and design for load (E12)

- ▲ Install low-flow water fixtures (W1)
- ▲ Use reclaimed water for irrigation (W3)
- ▲ Provide bus shelters and lanes and provide bike parking (T1, T2, and T3)
- ▲ Plant drought tolerant plants (V2)
- ▲ Prohibit gas-powered landscaping equipment (V3)

In addition, ground source heat pumps would reduce the need for natural gas in the winter. Fees may also be paid into carbon offset programs that are adopted by ARB. Offsets purchased to mitigate operational emissions shall be sufficient to offset emissions during the full operational life of the new construction project.

- 10-7 The comment suggests a Car-Free Vacation Program as a strategy to encourage reduced auto use. A crucial element of any car-free vacation strategy is sufficient public transportation to accommodate visitors' needs. To date, the public transit network has been too limited to serve as a viable option to visitors. (Much of the extensive region is only served by one bus per hour per direction, and there is no evening service in the off season.) The Area Plan and the identified mitigation measures focus on expanding this "supply" of mobility alternatives to the private automobile which, while infeasible with the current level of transit service, could form the basis for future efforts to market the region for car-free vacations. The county's Traffic Impact Fee includes funding for the acquisition of additional transit vehicles. Funding for transit operations has historically been funded through fare recovery, transit occupancy tax, and other revenue; the Area Plan is expected to increase TOT revenue. Further, Placer County and TRPA adopted a Joint Statement of Regional Transit Principles in 2016 to guide implementation of an integrated transit system. The adopted principles are included as Appendix K of this Final EIR/EIS. Placer County and TRPA agreed that these principles will lead to the development of a sustainable public transportation system in the Lake Tahoe Region that fulfills the policies and objectives of the Tahoe Metropolitan Planning Organization's (TMPO) Regional Transportation Plan. The comment is noted for consideration in future planning for transit service expansion.
- 10-8 The comment provides a recommendation for reducing the need for natural gas in the winter with implementation of ground source heat pumps to mitigate climate impacts. This is a reasonable suggestion to add to the list of potential measures recommended by PCAPCD. Additional text is added to Mitigation Measure 12-1 to reflect this suggestion. The revisions to Mitigation Measure 12-1 are included in response to comment 10-6 above.
- 10-9 The comment recommends several measures to reduce GHG emissions. Many of the recommended measures are similar to those recommended in Mitigation Measure 12-2 (e.g., including requiring Energy Star appliances, and energy-efficient water heaters, roofing, lighting, and other features). As described in Chapter 12, "Greenhouse Gas Emissions and Climate Change," of the Draft EIR/EIS subsequent projects may use a variety of measures to meet applicable standards, including measures listed in Appendix F-1 of PCAPCD's CEQA Handbook. See also reference to TRPA Code Subsection 13.5.3.E, Greenhouse Gas Reduction Strategy, which requires Area Plans to reduce GHGs from the construction and operation of buildings (see page 12-2 of the Draft EIR/EIS). See also Impact 16-5 (at page 16-33 of the Draft EIR/EIS), which discusses energy efficiency.
- The comment suggests that the Area Plan require installation of solar PV on all new construction. The installation of solar PV may not be feasible on all new construction. Site-specific orientation, tree canopy, and other factors may render solar PV an ineffective and inefficient GHG reduction strategy for a given project.
- The comment states that the Area Plan should include a policy "that requires 100% mitigation of all significant destruction of forest for new development." As explained in the last paragraph on page 12-15 of the Draft EIR/EIS, a substantial portion of new development

that would occur under the Area Plan would be redevelopment, that is, existing buildings would be demolished and new buildings would be constructed on the same sites. The Area Plan focuses on redevelopment within the Kings Beach and Tahoe City Town Centers. Generally, these areas do not include significant forested lands. For this reason, most construction would not involve the removal of large stands of trees. Moreover, trees would be removed with or without implementation of the Area Plan in accordance with TRPA Code Section 61.1.

The comment disagrees with the analysis and the significance determination in Martis Valley West Parcel Specific Plan EIR about the loss of forest land and sequestered carbon. This comment does not pertain to the analysis presented in the Placer County Tahoe Basin Area Plan and Tahoe City Lodge Draft EIR/EIS.

10-10

The comment requests additional detail regarding Mitigation Measure 10-1b. The county Service Area Zone of Benefit (ZOB) funding mechanism is intended to generate funding both for transit capital as well as operations. In addition to its role in reducing trips and improving, to some degree, roadway level of service (Impact 10-1), the Draft EIR/EIS also identifies it as a mitigation measure for significant impacts to transit operations (i.e., Impact 10-5, generating ridership that exceeds existing available seating capacity). Seating capacity refers to the available of seats on transit buses. As described on page 10-13 of the Draft EIR/EIS, the mitigation would be imposed on all future land uses that would generate an increased demand for transit services, including residential, lodging, commercial, civic, and recreational land uses, including the Tahoe City Lodge. The fee would be measured based on trips generated and transit demand created by individual projects, and fees would be applied to implementation of the TART Systems Plan.

The comment suggests that the ZOB would not just mitigate increases in traffic volumes and transit impacts, but would also result in reduced air pollutant and GHG emissions. This comment is true, and acknowledged. The comment goes on to suggest that the funding could also be used for other purposes that would support the program, including marketing and other improvements (e.g., transit stops), could be extended to out-of-basin developments, and could be used in lieu of fee programs for highway widening projects, which have greater environmental impacts. The comment also suggests that the county should encourage project developers to seek creative ways to use transit to mitigate their project impacts by committing to reducing transportation impact fees to the extent that a project demonstrates that transit improvements reliably reduce impacts to transportation, air quality, and GHG emissions over the long term. These comments are acknowledged and are noted for consideration by the Area Plan team.

The comment also notes recent state legislation that would replace Level of Service analysis with Vehicle-Miles of Travel evaluation as the key measure of transportation impacts. It is noted that the environmental review does consider VMT, as well as LOS.

10-11

The comment suggests that the TART Systems Plan is dependent upon uncertain funding and therefore questions the viability of the plan. The TART Systems Plan identifies constrained and unconstrained portions of the plan. The constrained elements have identified reasonably foreseeable funding within the Systems Plan into the future, including Capital Improvement Program (CIP), Transit Occupancy Tax (TOT), county Service Area Zone of Benefit (ZOB), Development Agreement (DA) funding, and traditional transit funding sources.

In April 2016, the county adopted the Systems Plan Update for the Tahoe Truckee Area Regional Transit in Eastern Placer County (LSC 2016). The Systems Plan Update provides a plan to provide funding for expanded service in eastern Placer County, including within the Tahoe Basin. Funding sources to implement this plan are set forth in Chapter 5.

In addition, this comment states that elements of General Plans are subject to review every four years and that a task force should be convened to conduct such a review. The Tahoe Basin Area Plan is intended to implement the TRPA Regional Plan, serve, in part, the role of the Placer County General Plan in the Tahoe Basin, and be implemented over a 20-year horizon. The county conducts periodic reviews of the General Plan and the Area Plan to track implementation and to assess the need for future updates.

If Placer County and TRPA approve the Area Plan, they will also approve a Mitigation Monitoring and Reporting Program (“MMRP”). A draft MMRP was included in Chapter 23 of the Draft EIR/EIS, and a revised version is included in Chapter 4 of this Final EIR/EIS. The MMRP provides monitoring responsibilities to track how adopted mitigation measures are carried out. These measures include Mitigation Measure 10-1b, which provides for adopting a Zone of Benefit to provide funding for expanded transit.

10-12

The comment proposes that Placer County and TRPA adopt a goal of requiring new development to result in no net increase in peak-period vehicle trips, except for uses that “directly contribute to the neighborhood character and diversity of the North Shore.” The Draft EIR/EIS studies the impacts to regional and local infrastructure as measured against respective significance thresholds (VMT and LOS) in compliance with CEQA and TRPA regulations. The county does not currently have a “no net increase” policy related to increases in traffic. Therefore, these suggested policies pertain to the Area Plan, rather than the Draft EIR/EIS.

The application of such a goal would be challenging, in that it would call for a subjective judgment about which proposed new development contributes to neighborhood character. Moreover, to the extent such a goal was aimed at reducing peak-period vehicle congestion, the goal should appropriately focus on the trip-generation characteristics of the proposal, rather than on some other criteria. In addition, others might make a valid argument that there are other factors beyond neighborhood character that may warrant a trade-off for greater traffic generation, such as the provision of affordable housing or the elimination of a source of water pollution.

Notwithstanding, it should be noted that numerous efforts are already underway at a regional/programmatic level to address traffic impacts and reduce VMT. For example, TRPA currently mandates Travel Demand Measures as part of an Employer-Based Trip Reduction Program (Section 65.5 of the TRPA Code). This program requires that all employers throughout the Tahoe Basin (including those within the Plan area) at a minimum provide employees with information regarding non-auto commute alternatives and promote ridesharing. Larger employers (100 or more employees at a single location), are required to take more aggressive auto reduction steps detailed in an “Employer Transportation Plan,” which includes provision of commute options information and ridesharing information, provision of bicycle parking, and provision of preferential carpool/vanpool parking. In addition, the plan must identify how the employer will achieve a minimum required number of “points,” earned through commitments to specific strategies such as subsidizing transit passes, charging for parking, providing showers for bicyclists, and providing flexible work schedules.”

In addition, development projects are required to pay Traffic Mitigation Fees to the county, and Air Quality Mitigation Fees to TRPA (Section 10.8.5[A] of the Rules of Procedure), on the basis of new trip generation. These fees partially or fully fund improvements identified in the Tahoe Region Capital Improvement Program. Projects in this program include bicycle lanes, transit improvements, park and ride facilities, Intelligent Transportation System (ITS), pedestrian facilities, and trails.

The Tahoe Metropolitan Planning Organization’s (TMPO) Regional Transportation Plan: Mobility 2035 (RTP) is Lake Tahoe’s blueprint for a regional transportation system that enhances the quality of life in the Tahoe Region, promotes sustainability, and offers improved mobility options for people and goods. Projects in the RTP include corridor

revitalization, bicycle and pedestrian facilities, transit (including waterborne transit), and aviation and airport access. The RTP transportation investments will require both capital funds to build facilities, as well as ongoing operations and maintenance funds. Funding from federal, state (California and Nevada), and local sources are being pursued by the TMPO and local jurisdictions to develop the proposed projects. Total revenues estimated for RTP are \$1.6 billion. Traffic Mitigation Fees are also used to fund RTP projects.

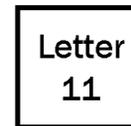
The county Service Area Zone of Benefit (ZOB) funding mechanism is intended to generate funding both for transit capital as well as operations. In the Draft EIR/EIS, it is identified as mitigation for the significant impacts to transit operations (i.e., generating ridership that exceeds existing available seating capacity). As identified in the Draft EIR/EIS, it would be imposed on all future land uses generating an increased demand for transit services, including residential, lodging, commercial, civic, and recreational land uses. The ZOB would be a new, ongoing funding source for transit expansion that would largely address operating (e.g., drivers, fuel) costs, though it could also fund capital costs. As evidenced by the similar ZOBs established in the Martis Valley area that have been funding TART transit expansion on SR 267, a new ZOB (Mitigation Measure 10-1b) within the Tahoe Basin would provide an equitable and comprehensive means of generating revenue from future developments, and would be adjusted to reflect inflation.

Transportation Demand Management (TDM) plans can be an effective means of further reducing peak-period vehicle trips, where necessary to avoid an impact that might otherwise be significant. Where TDM plans have been required, they are generally developed by relatively larger uses that generate significant traffic levels; in those instances, the project has sufficient scale to warrant development of project-specific TDM plans. The current threshold (100 or more employees in a single location) applies to a very limited number of sites. TRPA's current TDM ordinance was developed based on programs in larger urban employment centers and does not align well with the fact that employee commuting is not the primary source of traffic contributing to congestion. Policies T-P-11 and T-P-12 have been added to the Area Plan mandating the development of TDM plans for projects that meet certain requirements that are better suited for the Tahoe Basin traffic characteristics, and will apply to a broader set of projects. See Master Response 1, VMT and LOS, and Chapter 2, "Corrections and Revisions to the Draft EIR/EIS," for more details.

10-13 The comment states that the Area Plan should adopt a shared parking program and reduce parking requirements. The North Tahoe Parking Study (LSC Transportation Consultants, Inc. March 9, 2015) addresses many of these issues, and recommendations from that study are incorporated in the Area Plan. In addition, the Area Plan itself addresses circulation and alternative transportation strategies within the individual communities.

The Area Plan includes Policy T-P-10 that encourages shared-use parking and includes provisions in the Area Plan Implementing Regulations Section 3.07 A.5.e. that allow for shared parking for two or more uses. The Tahoe Basin Area Plan Implementing Regulations also propose a reduction in parking spaces required for certain uses (Section 3.07 Table 3.07.A-1). The unbundled parking strategies presented by the commenter are well thought out and helpful for further consideration of "parking districts." Any further consideration of these strategies of shared and "unbundled" parking would need to be developed through separate programs with consideration for associated impacts and public input. Because this comment is not related to the Draft EIR/EIS, it does not raise any issue to the adequacy, accuracy, or completeness of the EIR/EIS.

10-14 This comment asserts that the development of additional workforce housing in the Plan area would have significant mitigation effect on congestion, air quality emissions, lake clarity, and GHG emissions. See Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.



August 15, 2016

Sent by email to: [cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov)

Placer County Community Development Resource Agency  
 Environmental Coordination Services  
 3091 County Center Drive, Suite 190  
 Auburn, CA 95603

**RE: Comments on Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) for the Tahoe Basin Area Plan**

Thank you for this opportunity to comment on the DEIR/DEIS for the Tahoe Basin Area Plan (TBAP). The Contractors Association of Truckee Tahoe is a non-profit, regional trade association composed of 345 member companies, many of whom have employees living or working in the Tahoe area. The Association has a long track record of involvement in affordable and workforce housing issues. The purpose of this letter is to identify our concerns with Secondary Residential Units as analyzed in the various alternatives of the DEIR/DEIS. Simply put, more can be done through policy changes in the TBAP to incentive or encourage second units.

Called by various names – employee housing, workforce housing, housing for the missing middle – the need for Moderate and to some extent Above Moderate Income housing is a high priority for this Association. These households do not make enough money to purchase a home at the median sales price but usually make more than allowed for very low or low income housing assistance programs. The lack of rental properties also contributes to a severe shortage that affects individuals, families, employers, and the community - not to mention the environmental impacts associated with a commuting workforce.

We support a strong program that addresses this workforce housing need. Secondary Residential Units are one tool in the workforce housing toolbox. A secondary residential unit can be the first home for individuals or smaller households just getting established – those who are starting a job or recently out of college.

Improving the housing supply for the permanent population through second units may result in environmental benefits, ranging from BMP compliance on a previously disturbed but non-compliant parcel to a reduction of Vehicle Miles Traveled for a commuter who is able to live closer to work in the Basin.

We have two main points regarding how the TBAP alternatives treat second units and respectfully ask Placer County to include these two points in the environmental analysis of impacts for the preferred alternative. It is possible that the analysis will reveal that a combination or hybrid of alternatives will result in a superior program to further promote the use of second units and increase the supply of affordable/workforce housing.

11-1

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1

### 1) INCLUDE ALL RESIDENTIAL PARCELS IN THE 2<sup>nd</sup> UNIT PROGRAM

Based on a GIS examination, Placer County tells us that only 10 residential parcels would not be eligible for the policy change allowing 2<sup>nd</sup> units as proposed in Alternative 1 (C. Jacobsen email to P. Davison 10/20/15):

*Hi Pat –*

*I followed up on your question regarding the number of parcels less than an acre and outside of the ¼ mile transit route/mixed use buffer. Here is what our GIS folks provided me:*

*Number of parcels with private ownership and under 1 acre in plan Area: 12,149*

*Number of parcels with private ownership and under 1 acre and within transit route ¼ mile buffer & mixed use ¼ mile buffer : 12,139*

*So there are only 10 lots outside of the buffer area ...*

That prompted our Association to request Placer County analyze the environmental consequences of allowing all residential parcels to be included in the second unit program. Adding 10 parcels is a relatively small increase when compared to the overall total of more than 12,000 parcels.

Fears of increased density or added vehicle use from the additional 10 parcels should be counterbalanced with the environmental gain or benefit to be achieved by second units being located on already disturbed residential parcels (structures, utilities, driveways, landscaping, etc). Increasing density through second units is one way to accommodate expected and allowed residential growth. From a disturbance/environmental standpoint, we think placing a second unit on an already disturbed residential parcel is preferable to disturbing a vacant residential parcel.

11-2

And even if a second unit was proposed on a disturbed parcel with sensitive features, the second unit site design and placement would have to avoid or mitigate for sensitive features. This is the case whether the second unit was located within the 0.25 mile buffer or not. The second unit policy is a not an automatic pass, “anything goes” policy. The TBAP does not need to discriminate between parcels because the policy only applies to already disturbed parcels and site specific analysis and permit planning will still need to be done for the second unit wherever it is proposed.

For comparison purposes, Alternative 3 is somewhat helpful to understand what impacts might occur if all residential parcels were eligible for second units. “Because the secondary housing program under Alternative 3 would allow application of this program beyond 0.25-mile from transit routes and mixed-use areas, Alternative 3 creates more opportunities for affordable and moderate-income housing than Alternatives 1 and 2.” (DEIR/DEIS Population and Housing, page 6-22)

More specifically, the November 25, 2015 Traffic and Circulation memo (DEIR/DEIS Appendix G) provides a statement about population and income for Alternative 3: “This provision was reflected the same as the similar provision in Alternative 1.” (Memo, page 4) The reference to Alternative 1 is enlightening. In Alternative 1, a set of assumptions was created for traffic analysis. These assumptions looked at past patterns for second unit development in the Tahoe basin portion of Placer County, in Placer County as a whole, and South Lake Tahoe. The Memo further notes, “...it was assumed that an additional 5% of the new residential units would be secondary residential units created under the Area Plan provisions. To reflect this in the land

2

use scenario, 5% of the projected new residential units in Placer County, or a total of 25 units (499 new residential units x 0.05 = 25 units) were changed from the high income category to the moderate income category.” (Memo, pages 2-3).

The conclusion, if we understand the Memo correctly, is that slightly more than one second unit per year (1.25 units to be exact) is assumed to be built as a result of TBAP Alternatives 1 and 3 for the 20 year planning horizon (2015-2035).

The DEIR/DEIS states “...the Area Plan under Alternatives 1, 2, and 3 would not induce substantial growth, and changes in the location, distribution, and density of population and housing in the Plan area would result in environmental gains.” (Population and Housing, page 6-11)

Additionally, the DEIR/DEIS states, “... implementation of Alternatives 1 and 3 would expand the potential locations for secondary dwelling units under Alternatives 1 and 3, which could result in a greater supply of affordable or moderate-income housing since these units would not be allowed to be used as tourist accommodation units.” (Population and Housing, page 6-13)

Alternative 1 imposes an additional restriction on second unit location not justified by any environmental analysis of the excluded 10 parcels. The Alternative 1 restriction on second unit location is not necessary to achieve environmental benefit. The DEIR/DEIS analysis does not adequately explain why the 0.25 mile buffer was selected for Alternative 1 (the proposed plan) instead of Alternative 3’s provision allowing second units beyond the 0.25 mile buffer. Again, the difference in eligibility or application of the policy between Alternatives 1 and 3 is 10 parcels. As a disclosure document, the DEIR/DEIS should fully explain and justify to the public and decision-makers why one course of action was chosen over another. We think that justification is deficient as it relates to the location of second units.

11-2  
cont

The DEIR/DEIS provides information about the number of second units in the last five years: “... between 2010 and 2015, five secondary dwelling units were permitted in the Placer County portion of the Basin, which was 5 percent of the total number of single family residential permits approved by Placer County during that same time.” (Population and Housing, page 6-14)

Five units in five years is a clear indicator why the current program must be changed. But the future scenario is not much better at 1.25 units per year! Many more second units could possibly be built if the second unit program is transformed to be more incentive-based and less regulatory. Removing the regulatory barrier that prohibits the 10 residential parcels from eligibility for the second unit program could help make more second units become reality. There is no substantive environmental reason why the TBAP second unit policy cannot include all residential parcels as was analyzed in Alternative 3.

**2) DO NOT REQUIRE MARKET RATE ALLOCATION FOR A SECOND UNIT COVERED BY A LOCAL EMPLOYMENT/FULLTIME RESIDENCY DEED RESTRICTION**

We are strongly opposed to Alternative 1’s requirement for a market rate allocation for all second units covered by the proposed policy. Market rate allocations tied to custom residential construction sustain hundreds, if not thousands, of workers directly or indirectly. The number of market rate allocations to be released annually was severely cut through the Regional Plan Update, a fact commonly cited during the RPU compromise/ approval process. We are concerned about another reduction in the supply of market rate

11-3

allocations. Those market rate allocations serve as the power supply for the custom residential construction engine.

However, if an owner is willing to place a local employment/fulltime residency deed restriction on the second unit, we think that second unit should not have to compete for market rate allocations. We offer an alternative that gives the property owner a choice as an incentive to create more second units.

TBAP ALTERNATIVE 1

- All 2<sup>nd</sup> units must get market rate allocation
- All 2<sup>nd</sup> units can be used for long term vacation rental to anyone (less than 30 days not allowed, conversion to tourist use not allowed)

CATT PROPOSED CHANGE for TBAP ALTERNATIVE 1 - TWO POSSIBLE OPTIONS – Owner has a choice:

Option 1

- 2<sup>nd</sup> unit using a market rate allocation can rent at market rate
- 2<sup>nd</sup> unit can be used for long term vacation rental to anyone (less than 30 days not allowed, conversion to tourist use not allowed)

Option 2

- 2<sup>nd</sup> unit with Local Employment/Residency Deed Restriction on occupant does not need market rate allocation, gets TRPA bonus unit/Residential Allocation Incentive Pool allocation
- 2<sup>nd</sup> unit cannot be used for long term vacation rental, conversion to tourist use not allowed

Our suggestion allows a property owner to use a TRPA bonus unit or Residential Allocation Incentive Pool allocation if that second unit has a deed restriction limiting who can occupy the second unit. The Residential Allocation Incentive Pool is covered in the TRPA Code of Ordinances in 50.5.1.D and 50.5.2.B (Chapter 50: Allocation of Development) and Bonus Units are covered in Chapter 52 (Bonus Unit Incentive Program).

Deed Restrictions that focus on the occupant and do not affect the owner’s rent income or sale price of the primary residence (with second unit) should be considered. Anecdotal evidence suggests that deed restrictions with a cap on equity may deter potential buyers for home purchase (2014 TRPA Regional Housing Needs Report, page 73; 2016 Tahoe Truckee Community Foundation Regional Housing Study, pages 68 and 153). An owner trying to sell the primary (and secondary unit) may find it harder to sell with a price control (rental income restricted) type of deed restriction on the second unit. We believe that type of deed restriction is a disincentive, is not needed, and would not improve the housing supply or provide environmental benefit in the long term.

Our suggestion for use of an employment/residency deed restriction would likely require some minor amendment to the TRPA Code of Ordinances as a substitute standard or alternative type of deed restriction.

Here are a couple of sections where TRPA Code refers to deed restrictions that use a price control on rent:

*Permissible Uses 21.3.2.B.3 – Deed restrictions for Second Units as governed by a TRPA-Certified Local Government Housing Program - Restricts rental rates and occupant household income to affordable housing limits [NOTE: TRPA Code Chapter 90 page 90-3 defines Affordable Housing as "... to be used*

11-3  
cont

*exclusively for lower-income households (income not in excess of 80 percent of the respective county's median income) and for very low-income households (not to exceed 50 percent of the respective county's median income).”]*

*Bonus Unit Incentive 52.3.6.B for Moderate-Income Housing – Deed restriction shall restrict both rental rates and occupants’ household income to moderate-income housing limits ... rental rate shall not exceed 30% of the tenant’s monthly gross income.*

We think a local employment/fulltime residency deed restriction is a great way to preserve the second unit as part of the affordable/workforce housing inventory, gives an owner a choice, does not affect an owner’s potential income stream (which could be a disincentive), and does not diminish the supply of market rate allocations.

Requiring a market rate allocation for a market rate second unit that may serve as an income producing vacation rental (over 30 days) makes sense to us. That being said, it does not make sense to have two significantly different products (custom residential and size/deed restricted affordable/workforce second units) competing for the same market rate allocation.

From an environmental standpoint, the substitution of a local employment/residency deed restriction for the income based/price control deed restriction might produce a few more second units per year than the projected 1.25 units per year in Alternative 1. That physical change may be within the acceptable range so would not create a significant negative impact.

11-3  
cont

Bonus units and the residential allocation pool allocations were analyzed in the TRPA Regional Plan Update EIR and do not constitute “additional” growth. Our suggestions should not be construed to suggest any exceedance of the generally accepted TRPA growth cap on residential units at Buildout.

We point to existing Code for guidance on how an allocation from the Residential Allocation Incentive Pool should be released. TRPA Code of Ordinance 50.5.1.D.2 appears to allow TRPA to directly assign allocations from the Residential Allocation Incentive Pool to owners of eligible parcels. The Code also specifies that those RAIP allocations are made available through TRPA on a “first-come, first-served basis.” (50.5.2.B.3). We are not suggesting procedural changes to the Code unless it seems necessary for program implementation.

The Code addresses Bonus Units in a slightly different way. The “Criteria” for Multi-Residential Bonus Units in 52.3.2.C. exempts affordable units (very low and low income) from an allocation but appears to require an allocation for moderate income housing? This may also need to be changed so very low, low, and moderate income housing (or even some percentage of Above Moderate) with occupant-based deed restrictions for affordability are similarly treated and exempt from market rate allocations.

Reading other sections of Chapter 52 of the Code also seems to reiterate that TRPA, not the local jurisdiction, is the entity assigning the bonus units. We are not suggesting any other procedural changes to the Code as it relates to Bonus Units unless it seems necessary for program implementation.

**CONCLUSION**

As was previously noted, an average of one second unit per year was constructed in the Plan area over the last five years. A property owner wanting to build a second unit must pay for design services, permit fees, and construction costs. The carrying costs (insurance, taxes, maintenance) also need to be factored into the expense side. If an owner spends \$100 per Square Foot for an 840 Square Foot second unit, that \$84,000 cost will take 105 months or 8.75 years to recoup at \$800 rent income per month. How can we make second units more attractive to an owner? That is the policy question that deserves substantially more attention in the Tahoe Basin Area Plan. Policy by itself will not create second units. But policy is the first place to start. Additional actions in the TBAP could include contacting special districts to seek reduced or waived impact fees for deed restricted second units or providing financial assistance to the owner who wants to build a deed restricted second unit.

Second units do result in environmental benefit when a commuter can find a new home closer to work – that reduces VMT. Second units may also result in environmental benefit when expected new growth is placed on an existing disturbed parcel instead of a vacant parcel. Using occupant-based deed restrictions on second units will facilitate an important policy goal to preserve the supply of affordable and workforce housing for the permanent population of the Placer County portion of the Tahoe Basin.

11-4

The TBAP should make it easy for second units to be built without affecting other programs such as the custom residential market. Please consider every means possible to enhance the second unit program by removing barriers to their construction and provide incentives to owners.

Thank you for considering our comments on the Draft Environmental Impact Report/Environmental Impact Statement for the Tahoe Basin Area Plan. Please contact me direct at [pat@ca-tt.com](mailto:pat@ca-tt.com) or 530.550.9999 if you have any questions.

Sincerely,  
CONTRACTORS ASSOCIATION OF TRUCKEE TAHOE



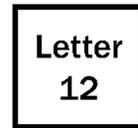
Pat Davison  
Executive Director

**Letter  
11**

**Contractor’s Association of Truckee Tahoe**  
August 15, 2016

- 11-1 The comment provides introductory remarks. The comment expresses concern with regard to the availability of affordable and workforce housing in the Tahoe Basin and the Area Plan proposal related to secondary housing units.
- 11-2 The comment requests that Placer County analyze inclusion of the additional 10 parcels not considered as locations for secondary housing units as part of Alternative 1. The comment addresses potential concerns with considering these additional parcels, including increased density and increased vehicle use among other potential issues, and points out that Alternative 3 provides analysis of the effects associated with these additional parcels. The commenter asserts that restrictions on development of these additional 10 parcels is not necessary to achieve environmental benefit. The commenter requests the Draft EIR/EIS explain and justify the 0.25-mile buffer used for locating secondary housing units for Alternative 1 while no buffer for secondary housing units was used for Alternative 3. With

- respect to expanding the parcels allowed to be used for secondary housing units under Alternative 1, see Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.
- 11-3 The comment expresses opposition to the requirement for market rate allocations for secondary housing units and suggests alternatives, including considerations for deed restricting the second unit. See Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.
- 11-4 The comment summarizes the logistics and costs for a property owner to construct a second unit and the environmental and social benefits of these units. The comment expresses support for a secondary housing unit policy, but states that there are additional actions, such as seeking reduced impact fees from special districts, that could be undertaken to further promote development of secondary housing units. See Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.



August 15, 2016

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**Subject: Tahoe Basin Area Plan and Tahoe City Lodge Draft Environmental Impact Report/Study**

Dear Ms. Jacobsen, Ms. Maloney, and Ms. Good:

Thank you for the opportunity to comment on the draft Environmental Impact Report/Study (DEIR/S) for the Tahoe Basin Area Plan (TBAP) and Tahoe City Lodge (TCL). We appreciate the time taken by staff to present this information at numerous public hearings and respond to our requests for DEIR/S documents in a timely manner. However, we are concerned with the failure of the DEIR/S to adequately analyze numerous impacts as well as include sufficient mitigation measures. We also reiterate our concerns as stated in our Notice of Preparation (NOP) comments that the TBAP and TCL should be analyzed separately. Key concerns include:

12-1

1. **Inadequate analysis of local impacts:** There are numerous TRPA environmental threshold standards that are affected by localized sources and land use, including standards for nearshore water clarity, soil coverage, air quality, scenic resources, and vehicle-related standards which affect water and air quality and noise standards. However, one of the largest flaws with the DEIR/S - which permeates the analysis of numerous impacts - is the failure to perform adequate local review of impacts; in many cases, the DEIR/S proposes to 'tier from' the RPU's regional EIS analysis, although TRPA (and the agency's attorneys) have repeatedly assured both the public and the courts that *local* impacts would be analyzed at the area plan level. For example, Lake Tahoe's nearshore has been declining, even as the loss of mid-lake clarity has lessened. The placement of more asphalt and buildings closer to Lake Tahoe causes more runoff into the Lake; even if the proposed mitigation (e.g Best Management Practices) does function effectively and is maintained property (although to date, this hasn't been the case), there will still be more polluted runoff entering Lake Tahoe from new and large redevelopment projects than if areas were undeveloped and natural lands restored, yet neither the RPU analysis nor the TBAP DEIR/S address the impacts related to the *proximity* of coverage.

12-2

2. **Increased traffic and insufficient mitigation:** We are also extremely concerned regarding the TBAP's traffic impacts to both Level of Service (LOS) and Vehicle Miles Travelled (VMT) standards. As recently noted by the California Highway Patrol (CHP), "we have an abundance of congestion,"<sup>1</sup> which the TBAP will make worse. Our attached comments outline several inadequacies which

12-3

<sup>1</sup> Cpt. Ryan Stonebraker , 8/11/2016 Placer County Planning Commission hearing regarding Village at Squaw Valley Specific Plan (VSVSP).

underestimate the potential traffic the TBAP and TCL may generate in the area, as well as the cumulative impacts with regional projects such as the Village and Squaw Valley Specific Plan (VSVSP) and Martis Valley West Parcel Specific Plan (MVWPSP). The DEIR/S also fails to consider additional mitigation for impacts deemed significant and unavoidable, such as the TBAP’s impacts to LOS levels in Tahoe City, let alone establish measures to address cumulative impacts in the region. Further, addressing the TBAP’s areawide traffic impacts will require regional and areawide solutions; the TBAP EIR/S is the appropriate level and time to consider more aggressive mitigation – not future project-level reviews. For example, a 2016 Tahoe Truckee Area Regional Transit (TART) Study outlines the improved ridership that could result from increased operations, however the TBAP fails to require measures to ensure increased transit operations, instead dismissing meaningful measures as “infeasible.” Even the traffic analysis used in the DEIR/S acknowledges that the TBAP does not include measures that are any more aggressive than TRPA’s RPU.

12-3  
cont

3. **Impediments to emergency access and evacuation:** Finally, more congestion and more people brought to the area by the TBAP, as well as regional projects, combined with ever-increasing wildfire threats, together create a recipe for disaster. There is currently no analysis of the capacity of Tahoe’s roadways to evacuate people during an emergency. Although Placer County was instructed by the courts to perform this analysis of State Route (SR) 89 with regards to the Homewood Village Resort Project last December, it has yet to be completed. Until such information has been assessed and presented, it is impossible to determine the significance of traffic-related impacts to public health and safety, although the DEIR/S draws this conclusion even as it acknowledges (and allows for) *more* congestion on our roadways. The CHP is already concerned about the existing traffic on our roadways, and notes the impacts go beyond SR 89 and 28 to concerns about Interstate 80 as well.<sup>2</sup> Increases in traffic from the TBAP, TCL, and other regional developments will exacerbate already dangerous conditions; it is irresponsible and legally questionable for Placer County and the TRPA to continue to approve plans and projects while failing to address these serious threats to public health and safety.

12-4

In summary, the DEIR/S analysis must be revised to adequately address all impacts from the TBAP and TCL, including but not limited to the local impacts to TRPA thresholds, traffic, and public health and safety. We also urge Placer County and TRPA to take this opportunity to include meaningful measures to address our ever-expanding traffic problem; the areawide solutions we need cannot be addressed by future, individual project-level reviews. Finally, in many instances the DEIR/S relies on significance criteria based on statewide or Placer County regulations that were not developed to address the unique status of the Lake Tahoe Basin. Lake Tahoe is a federally-designated Outstanding National Resource Water and recognized as unique and special through the creation of the TRPA with the sole focus to protect the Basin’s unique natural values. Lake Tahoe deserves special protection, and relying on standards for development which do not take this into consideration fails to suffice. Notably, CEQA Public Resources Code (PRC) 21099(e) does not prohibit agencies from establishing or adopting thresholds

12-5

<sup>2</sup> Cpt. Stonebreaker, 8/11/2016 meeting on VSVSP.

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of significance that are more protective of the environment. We encourage TRPA to ensure the TBAP DEIR/S evaluates the significance of impacts based on criteria suited to the protection of this National Treasure.

12-5  
cont

Our attached comments discuss these issues in greater detail. We also reiterate our belief that the TRPA Compact does not allow for this level of delegation of authority to Placer County as discussed in legal documents on file with TRPA. We would be happy to meet with you to discuss our concerns. Please feel free to contact Jennifer Quashnick at [jqtahoe@sbcglobal.net](mailto:jqtahoe@sbcglobal.net) or Laurel Ames at [amesl@sbcglobal.net](mailto:amesl@sbcglobal.net) if you have any questions.

Sincerely,



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President  
Friends of the West Shore



Laurel Ames,  
Conservation Chair  
Tahoe Area Sierra Club



Jennifer Quashnick,  
Conservation Consultant

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## 2. Maximum development potential not analyzed

Our NOP comments noted the need for the EIR/S to analyze the maximum potential development and associated impacts that could occur as a result of the TBAP, which includes increases from both new and redevelopment projects.<sup>3</sup> Impacts include, but are not limited to, additional traffic, demand for water, air and water pollution, noise, and other resource impacts. The morphing of 250 square foot motel rooms into 1,200-1,800 square foot tourist units is just one example of how significant increases in development may occur simply based on transfer, conversion, and/or redevelopment of existing units (details are discussed below). Expansions of up to 700% means increases in bathrooms and more water and sewer use, additional soil disturbance and coverage (from paving, walkways, etc.), more vehicles (and resultant VMT and LOS impacts), increased air and water pollution, greater tree removal (including large trees), and consequent impacts on wildlife and other thresholds. However, the DEIR/S fails to address these impacts, as noted in greater detail throughout these comments.

12-6

### Transfer Program and Environmental Impacts:

The DEIR/S does not analyze whether the assumed benefits associated with removing old motel rooms and other development from sensitive areas and transferring development (along with increases in coverage, number of units, floor area, etc.) actually result from the transfer program; this was not analyzed by the RPU EIS either. Yet the DEIR/S assumes benefits from the program. This must be analyzed in order for the TBAP EIR/S to conclude benefits.

The RPU EIS relied heavily on the success of the transfer program outlined in the RPU to obtain environmental benefits, including progress toward TRPA’s water quality and soil conservation thresholds. Yet the presence of the land banks’ significant storage of coverage and development rights (and ‘asset lands’) available for easy purchase by developers raises significant concerns regarding the likelihood the transfer program will actually result in the removal of impactful structures in sensitive areas. The DEIR/S must disclose the existing amount of land coverage (hard and soft) that is currently banked with the land banks that could be transferred and used for coverage. The full development potential associated with “potential coverage” (from land banks and other sources) must also be assessed (noting that baseline/existing conditions do not include the impacts from this coverage because it is not physically on the ground), and the impacts of this net increase in coverage evaluated. In addition, there has been no environmental analysis which examines:

12-7

<sup>3</sup> “The EIR/S must identify and analyze the potential impacts on full- and part-time resident, second home, and tourist populations, highway capacity and transit incentives, water supply, and all thresholds from regulations which allow growth through ‘redevelopment,’ transfers and conversions of uses, new units that do not require allocations, the transfer of uses from small rooms into large, multi-unit structures, etc. The analysis must address the impacts from TAU morphing, as indicated in our example comparison table (above). Further, as the TBAP proposes the conversion of CFA to TAUs (beyond TRPA’s proposed ‘bonus unit conversions’), impacts associated with the maximum development potential (i.e. the conversion of existing and remaining CFA to TAUs), must be thoroughly analyzed and disclosed in the EIR/S.” (NOP comments, p. 20)

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The impacts of the existing structure as it now stands  
 +  
 the impacts of demolishing the structure<sup>4</sup>  
 +  
 the impacts of construction of the new (increased) development  
transferred to centers  
 (WQ, AQ, Soils impacts)

*compared to:*

the long term impacts of the new/increased development.  
 (WQ, AQ, Soils impacts)

In other words, the RPU assumes there is a net environmental benefit from the removal and transfer of the (unlisted) “existing units” in sensitive, outlying areas, but **there is no technical assessment of whether this is actually true**. There may be many existing structures that create far less impacts if simply upgraded/remodeled where they now stand (based on impacts to soil conservation, water quality, vegetation, transportation, noise, etc.) than if ‘transferred’ and used to construct larger/more dense units; the same lack of measured evidence applies to existing soft coverage as well (see detailed comments below). As the RPU is also concerned with upgrades to the built environment, if the viewshed-related environmental impacts of leaving the old structure in place are less than transferring it, then the visual impacts to the built environment can often be corrected through remodels. In fact, numerous remodels have been successfully done under the 1987 Plan throughout the Basin. One can simply drive along highway 50 from Meyers to Stateline and look for oneself.

12-7  
cont

### 3. Transportation Impacts

Our transportation-related comments on the 2015 NOP have not been adequately addressed. In fact, we cannot locate responses to a substantial number of our questions and comments. The technical inadequacies that needed to be addressed were summarized in our following statements submitted to you:

*The EIR/S needs to assess the individual and cumulative impacts of the increased residential and visitor populations on traffic and environmental conditions in individual areas of the West and North Shore that will result from changes in the Town Centers, as well as the provision allowing second homes (noted previously) and additional residential uses in the smaller commercial areas (e.g. Village Centers on West Shore, and the Mixed-Use subdistricts on North Shore).*

*The EIR/S also needs to examine the VMT generated by the proposed TBAP throughout the entire Area Plan and for individual Centers and Mixed-Use areas. The analysis needs to reflect*

12-8

<sup>4</sup> In fact, the TBAP DEIR/S recognizes that ground disturbance is one impact associated with the demolition and removal of structures from the ‘sending’ properties: “The Area Plan incorporates TRPA RPU policies that encourage the redevelopment of town center properties in combination with the restoration and retirement of development elsewhere. Ground disturbance resulting from these policies would be concentrated in the town center areas, which are dominated by low erosion hazard soils (see Table 14-5), but could also occur in outside areas as properties are demolished, parcels restored, and development rights transferred into centers.” (DEIR/S, p. 14-29)

*the most recent information regarding transportation conditions and impacts, and the cumulative impacts of reasonably foreseeable projects.* (Copied from p. 35-36 of our NOP comments).

While the TBAP DEIR/S does examine the potential impacts of allowing second homes on smaller lots (App. G-1, p. 2-3) and additional residential uses in smaller commercial areas, it does not adequately examine all of the individual and cumulative transportation impacts in localized areas within the TBAP such as the Town Centers and mixed-use areas (discussed in greater detail below).

In addition, it is of great concern that the RPU’s touted benefits to transportation and VMT through the implementation of Area Plans doesn’t hold true for the TBAP, as the preferred project alternative creates either less-than-significant or significant and unavoidable impacts to LOS and VMT<sup>5</sup> (see detailed comments below). There are no *beneficial* impacts to these standards, raising the question of how improvements will be realized.

Measures to mitigate traffic increases to protect locally impacted threshold standards (e.g. nearshore water quality, air quality, and noise) as well as reduce congestion and associated impediments to evacuations and emergency access are needed. Further, after over forty years of discussing the need to address traffic from outside of the Lake Tahoe Basin, as recently discussed by Placer County Planning Commissioners at the 7/7/2016 meeting on MVWPSP (cited earlier), the Basin may have finally reached the “tipping” point where we need to “draw a line in the sand” with regards to traffic. At some point, serious measures will be needed if Lake Tahoe is to be protected; the lake’s degrading health and the traffic congestion experienced in 2015 and 2016 suggest we may have already exceeded that capacity. The DEIR/S has not assessed the capacity of our roadways to handle this traffic, nor provided for adequate mitigation of these cumulative impacts.

12-8  
cont

**4. Vehicles entering/leaving Lake Tahoe:**

As noted throughout these comments and in our NOP comments, proposals in the TBAP are planned to draw more residents and visitors to the Tahoe Basin in order to revitalize the economy. This would not only result in direct impacts (e.g. more parking demand, especially in Town Centers, taller buildings with larger footprints, and more vehicles), but would also create indirect impacts as well. For example, increasing the number of overnight accommodations in Tahoe City can be expected to (indirectly) result in additional vehicle trips along State Route 89 (SR 89) as visitors drive to Emerald Bay. In addition, more visitors would increase demand on, and auto trips to, local recreational facilities (i.e. beaches, biking and hiking trails, skiing, etc.), which results in secondary environmental impacts as well.

12-9

<sup>5</sup> See comments below regarding the conflicting VMT estimates and inadequacy of the transportation impact analysis. Notably, all transportation-related appendices indicate increases in VMT while Chapter 10 of the DEIR/S inexplicably concludes a (small) reduction, making the claim for ‘beneficial’ impacts to regional VMT questionable.

**A. Overnight Visitors:**

The County’s desire for increased tourist accommodations for overnight guests, as also reflected by the proposed Tahoe City Lodge Pilot Project,<sup>6</sup> will draw an estimated 175,200 new visitors per year from outside of the Basin.<sup>7</sup> Most visitors to the area come from the drive-up markets of the Sacramento/Central Valley and San Francisco Bay Area.<sup>8</sup> In fact, the project proponent stated that the idea is for new hotel guests to “come by car, park, then recreate.”<sup>9</sup> Even if visitors do “park once” then walk and bike around the area during their visit, there is still an increase in traffic from visitor ingress and egress as additional visitors come and stay overnight in the Basin.

**B. Day-only Drivers:**

Increased attractions in the Tahoe Basin will draw more day visitors, which are already estimated to comprise almost half of all traffic on peak days.<sup>10</sup> These trips will generally not be impacted by the release of (nor reduced from any limits on) new development allocations applied by the TRPA Code<sup>11</sup> and relied upon to mitigate traffic impacts by the TBAP DEIR/S. The TBAP includes nothing to address the vehicle impacts of day visitors, although there are feasible mitigation measures that are most appropriately employed at the Area Plan level (see below). Unfortunately, the TBAP dismisses measures that may help reduce day-driver traffic, including increased parking fees, requirements for substantial increases in transit prior to generating additional impacts, or road user fees.

Our NOP comments specified that the increased VMT and LOS impacts associated with the increase in visitors entering and exiting the Basin need to be adequately assessed in the EIR/S (NOP comments, p. 35). In fact, the DEIR/S references data from Squaw Valley – an area with similar uses (e.g. resort-based, overnight, day users, retail, etc.) – which indicates

12-9

<sup>6</sup> 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.

<sup>7</sup> As noted in the Economic Development Incentives for North Lake Tahoe Town Centers Draft Hearing Report, February 2015, (hereafter “ED Incentives Draft Hearing Report”) at: <http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUpdate/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.

<sup>8</sup> ED Incentives Draft Hearing Report, p. A-3.

<sup>9</sup> Stated during 6/16/2015 Placer County NOP Scoping Workshop.

<sup>10</sup> Approximately 42% of the trips to the North Lake Tahoe area are from those traveling just for the day.

ED Incentives Draft Hearing Report, p. A-4.

<sup>11</sup> “50.4.2. 2013 Additional Allocations

TRPA shall release land use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.

**50.4.3. LOS and VMT Monitoring**

Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.”

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roughly 97% of the area’s visitors arrive by personal automobile.<sup>12</sup> However, as noted in detail below, the trip estimates are based on assumptions regarding non-auto use that do not reflect this new information.

12-9  
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**5. Tiering from the RPU and Failure to analyze local impacts:**

***A. Deficiencies with RPU Analysis:***

The DEIR/S relies heavily upon the transportation analysis in TRPA’s 2012 RPU EIS for its conclusions regarding transportation impacts. The DEIR/S explains that for the analysis, the RPU’s EIS analysis was used as the ‘starting point.’<sup>13</sup> Our comments on the RPU EIS (and RTP EIR/S<sup>14</sup>) lay out substantial technical deficiencies with the analyses which were not addressed by the final documents nor through subsequent court proceedings and thus those documents remain severely flawed.<sup>15</sup>

12-10

***B. Trip Reduction Modeling:***

The TBAP transportation analysis also subtracted impacts from traffic forecasts following the same trip reduction method used by the RPU EIS and RTP EIR/S documents.<sup>16</sup> Our comments and comments provided by transportation expert Joy Dalhgren (cited previously) identified many technical inadequacies associated with the RPU’s trip reduction method that were not resolved by the final RTP/RPU environmental documents; these deficiencies result in an overestimation of the potential trip reductions under the RPU policies which the TBAP DEIR/S tiers from.

12-11

<sup>12</sup> “Trip generation rates for the proposed lodge under Alternative 1 are shown in the lower portion of Table 10-7. A reduction for non-auto travel is also appropriate for this land use. The initial trip into the Tahoe Region would have a relatively low proportion of non-auto travel. As an example, an evaluation of guests arriving at lodging in the Squaw Valley area indicates that approximately 3 percent arrive without a car, such as by North Lake Tahoe Express shuttles from the Reno Tahoe International Airport, or by tour bus. However, much of the trip generation of a lodge consists of employee trips, or guest trips made while the guest is staying at the lodge. Given the close proximity of the project site to many walking attractions (Commons Beach, Bridgetender’s Museum, Fanny Bridge, restaurants, shopping, etc.), as well as the availability of public transit and shuttles, a relatively high proportion of the trips made by guests while staying at the lodge would be by non-auto modes. Overall, a 15 percent reduction is appropriate for the proposed lodge.” (DEIR, p. 10-24).

<sup>13</sup> “Therefore, the 2035 land use assumptions for the adopted Regional Plan Update alternative (Regional Plan Update Alternative 3) from the Regional Plan Update EIS were used as the starting point to develop land use scenarios for the Area Plan alternatives. The Regional Plan Update EIS reflected complete build-out of allowed development in the Tahoe Basin, including the entire area covered by the proposed Placer County Tahoe Basin Area Plan. The Regional Plan Update land use scenario included assumptions about the location and amount of new and transferred development within the Plan area, the transportation effects of which were modeled with TRPA’s TransCad Transportation Demand model.” (DEIR/S, p. 10-13).

<sup>14</sup> Note that any references to the RPU or RTP/SCS environmental documents apply to our comments on both the RPU EIR and RTP/SCS EIR/S.

<sup>15</sup> See examples in TRPA RPU Final EIS, Volume 2, on the following pages: (3-385 to 3-387, 3-354 to 3-356, 3-400 to 3-404, and comments submitted by Joy Dalhgren and incorporated by FOWS & TASC, p. 3-553 to 3-560) and FOWS & TASC comments dated 12/5/2012, p. 66-71). All letters are on file with TRPA.

<sup>16</sup> DEIR/S, App. G-2, p. 5.

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While the DEIR/S then modifies the RPU’s build-out numbers to address changes in the proposed TBAP that affect traffic impacts (more below), the DEIR/S analysis is flawed from the start because it relies on a faulty analysis as its starting point.<sup>17</sup>

12-11  
cont

**C. Local Impact Analysis:**

**Local VMT Impacts to TRPA’s Environmental Thresholds:**

The DEIR/S notes that the primary transportation-related issues raised during scoping included roadway and intersection LOS, impacts on regional VMT, impacts on transit, bicycle, and pedestrian modes, and parking impacts of the TCL.<sup>18</sup> Yet in our extensive comments on the 2015 NOP, we specifically identified the need for the EIR/S to analyze the local VMT impacts. Our comments regarding this issue in the NOP (pages 3-4<sup>19</sup>) are included below and were not addressed by the DEIR/S:

12-12

**“Need for local analysis of impacts:**

The Regional Plan Update (RPU) EIS was conducted at a “broad, regional scale with a focus on overall policy-level issues.” 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. Examples include, but are not limited to, the following:...

- As noted in comments on transportation impacts, the RPU EIS did not analyze VMT impacts at the local, Area-Plan scale, therefore the EIR/S must assess the potential VMT and vehicle trips associated with all TBAP alternatives, along with the cumulative impacts of reasonably foreseeable projects (e.g. Squaw Valley).

The RPU EIS and RTP EIR/S analysis for transportation and GHG impacts made numerous assumptions regarding future development patterns on a regional scale. Assumptions included no new TAUs, and assumed that 47% of the TAUs remaining from the 1987 Regional Plan (and the remaining and new CFA) would be allocated to Placer County. The proposed Area Plan may result in different distributions, especially with the proposed CFA to TAU conversion program.

*The EIR/S must assess the assumptions used in the RPU/RTP analysis, and whether they remain applicable under the proposed TBAP (if so, this needs to be noted clearly, including references to the specific page numbers in the RPU/RTP environmental documents which apply). Where assumptions do not fit within the RPU/RTP analysis, the EIR/S must perform the traffic analysis based on the proposed TBAP.*

The DEIR/S fails to include any significance criteria related to local TBAP area impacts nor does it perform a local analysis of VMT impacts. Although the VMT

<sup>17</sup> “The 2035 land use forecast for the adopted RPU (Alternative 3 in the RPU EIS) and the 2010 baseline conditions from the RPU EIS were used as the starting point to develop land use forecasts for the Area Plan alternatives. The RPU land use forecasts for the Placer County portion of the Tahoe Region were revised, as described below, to reflect the specific provisions included in each Area Plan Alternative.” (DEIR, App. G-1, p. 1)

<sup>18</sup> “The primary issues raised during scoping that pertain to transportation included:

- | roadway and intersection level of service;
- | impact on regional vehicle miles traveled;
- impacts on transit, bicycle, and pedestrian modes; and
- parking impacts of the Tahoe City Lodge.” (DEIR/S, p. 10-1)

<sup>19</sup> See original FOWS & TASC NOP comments including references cited at:

<http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/tahoebasinap/nop%20comments>

threshold standard is a regional standard, the environmental threshold standards impacted by VMT are affected by local areawide sources within the TBAP boundary and therefore must be analyzed and disclosed per CEQA and the TRPA Compact. For example, the roadway runoff and vehicle emissions associated with VMT generated in the Tahoe City or Kings Beach Town Centers close to the Lake are likely to have a more direct impact on the nearshore standards in those areas than VMT generated elsewhere in the Basin through increases in runoff combined with fewer opportunities for undeveloped natural land to infiltrate water, and atmospheric deposition (as pollutants have different deposition rates<sup>20</sup> and those that deposit faster may be more likely to reach the Lake’s surface when roadways are closer to the Lake than farther from the lake). The same is true for air quality and noise impacts. TRPA is responsible for achieving and maintaining all thresholds; it is technically insufficient to analyze local impacts to thresholds at only a regional scale.

**Local traffic impacts of VMT:**

The impacts of policies and projects which generate traffic will vary throughout individual, local areas of the Tahoe Basin depending on the distribution of development (discussed more below) and a variety of other factors. However, the RPU EIS analysis only examined VMT generation as a regional (basin-wide) impact. Local considerations and examples include, but are not limited to:

1. Traffic generated in South Lake Tahoe will not have as great an impact on congestion in *Tahoe City* as traffic generated within the TBAP’s boundaries, yet the TBAP DEIR/S relies on the RPU’s baseline analysis – which only evaluated impacts from the higher-level regional view - to claim less than significant VMT impacts *within the TBAP boundaries*.<sup>21</sup>
2. Other local factors which impact VMT, including but not limited to roadway network, alternative routes (or lack thereof), availability and location of residential necessities (e.g. pharmacies, health care services, etc.). For example, residents in South Lake Tahoe need not travel far for many basic medical or government services as there are many facilities in town such as Barton Hospital, the Department of Motor Vehicles, and El Dorado County offices, whereas residents in North Lake Tahoe are likely to have to drive to Truckee, Auburn, or Reno for those same services. The local impacts associated with residents and visitors accessing such services were not addressed by the TBAP DEIR/S.
3. Impacts from VMT may be more pronounced in some areas than others; in other words, the addition of 5,000 VMT may have fewer impacts to the south end of the Lake, as there are more intervening riparian areas where natural filtration of roadway runoff and NOx emissions may occur, more distance between some covered areas (e.g. the SLT “Y”) and Lake Tahoe, and/or less substrate for algae to attach to in the nearshore, while those same additional 5,000 VMT in the Tahoe

12-12  
cont

<sup>20</sup> “Ambient concentrations (C) and deposition velocities (Vd) vary temporally, spatially, and by pollutant.” Lake Tahoe Atmospheric Deposition Study (LTADS), California Air Resources Board. 2006. LTADS Final Report, p. 4-3. <http://www.arb.ca.gov/research/ltads/final/ch4.pdf>; also see Table 5-11 showing different deposition velocities; <http://www.arb.ca.gov/research/ltads/final/ch5.pdf>

<sup>21</sup> Although some adjustments were made to represent TBAP changes to land use (App. G-1), the impact assessment otherwise relies on the RPU’s regional analysis.

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City area are subject to less natural treatment before entering the lake and creating conditions in the nearshore that support the growth of attached algae.<sup>22</sup>

4. As noted elsewhere, changes have been made to the RPU, and are proposed in the TBAP, which alter the distribution of new and redevelopment, which affects VMT generation.

The analysis in the RPU Appendix E<sup>23</sup> details the many assumptions that were made<sup>24</sup> in order to estimate the *regional* impacts of the RPU on VMT.<sup>25</sup> However, when it comes to impacts to nearshore water quality, air quality, noise, and other thresholds affected at the local scale, the RPU's regional analysis is insufficient. In fact, TRPA repeatedly stated during<sup>26</sup> and after RPU deliberations that additional analysis of local impacts would occur as Area Plans are adopted.<sup>27</sup> Yet area plan environmental documents have all tiered from the RPU's EIS analysis (some more or less than others), thus failing to analyze and disclose the local impacts of area plans on TRPA's threshold standards.<sup>28</sup> Although subject to a higher level of environmental review

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<sup>22</sup> This is merely provided as a hypothetical example to reflect how local conditions can vary.

<sup>23</sup> "Methodology for estimating vehicle miles traveled and Greenhouse Gas Emissions in the Draft Regional Plan, Draft Regional Plan EIS, Draft Regional Transportation Plan (Mobility 2035), and Draft Regional Transportation Plan EIR/EIS." TRPA RPU DEIR, Appendix E, Part 7.

<sup>24</sup> E.g. "Once the proportional distribution of [residential] allocations [remaining from the 1987 Plan] between each county was determined, individual allocations were randomly assigned to developable parcels within each county... The remaining 440 [residential bonus] units that were not already assigned were distributed randomly to CPs throughout the region... The model assumes 347 TAU's are remaining from the 1987 plan... Of these remaining TAU's, a total of 90 were already assigned to individual CEP projects, and these TAU's were distributed as assigned. The remaining TAU's were distributed to counties in the following proportions based roughly on the number of vacant and developable parcels eligible for TAU's in each county. El Dorado – 37% Placer – 47% Washoe – 4% Douglas – 12%. Within each county, TAU's were randomly assigned to TAZs that contained community plan areas. New CFA was distributed to counties in the same proportions described above in TAU's remaining from the 1987 plan... The assumed percent of development transferred to each receiving area was as follows:... | Kings Beach: 15% | North Stateline: 5% | Tahoe City: 5%" (RPU DEIS, App. E, p. E.1-E.10).

<sup>25</sup> "Since these estimates are based on regional data, they are useful for understanding region-wide impacts." (RPU DEIS, App. E, p. E.7-2)

<sup>26</sup> E.g. "Due to the policy - level environmental analysis, VMT effects associated with individual Town Centers were not analyzed. Please refer to Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT." RPU FEIR Volume 1, p. 3-119.

<sup>27</sup> E.g. Volume 1 of the RPU FEIR responds to comments as follows: "FEIR RPU response to "O16-121. The comment states that the Regional Plan Update Draft EIS (as well as the RTP/SCS Draft EIR/EIS) speculates that the policy-level analysis is not responsible for assessing the environmental impacts of the proposed alternatives.

This comment is incorrect. The Regional Plan Draft EIS (as well as the RTP/SCS Draft EIR/EIS) evaluates the potential environmental impacts of all proposed alternatives. As described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. 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 addresses impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects." (p. 3-277)

<sup>28</sup> See Area Plans at: <http://www.trpa.org/regional-plan/area-plans/>; accessed 8/8/2016.

Examples include: Douglas County South Shore Area Plan: Initial Environmental Checklist [IEC], adopted Sept. 2013 ([http://www.trpa.org/wp-content/uploads/Attachment-I-SSAP\\_TRPA-IEC\\_Final\\_for-APC.pdf](http://www.trpa.org/wp-content/uploads/Attachment-I-SSAP_TRPA-IEC_Final_for-APC.pdf));

through the EIR/S (compared to environmental checklists used for most other area plans), the TBAP analysis still fails to address these technical deficiencies and the DEIR/S does not analyze whether the assumptions regarding the location of remaining 1987 allocations and the new allocations are still appropriate. For example, given Placer County’s interest in more TAUs than CFA, is the assumption that assigned 47% of the remaining TAUs to Placer County still appropriate? How is this impacted by TRPA’s amendment to allow conversions of CFA to TAU bonus units, as well as the TBAP’s proposal to allow even more conversions? The EIR/S must assess the current potential distribution of development and make adjustments based on current conditions, post-RPU adoption amendments, and proposals in the TBAP that will impact the distribution of development in the plan area.

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***D. Deferring impact analysis and mitigation to project-level reviews:***

In some cases, the DEIR/S delays analysis of such impacts to a future project-level review.<sup>29</sup> However, the impacts to many resources must be addressed from a larger planning level. In addition, it is more likely that impacts will be ignored in the future due to bureaucratic and financial momentum for future projects.<sup>30</sup> This can clearly be seen with recent projects such as the MVWSP and VSVSP, where project proponents have frequently attempted to justify impacts by referring to larger Specific or General Plans that already allowed for presumably greater impacts.<sup>31</sup> In addition, future project applicants will not be responsible for, nor required to, perform a detailed analysis and mitigate for the environmental impacts of their project in addition to other plans and projects in the area plan, nor will project-level mitigation be appropriate for addressing what are areawide (within the TBAP) impacts.

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Tourist Core Area Plan: IEC, adopted Nov. 2013 ([http://www.trpa.org/wp-content/uploads/4\\_FINAL\\_Attachment-C\\_CEQA-IS-NEG-DEC\\_TRPA-IEC-FONSE.pdf](http://www.trpa.org/wp-content/uploads/4_FINAL_Attachment-C_CEQA-IS-NEG-DEC_TRPA-IEC-FONSE.pdf)).  
Tahoe Valley Area Plan: IEC, adopted July 2015 ([http://www.trpa.org/wp-content/uploads/Attachment-B\\_Tahoe-Valley-Area-Plan-IS-IEC1.pdf](http://www.trpa.org/wp-content/uploads/Attachment-B_Tahoe-Valley-Area-Plan-IS-IEC1.pdf))

<sup>29</sup> “All future projects, including a potential project built pursuant to the Kings Beach design concept, would be required to conduct project level analysis of effect to drainage patterns and drainage systems, including preparation of a drainage report prepared in conformance with the requirements of Section 5 of the Land Development Manual and the Placer County Stormwater Management Manual.” (DEIR/S, p. 15-33)

<sup>30</sup> See *Laurel Heights v. UC Regents*, 47 Cal.3d 376, 395 (1988) (“the later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage”).

<sup>31</sup> At recent Placer County Planning Commission hearings (6/9/2016, 7/7/2016, and 8/11/2016), MVWSP advocates have frequently stated that the Specific Plan would “reduce” traffic compared to what was allowed in the 2003 Martis Valley Community Plan, while VSVSP advocates have stated the project would not allow as much development as could occur under the existing 1983 Squaw Valley General Plan and Land Use Ordinance, providing a clear example of how future project applicants will rely upon existing land use plans to try to justify environmental impacts, even though the environmental reviews for those plans assumed future environmental reviews for proposed projects.

<http://www.placer.ca.gov/departments/communitydevelopment/planning/pchearings>

***E. Inconsistent VMT forecasts***

Chapter ten of the DEIR/S concludes that VMT will be below existing levels, concluding beneficial reductions in VMT<sup>32,33</sup> and citing a 2016 LSC Consultants Memo as support.<sup>34</sup> However, the LSC Transportation Consultants memo provided in the Appendix G-2, dated May 27, 2016, includes forecasts which do not match the conclusions in the main chapter of the DEIR/S. Specifically, contrary to the the DEIR/S’ Appendices G and H conclude *increases* in VMT associated with Alternative 1: “All alternatives would increase daily summer Tahoe Basin VMT over the existing condition (1,937,070), ranging between 1,973,780 (Alternative 1) and 1,983,452 (Alternative 4).<sup>35</sup> In fact, the source for the conclusions presented in Chapter 10 (which conclude a *reduction* in VMT to 1,931,634) could not be located; the EIR/S must provide the source of this data. Notably, the difference between these two VMT forecasts (1,973,780 minus 1,931,634<sup>36</sup>) is 42,146 – a substantial variation. In fact, there are **three** forecasts regarding the extent of change in VMT in 2035 – all of which conclude *increases* in VMT from the TBAP: 1) a 2/16/2016 LSC Memo,<sup>37</sup> 2) a 5/27/2016 LSC Memo (App. G),<sup>38</sup> and 3) Appendix H-4.<sup>39</sup> The EIR/S must explain and correct these discrepancies and provide all supporting data for such conclusions. Presuming the VMT estimates provided by the noted transportation experts are correct as they all estimate increases in VMT from the TBAP, the significance of this impact cannot be “beneficial” as concluded in the DEIR/S.

12-14

<sup>32</sup> “Impact 10-4: Vehicle miles traveled

Each Area Plan alternative would include variations in policies and standards that would affect the location and characteristics of future land uses, which would affect travel patterns and vehicle miles travelled (VMT). Alternatives 1 and 3 would maintain summer daily VMT levels below the adopted TRPA VMT threshold, and would reduce those VMT levels below existing levels. This would be a beneficial impact for Area Plan.” (DEIR/S, p. 10-38)

<sup>33</sup> “Alternative 1 would result in a total of 1,931,634 region-wide daily summer VMT under build-out conditions. When compared to the existing summer daily VMT in the Tahoe Region of 1,937,070 (TRPA 2016), Alternative 1 is estimated to reduce region-wide VMT from existing conditions by 5,436, or approximately 0.3 percent. Because Alternative 1 would result in VMT levels that are below existing levels and the TRPA threshold standard, it would have a beneficial impact.” (DEIR/S, p. 10-39)

<sup>34</sup> See footnote in *Table 10-12 Region-Wide Daily Summer VMT Under Build-Out by Alternative*: “Source: LSC Transportation Consultants, Inc. 2016 “ (DEIR/S, p. 10-31)

<sup>35</sup> “The resulting VMT estimates are shown in Table D. All alternatives would increase daily summer Tahoe Basin VMT over the existing condition (1,937,070), ranging between 1,973,780 (Alternative 1) and 1,983,452 (Alternative 4). This represents between a 1.9 percent and a 2.4 percent increase in basin-wide VMT, respectively. Significantly, all of these figures are below the TRPA Air Quality Threshold value of 2,030,938 by at least 47,486. They are also below the VMT estimate for 2035 of 2,131,000 identified in the 2012 *Regional Transportation Plan EIS*.” (DEIR/S, App. G-2, p. 6) [Emphasis added].

<sup>36</sup> DEIR/S, p. 10-39

<sup>37</sup> 1,973,780, noted as 36,710 miles more than existing VMT (Alt. 1, “Table D, Regionwide VMT analysis for Placer Tahoe Basin Area Plan,” App. G-2, 5/27/2016 LSC Memo, p. 19)

<sup>38</sup> 1,973,780, noted as 31,259 miles more than existing (Alt. 1, “Table D, Regionwide VMT analysis for Placer Tahoe Basin Area Plan,” Received upon request. 2/16/2016 LSC Memo, p. 10).

<sup>39</sup> Also noting an increase of 31,259 VMT (this number is obtained when the 2105 VMT is subtracted from the 2035 VMT estimate for Alt. 1) in the “Forecasted Daily VMT in the Tahoe Region and the PCTBA under the RPU and Placer Area Plan”, p. 298. In addition, applying this same equation to the Table titled “Historical and Future Daily VMT in the Tahoe Region and the PCTBA under Existing Conditions and RPU” results in a VMT increase of 188,479.

**F. Inconsistent data regarding VMT along the West Shore**

VMT impacts to SR 89 along Tahoe’s West Shore have also been inaccurately assessed. Increased development and vehicle traffic in the Tahoe City and Kings Beach Town Centers will result in more traffic along the West Shore’s narrow two-lane road, SR 89. The TCL analysis in the DEIR/S estimates that 25% of the additional vehicle trips in the area will drive along the West Shore<sup>40</sup> and only 4% will visit Emerald Bay.<sup>41</sup> As noted in our comments on the NOP, a recent NLTRA survey of visitors in the “Resort Triangle” noted that 47% of the visitors traveled to Emerald Bay. The DEIR/S fails to respond to our comments, disclose the data upon which the 25% and 4% numbers are based, and to address the NLTRA’s survey findings. As a result, there remains a question regarding how many vehicle trips residents and visitors brought to the region by the TBAP’s policies and the TCL will take to Emerald Bay and the miles of VMT impacts this will generate. The FEIR/S must address these discrepancies and provide substantial evidence regarding the forecasted impacts to SR 89 from increased residents and visitors in the Tahoe City and Kings Beach areas as well as sufficient mitigation of impacts.

12-15

**G. Percent-based TBAP VMT estimate:**

While the DEIR/S presents a rough estimate of the VMT attributable to the area within the TBAP boundaries,<sup>42</sup> this analysis (which appears to be the only estimate/disclosure throughout the entire DEIR/S) does not assess the local/area plan-wide baseline nor projected impacts within the TBAP boundaries. Rather, a percentage of total regional VMT is assumed to apply to the Placer County region of the Basin; that percentage (approx. 22%) is then applied to forecasted VMT for the TBAP.<sup>43</sup> This represents a simplistic proportion-based estimate of VMT that still relies on the regional analysis of VMT, and is not based on an analysis of specific local (areawide) factors, including local traffic counts; as a result, this information does not substitute as an analysis of local VMT.

12-16

**H. Capacity estimates:**

The roadway capacities estimated in the “SR 28 Roadway Capacity in Tahoe City and Kings Beach” in Appendix G-5 are only based on LOS. Local nearshore conditions, topography, hydrology, and other factors which affect the extent *VMT* may pollute the lake were not considered, therefore these capacities cannot be used to judge all impacts to thresholds from transportation.

12-17

<sup>40</sup> DEIR/S, p. 10-26.

<sup>41</sup> See Table 10-13.

<sup>42</sup> “Placer Area Plan VMT and CO Analysis” in Appendix H, p. 298. See “PCTBAP VMT Calculations.”

<sup>43</sup> “Forecasted Daily VMT in the Tahoe Region and TCTBA under the RPU and Placer Area Plan,” App. H, p. 298.

***I. Distribution of Re/Development:***

**Distribution and type of future re/development:**

There are distinctly different conditions and land uses throughout the unique communities in the Lake Tahoe Basin and resultant different transportation impacts are influenced by the amount and distribution of new development.<sup>44</sup> For example:

1. The percentage of full time versus part time residents is quite different, with 39 % second home ownership in South Lake Tahoe and 52 % in the TBAP boundaries.<sup>45</sup>
2. There are more local services in the South Lake Tahoe communities (e.g. grocery stores, pharmacies, medical services, government offices, etc.) than in North and West Shore communities; people within the TBAP boundaries are likely to generate longer trips running these same errands.
3. The analysis for the Tourist Accomodation Unit (TAU)/Commercial Floor Area (CFA) conversion amendments in the RPU shows the different commercial uses and the variations in vehicle trips generated by each type of use.<sup>46</sup> In addition, the morphing of TAUs creates additional vehicle traffic even where additional allocations are not required. We requested this be examined in our NOP comments<sup>47</sup> however the DEIR/S does not respond.
4. The TBAP area will be heavily impacted by traffic from nearby adjacent areas, including Squaw Valley/Alpine Meadows, Truckee/Martis Valley, and Northstar, whereas the South Lake Tahoe area is subjected to traffic with different patterns and trip sources.
5. As noted in our NOP comments, nearshore conditions vary around the lake. The TMDL, upon which both the RPU and TBAP analyses rely on, is only focused on mid-lake clarity (discussed more below). It does not address the nearshore, and contrary to assertions that this will still ‘help’ the nearshore, we note that as mid-

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<sup>44</sup> “The potential [transportation] impacts of each Regional Plan alternative are influenced by the amount and distribution of new development (i.e. residential units, CFA, and TAUs). To assess the potential impacts of each alternative, the model was updated to include the total residential, commercial, and tourist accommodation development that would be allowable under each alternative. Since it is not possible to know the exact distribution of future development, TRPA had to make a series of assumptions related to the distribution of 1) residential allocations remaining from the 1987 plan, 2) residential bonus units remaining from the 1987 plan, 3) CFA remaining from the 1987 plan, 4) TAUs remaining from the 1987 plan, 5) new allocations authorized under each action alternative, 6) new residential bonus units authorized under alternative 3, 7) new CFA authorized under each action alternative, and 8) new TAUs authorized under alternatives 4 & 5. Each of these assumptions is described in more detail below.” (RPU DEIS, p. E. 7-2)

<sup>45</sup> “Second-home ownership plays a role in the current circumstances. As of the 2010 census, and reported by the Tahoe Metropolitan Planning Board, seasonal usage or second-home ownership is at 44 percent in the Lake Tahoe Basin... North Shore has the largest number at 52 percent, while 39 percent of South Lake Tahoe’s homes are second homes.” <http://www.sierrasun.com/news/23125433-113/affordable-housing-woes-are-tahoe-truckee-locals-being-priced> (attached)

<sup>46</sup> <http://www.trpa.org/wp-content/uploads/May-27-2015-Governing-Board-Packet.pdf>; p. 447-450 (attached)

<sup>47</sup> E.g. “*The EIR/S needs to analyze the impacts of increased TAU numbers and sizes resulting from conversions and transfers of use, as well as the proposed conversion program (that would allow up to 400 new TAUs from ‘conversion’ of CFA). In addition, mitigation measures to address the VMT increases from these policies need to be identified.*” (NOP comments, p. 37)

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lake clarity trends have generally improved over the last 15 years,<sup>48</sup> nearshore conditions have generally worsened, suggesting that the processes affecting the mid-lake versus the nearshore are not the same.

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**Changes to future distribution of re/development after 2012 RPU:**

In addition, RPU amendments adopted since the 2012 EIR/S impact the distribution of future development. For example, the RPU was amended in December 2015 to allow the transfer of coverage across Hydrologically-Related Areas (HRA) boundaries.<sup>49</sup> As cited above, changes were also made to allow the conversion of TAUs to CFAs and vice versa. Both of these changes impact the future distribution such that it is no longer represented by the assumptions used in the RPU’s analysis. In both cases, although we presented ample evidence regarding the need to study the full impacts of these changes, the amendments were made with very little analysis of potential impacts to nearshore standards,<sup>50</sup> transportation, and other resource areas, and a very cursory, ‘averages-of-averages’ type review of vehicle trips.<sup>51</sup> In addition, other impacts remain unclear. For example, the RPU limited new CFA to an additional 200,000 sq. ft. that could only be released after the remaining CFA from the 1987 Plan had been exhausted;<sup>52</sup> however, the RPU amendments to allow conversions of CFA to TAUs and the TBAP’s proposal to expand this program can be expected to expedite the use of the remaining CFA. Once the existing CFA is utilized by conversions to TAUs, it is unclear whether TRPA will release the additional 200,000 square feet of CFA (per the RPU), as the RPU EIS analysis of future growth was based on the withholding of additional CFA until after existing CFA from the 1987 plan was used. As a result, the TBAP cannot rely on outdated assessments and must assess the potential impacts to VMT distribution and related effects on TRPA thresholds associated with RPU changes in development patterns that have occurred since the RPU’s adoption on 12/12/2012.

12-20

Failure to perform these assessments also prevents the analysis of the impacts of VMT on local threshold standards such as nearshore water quality and air quality, and therefore prevents the consideration of adequate mitigation measures to address these impacts.

12-21

<sup>48</sup> [http://terc.ucdavis.edu/stateofthelake/sotl-reports/2016/11\\_clarity.pdf](http://terc.ucdavis.edu/stateofthelake/sotl-reports/2016/11_clarity.pdf) (attached)

<sup>49</sup> <http://www.trpa.org/governing-board-documents-december-16-2015/>

<sup>50</sup> In fact, GB members were concerned that the environmental checklist for this amendment did not address nearshore, and that TRPA’s IEC assessment had disclosed increased impacts to some nearshore areas. TRPA’s General Counsel confirmed the change only examined the Lake as one large bowl. See Minutes from 10/28/2015 RPIC hearing, p. 5-7; <http://www.trpa.org/wp-content/uploads/December-16-2015-Governing-Board-Packet.pdf>.

<sup>51</sup> As shown by the tables in the May 2015 GB packet cited previously, there is great variation among the trips generated by different uses. However, the conversion ratio is based on an average and thereby fails to account for potentially substantial additions in trips that could result from the new ‘converted’ uses.

<sup>52</sup> “The Final [RPU] would: (1) prohibit the release of the 200,000 square feet of new CFA until after the 383,579 square feet of CFA remaining from the 1987 Regional Plan are exhausted;...” (RPU FEIS, p. 3-42)

### 6. Inadequate mitigation measures in TBAP and RPU

#### A. RPU Mitigation:

As noted in our comments on the RPU EIS, as well as subsequent Area Plan environmental documents, the RPU’s proposed VMT and LOS mitigation<sup>53</sup> does not adequately address the impacts from development because it only applies to “new” future development.<sup>54</sup> It does not address the impacts from large redevelopment projects (note the Homewood Village Resort is considered a “redevelopment” project although it will add roughly 8,400 VMT<sup>55</sup>) and other conversions and changes in uses, such as the conversion of CFA to TAUs and the morphing of TAU units (as noted in our 5/25/2015 comments to the Regional Plan Implementation Committee regarding the updated on the CFA/TAU conversion Pilot program, TAU morphing combined with bonus units can result in substantial increases in transportation impacts, including a 400% increase in the number of vehicles associated with each tourist unit).<sup>56</sup> The RPU EIS provides no other assurances that the VMT standards will be met, nor plans for how VMT will be reduced when necessary to avoid violation of VMT and other affected threshold standards.

12-22

#### B. TBAP Mitigation:

The TBAP’s proposed mitigation measures also fail to suffice. We also note that there are two issues with regards to transit – transit can help mitigate traffic impacts, however the project can also create impacts to existing transit services. Mitigation Measures 10-1b, 10-1c, and 10-3a relate to the use of transit as mitigation for several impacts on traffic as well as impacts to existing transit services (Impact 10-5). As discussed in greater detail below, we are concerned that the existing mitigation fees, which are not proposed to be

12-23

<sup>53</sup> “Mitigation Measure 3.3-1 is implemented together with Mitigation Measure 3.3-3 in Final Draft Code Sections 50.4.2 and 50.4.3, putting into place a four-year process to evaluate LOS and VMT and to restrict the release of allocations in the case that LOS or VMT is projected to exceed adopted standards. Concurrently, implementation of pedestrian, bicycle, and transit facilities would be prioritized. Applicable code sections read:

50.4.2. 2013 Additional Allocations

TRPA shall release land use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.

50.4.3. LOS and VMT Monitoring

Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.” (RPU FEIS, p. 3-62).

<sup>54</sup> “To ensure that the VMT Threshold Standard is achieved, TRPA will develop and implement a program for the phased release of land use allocations followed by monitoring and forecasting of actual roadway traffic counts and VMT. New CFA, TAUs, and residential allocations will be authorized for release by the TRPA Governing Board every four years, beginning with the approval of the Regional Plan. Approval of the release of allocations will be contingent upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard will be maintained over the subsequent four-year period.” (TRPA GB Staff Report, December 2012, p. 93) [Emphasis added]

<sup>55</sup> [http://www.trpa.org/wp-content/uploads/11\\_Traffic\\_FEIR\\_EIS.pdf](http://www.trpa.org/wp-content/uploads/11_Traffic_FEIR_EIS.pdf); Table 11-18 (attached)

<sup>56</sup> <http://friendswestshore.org/wordpress/wp-content/uploads/2015/06/FOWS-comments-on-CFA-TAU-for-RPIC-5.27.2015.pdf> (attached)

raised, will not be sufficient to fund the transit improvements necessary to mitigate project impacts, achieve TRPA threshold standards (including resources affected by VMT), and protect public health and safety (as congestion impedes emergency access and evacuation).

**Mitigation Measure 10-1a:**

Although the DEIR/S states that Placer County “shall” install the hybrid beacon crossing that the Grove Street and SR 28 intersection, the mitigation measure does not require this to be completed prior to completion of the TCL or additional traffic generation associated with the TBAP.<sup>57</sup> According to the Mitigation and Monitoring Program, this beacon will be installed “within two years” following adoption of the TBAP (DEIR/S, p. 23-4). In order for this mitigation to truly mitigate the impacts of the TBAP and TCL, the beacon must be installed before impacts are generated. This should be a requirement in the FEIR/S and TCL permit to ensure the mitigation is implemented immediately. In addition, as this is identified as a needed improvement in the Tahoe City Mobility Plan, it is clearly an improvement that is needed to address existing congestion problems. It is unclear if the beacon installation will only be completed if the TBAP is approved.

**Mitigation Measure 10-1b:**

Mitigation Measure 10-1b<sup>58</sup> identifies one or more future Community Service Areas (CSAs) or Zones of Benefit (ZOBs) for funding, but provides no real assurance that such funding will be provided prior to implementation of plans and projects which rely on the mitigation. As discussed elsewhere, mitigation and impact fee programs need to be reviewed and adjusted to cover the increased costs of providing improved

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<sup>57</sup> “Mitigation Measure 10-1a: Construct pedestrian crossing improvements at the Grove Street/ SR 28 intersection

*This mitigation measure applies to Area Plan Alternatives 1, 2, and 3.*

As described above, pedestrian crossings, particularly near the SR 28/Grove Street intersection contribute to vehicular congestion and the existing unacceptable LOS conditions at the SR 28/Grove Street intersection. To reduce traffic delays on SR 28 through the Tahoe City Town Center during peak summer periods, Placer County shall construct a pedestrian activated hybrid beacon crossing at the Grove Street and SR 28 intersection in Tahoe City. The Tahoe City Mobility Plan and the Proposed Area Plan already identify this pedestrian crossing as a needed improvement. Article 15.28.010 of the Placer County Code establishes a road network Capital Improvement Program. The payment of traffic impact fees funds the Capital Improvement Program for area roadway improvements, such as the hybrid beacon pedestrian crossing...” (DEIR/S, p. 10-30)

<sup>58</sup> “Mitigation Measure 10-1b: Establish a County Service Area Zone of Benefit to fund expansion of transit capacity

*This mitigation measure applies to Area Plan Alternatives 1, 2, and 3.*

The key constraint to expanding transit capacity is the availability of ongoing transit operating subsidy funding, as discussed in the recently completed System Plan Update for the Tahoe Truckee Area Regional Transit in Eastern Placer County (LSC, 2016)... To provide an ongoing source of operating funding as well as transit bus seating capacity, Placer County shall establish one or more County Service Area Zones of Benefit encompassing the developable portions of the Plan area. Ongoing annual fees would be identified to fund expansion of transit capacity as necessary to expand seating capacity to accommodate typical peak-period passenger loads... Fees would be assessed on all future land uses that generate an increased demand for transit services, including residential, lodging, commercial, civic, and recreational land uses.” (DEIR/S, p. 10-31).

transit as identified in the TART 2016 Report.<sup>59</sup> The mitigation also only aims to provide additional peak service “*as necessary... to accommodate typical peak-period passenger loads.*” However, as peak LOS conditions already violate requirements, additional VMT reductions are likely to be needed to achieve threshold standards, and improved *daily* transit is important to achieving the economic and social goals in the region (see more discussion in Population and Housing section), increased transit is needed to alleviate *existing* LOS and VMT problems in addition to new impacts. Thus, the TBAP’s funding and implementation programs must expand overall transit use, not just ‘alleviate peak periods’ when compared to existing conditions. It is critical that the Area Plan establish this kind of areawide mitigation, as it is the most appropriate planning level to do so, not on a future project-by-project basis. In addition, the EIR/S must include performance measures that will be met by increased transit operations to ensure that they sufficiently mitigate impacts and will achieve and maintain TRPA’s thresholds and Code requirements.

**Mitigation Measure 10-1c:**

As discussed elsewhere, mitigation fee programs need to be reviewed and adjusted to cover the increased costs of providing improved transit as identified in the TART 2016 Report. Mitigation Measure 10-1c<sup>60</sup> requires projects within the TBAP to pay established traffic impact fees; however, the mitigation measure does nothing to address the increased operational costs of providing adequate ongoing transit.

**Mitigation Measure 10-3a:**

This mitigation measure has the same technical deficiencies as noted for 10-1a, b, and c.

In addition, these mitigation measures rely on performing the same actions as has been done in the area for decades. As reflected by our recent surge in traffic, this is not enough. We need to be more aggressive and creative with our solutions. Pursuing options that are feasible but may be more difficult to implement is just a start; we have likely already picked the “low-hanging fruit.” As a TRPA GB member recently noted, we need to be innovative and proactive if we are going to deal with the major increases in

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<sup>59</sup> Systems Plan Update for the Tahoe Truckee Area Regional Transit in Eastern Placer County; April 6, 2016.

[http://r.search.yahoo.com/\\_ylt=A0SO8ofXV69XBYA4o1XNyoA;\\_ylu=X3oDMTEyZTBoaTR2BGNvbG8DZ3ExBHBvcwMxBHZ0aWQDQjE5MTBfMQRzZWMDc3I-/RV=2/RE=1471137879/RO=10/RU=http%3a%2f%2fwww.placer.ca.gov%2f-%2fmedia%2fdpw%2ftart%2fdocuments%2ftartdraftplanv42016.pdf%3fla%3den/RK=0/RS=m2CW\\_ggUMMBRjTcn4Tu1lEmwd1k-](http://r.search.yahoo.com/_ylt=A0SO8ofXV69XBYA4o1XNyoA;_ylu=X3oDMTEyZTBoaTR2BGNvbG8DZ3ExBHBvcwMxBHZ0aWQDQjE5MTBfMQRzZWMDc3I-/RV=2/RE=1471137879/RO=10/RU=http%3a%2f%2fwww.placer.ca.gov%2f-%2fmedia%2fdpw%2ftart%2fdocuments%2ftartdraftplanv42016.pdf%3fla%3den/RK=0/RS=m2CW_ggUMMBRjTcn4Tu1lEmwd1k-)

<sup>60</sup> “Mitigation Measure 10-1c: Payment of traffic mitigation fees to Placer County  
*This mitigation measure applies to Area Plan Alternatives 1, 2, and 3 and Tahoe City Lodge Alternatives 1 and 3.*

Prior to issuance of any Placer County Building Permits, projects within the Area plan shall be subject to the payment of established Placer County traffic impact fees that are in effect in this area, pursuant to applicable county Ordinances and Resolutions. Traffic mitigation fees shall be required and shall be paid to the Placer County Department of Public Works and Facilities subject to the County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code. The fees will be calculated using the information supplied. If the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs.” (DEIR/S, p. 10-31)

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population we are now anticipating.<sup>61</sup> Relying on iterations of the same actions we have been taking in the past is clearly insufficient.

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**7. Transit**

***A. Peak Period Transit not enough:***

The TBAP policies and DEIR/S identify increased transit as one means to mitigate traffic impacts. However, the DEIR/S includes what appears to be conflicting information regarding transit. While transit is viewed as a means to mitigate impacts to VMT and LOS, Mitigation Measure 10-1b only involves the expansion of transit *during peak periods*, which may help mitigate LOS impacts, but will not mitigate the increased VMT that will occur on a daily basis with more people in and visiting the Basin. In addition, as the TBAP notes, more reliable and frequent transit will assist commuters to, from, and within the Basin, which will provide additional economic benefits as well as environmental.<sup>62</sup> Elsewhere, the DEIR/S refers to the 2016 TART Transit update which recommends priorities including those identified in Proposed Policy T-P-29 (draft TBAP, p. 130):

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T-P-29 On an annual basis, Placer County, in consultation with the Tahoe Regional Planning Agency, shall identify fiscal year priorities and develop an implementation strategy within current available funding to meet the overall priorities identified in the TART Systems Plan, including the following:

- Winter 30 Minute Service on North Shore
- Off Season Evening Service South of Squaw and Northstar
- Winter 30 Minute Service South of Squaw and Northstar
- Winter and Summer 30 Minute Service South of Squaw Valley and Northstar
- Eliminate transit fares

The EIR/S must ensure the daily transit operations necessary to reduce environmental impacts and to support improved commuting are included in the TBAP.

***B. Increased Transit Costs:***

According to the TART report most existing transit users did not have a car available for the trip they took on transit,<sup>63</sup> meaning most transit riders relied on transit because they didn't have another option. Unless services are significantly improved (and other

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<sup>61</sup> "We are implementing a sustainable community's strategy that came out of California which was driven by Regional Transportation planning, we need to be more proactive and innovative and there needs to be a mechanism to provide information on a regular basis. What we are doing today is not going to help us if we are talking about the numbers of people that are coming to this Basin, we cannot just respond to projects, we need to get ahead of the curve and work with these agencies to develop a good relationship with our partners on transportation to address these issues and find solutions." (TRPA GB Member Bill Yeates, 8/26/2015 GB Minutes, p. 13); <http://www.trpa.org/wp-content/uploads/September-23-2015-Governing-Board-Packet.pdf> (attached)

<sup>62</sup> "It should be noted that there will also be some ridership benefits not reflected in these figures. For instance, evening off-season service will allow some persons to work year-round at positions that they currently cannot access by transit due to the lack of off-season service, which will in turn increase ridership during the peak seasons." (TART, p. 52).

<sup>63</sup> "A car was not available for the trip for 76 percent of respondents." (TART Report, p 25)

disincentives to driving are employed, such as paid or limited parking), it can be expected that people who have cars available will continue to drive them, especially visitors who are also carrying luggage, kids, shopping bags, and recreational gear. Thus, continuing to fund similar transit services cannot be expected to provide adequate mitigation for increased transportation impacts. TART's 2016 report indicates that significant gains in transit ridership can be achieved with operational increases and evaluates three options. In all cases, ridership increases as do operating costs. However, even with this information available outlining changes that will improve transit use (notably a feasible mitigation option) at increased cost, the TBAP fails to consider revising mitigation fees for developers who rely upon transit as a means to mitigate their project. The DEIR/S also relies on increased transit operations to mitigate TCL traffic impacts.<sup>64</sup> Our comments on the NOP<sup>65</sup> identified the need to consider changes to mitigation and impact fees to fund services at a level required to mitigate traffic impacts, however the DEIR/S has failed to respond or to consider changes to mitigation fee programs. The TBAP is a *planning* document; it is supposed to plan on how to meet environmental requirements. Yet the TBAP Plan proposes to allow future projects that will create negative impacts while at the same time, concluding that the costs of adequate mitigation of those projects' impacts isn't affordable and therefore, not guaranteed or required. Worse yet, Placer County and TRPA refuse to examine adjusting mitigation fee programs that are supposed to pay for the mitigation of these new projects. This is a clear example of the kind of irresponsible planning that leads to increased negative impacts in the future and that CEQA and TRPA Compact requirements for environmental reviews aim to avoid. The TRPA and Placer County will not be able to legally make findings that all feasible mitigation has been included so long as this is not addressed. In addition, as noted by the TRPA and TMPO,<sup>66</sup> "Projections show the number of annual visits increasing by up to 20% in the next 20 years." Thus, the TBAP needs to also consider all feasible mitigation to reduce the impacts of all traffic increases. TRPA's thresholds do not apply only to new projects approved by TRPA and the County; they apply to the entire Basin. Neither agency can dismiss planning responsibility for all actions which affect the area.

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As costs and transit needs change, associated mitigation fee programs must be periodically assessed to ensure mitigation fees actually cover the mitigation of projects; failing to reassess these programs will inevitably lead to a wider gap between the costs of providing sufficient transit (as costs always increase in the long run for inflation and other reasons) and the collection of adequate funds to pay for those costs. As this gap

<sup>64</sup> "All Tahoe City Lodge alternatives would increase the key PM peak-hour transit ridership. Some of these trips could occur on a route and run already operating with passenger loads exceeding seating capacity during the winter. However, mitigation fees required by the TRPA Code would provide a funding source for transit improvements, which would offset the increase in ridership during peak periods for all lodge alternatives. In addition, Lodge Alternatives 1 -3 would comply with Mitigation Measure 10-3, which would require that the lodge project applicant provide annual transit fees beginning with the first year of operation." (DEIR/S, p. 19-18)

<sup>65</sup> "The EIR/S needs to analyze the impacts of the proposed alternatives based on variable levels of funding for transit service. Where transit is relied upon to mitigate new impacts and/or manage ongoing impacts from existing development, the EIR/S needs to disclose where the funding will come from and what mechanisms will be used to ensure transit is not reduced. The EIR/S should identify mechanisms to assure that those profiting from the new developments pay their fair share toward transit, including capital and ongoing costs. The portion of transit relying on taxpayer dollars should be clearly disclosed in the EIR/S." (NOP comments, p. 38).

<sup>66</sup> <http://www.linkingtahoe.com/input/> (image attached)

widens, it is likely that transit services will be cut, thus reducing ridership and increasing use of private automobiles.

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**C. Planning for transit at Area Plan level:**

Assessing the costs of transit and appropriate mitigation fees involves looking at the regional and areawide (e.g. area within the TBAP) transit operations; as a result, it is most appropriate to perform this assessment as part of the TBAP’s programmatic-level review. The Placer County Transportation Agency Board has also recognized the need to solve our transportation issues more locally.<sup>67</sup> It will be infeasible to require future applicants for individual projects to mitigate their impacts when such mitigation will rely in large part on areawide solutions (e.g. no evidence has been provided to suggest that installing a bike rack or transit shelter will increase transit frequency and service such that it provides mitigation for new residents, visitors, or employees, nor that paying a mitigation fee that is too low to cover the extent of transit operations that would increase ridership). In addition, annual mitigation fees will be determined at the area plan level, therefore adjustments to fees that are necessary to ensure adequate mitigation are most appropriately made at the Area Plan (areawide) level. If mitigation fees do not capture the true costs of mitigation now, it is reasonable to assume that annual transit fees will not be increased for projects that may be approved based on the TBAP. In addition, the DEIR/S relies on transit to mitigate peak period impacts, yet states that the transit improvements necessary to mitigate the impacts would require up to 150% increase in operating costs and other changes that the DEIR/S dismisses as infeasible.<sup>68</sup> There is a clear contradiction in terms of relying on transit to mitigate impacts yet stating such transit increases are not feasible.

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The TART report discusses future costs and funding related to transit operations that are necessary to increase transit ridership.<sup>69</sup> The TART report estimates “*The impact of this*

<sup>67</sup> “We have to address our transportation problems locally,” said Susan Rohan, Roseville vice-mayor and current chair of PCTPA board. “I don’t think we can wait for the state and federal governments to fix them for us. We can sit and complain, or we can solve the problem locally.” <http://www.placer.ca.gov/news/2016/jun/transportation-spending-plan> (attached)

<sup>68</sup> “Additional expansion of public transit ridership could potentially reduce traffic volumes. To address the deficiency under the various project alternatives, approximately 36 to 63 vehicles per hour would need to be removed in the peak direction. Assuming an average vehicle occupancy rate of two persons per vehicle, 72 to 126 additional transit passengers per hour would need to be served. Comparing the existing two buses per hour to the additional three buses per hour that would be required to serve the higher of these ridership figures indicates that this would require up to 150 percent increase in transit operating costs. In addition to the financial resources that would be required to operate additional transit vehicles throughout the peak season, generating the necessary increase in ridership even if the service could be provided would require substantial auto use restrictions (such as roadway tolls or substantial parking fees), which may not be possible due to the mix of private and public parking opportunities in the Plan area. Thus, this potential mitigation would be infeasible.” (DEIR/S, p. 10-31 to -32).

<sup>69</sup> “In summary, the operational, cost and ridership impacts of these financially constrained service improvements as follows:

- The service improvements will add an estimated 22,400 vehicle-hours of TART service per year. This is equivalent to a 67 percent expansion in TART service.
- An additional three buses will be operating at peak times.
- Total operating costs at full implementation (at current cost rates) will increase by \$1,857,000 per year.

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*plan on annual operating costs rise up to \$2,040,700 by FY 2020/21.” (p. 58). The report then discusses the existing and potential funding sources, noting future FTA funding may provide approximately \$600,000,<sup>70</sup> future CSA revenues are assumed to increase from the current level of approximately \$50,000 per year, up to \$91,000 by the end of this plan period (p. 61), and that “Beyond funds generated by existing and new CSA’s, the County will negotiate with individual developers of major projects for “up front” funding of operating expansions. A total \$119,700 in developer agreement funds are included in this plan, starting in Year 3.” (p. 61). Given that proposed developments in the region stand to make substantial profits from their projects and yet substantial traffic on roadways within the “Resort triangle,” the EIR/S must evaluate whether the proposed mitigation fees are adequate to mitigate the projects’ impacts. The estimated \$119,700 is a relatively low amount, covering just 6.4% of the estimated increased operational cost of \$1.857 million per year estimated in the TART report. In light of dwindling public dollars for transit operations, Placer County and TRPA need to assess the mitigation fee program to ensure the fees charged actually fund sufficient mitigation for projects. Making a finding that such an effort is infeasible is not a responsible planning excuse.*

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In addition, disincentives to driving are also necessary. While improved transit is imperative, unless there is also a strong incentive to riding public transit versus driving a private automobile, those carrying large gear and families are apt to continue to drive personal vehicles.<sup>71</sup> However, the DEIR/S also dismisses options to provide important disincentives to private automobile use (e.g. paid parking).<sup>72</sup>

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l The overall productivity of TART services, as measured by the passenger-trips served for every vehicle-hour of revenue service, will decrease from 11.2 to 8.9, reflecting the additional services in less productive service periods.

Detailed year-by-year ridership forecasts are shown in Table 25. Total annual ridership will increase by 120,800 passenger-trips per year, which is a 32 percent increase over current ridership.” (TART report, p. 52)

<sup>70</sup> Although recent estimates of FTA funding may be slightly higher (<http://www.placer.ca.gov/news/2016/jul/fta-funds>), there is still a shortfall between the cost of the transit operations and money to pay for them. (attached)

<sup>71</sup> “Setting these specific factors aside, it is realistic to conclude that the potential ridership under current conditions is limited. The low ridership is in part a reflection that the use of the private automobile for access to the ski resorts remains relatively convenient. Unlike some other mountain resorts, parking at North Tahoe ski areas is free to the skier. Except on the very busiest of days, parking is available at the North Tahoe resorts. Finally, while there is episodic traffic congestion on busy days, shifting from a private car to a bus service does not provide any travel time savings... As a result, skiers with ready access to a private vehicle have little incentive (in terms of monetary or time savings) to use a transit service, given the time needed to wait for the bus or use a park-and-ride.

In subsequent ski seasons, a more limited (two bus) skier shuttle program has been operated, focusing on connecting lodging properties with the ski base areas. Overall, however, the results of this experimental service indicate that simply providing enhance transit service to park-and-ride locations in the North Tahoe/Truckee region is not an effective means of reducing auto use.” (VSVSP FEIR, Response to comments, p. 3-27 to 3-28) (attached)

<sup>72</sup> “Additional expansion of public transit ridership could potentially reduce traffic volumes. To address the deficiency under the various project alternatives, approximately 36 to 63 vehicles per hour would need to be removed in the peak direction. Assuming an average vehicle occupancy rate of two persons per vehicle, 72 to 126 additional transit passengers per hour would need to be served. Comparing the existing two buses per hour to the additional three buses per hour that would be required to serve the higher of these ridership figures indicates that this would require up to 150 percent increase in transit operating costs. In addition to the financial resources that would be required to operate additional transit vehicles throughout the peak season, generating the necessary increase in ridership even if the service could be provided would require

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Clearly, transportation-related mitigations will require multiple, aggressive measures to truly mitigate impacts – which must be done at the TBAP’s areawide planning level. The FEIR must assess the forecasted cost of transit operations and determine what adjustments are needed to one time and annual mitigation fees in order for development fees to reflect the actual costs of mitigation as well as evaluate and require disincentives to personal automobile use.

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***D. Transit Goals and Policies:***

The TBAP DEIR/S notes other benefits from improved transit operations, including potential job and housing improvements<sup>73</sup> – which are also among the goals and policies of the RPU and TBAP. The failure to require aggressive mitigation solutions is adverse to the responsibility to meet numerous goals and policies.

**RPU Goals and Policies on Transit:**

The RPU includes numerous goals and policies<sup>74</sup> which identify the need to expand transit operations and use. Examples include the following:

**LU-3.3 DEVELOPMENT IS PREFERRED IN AND DIRECTED TOWARD CENTERS, AS IDENTIFIED ON THE REGIONAL LAND USE MAP. CENTERS SHALL HAVE THE FOLLOWING CHARACTERISTICS:**

- 1) A concentration of non-residential and mixed-use development at a higher intensity than exists in other areas of the Region.
- 2) Existing or planned transit service.
- 3) Highway access.
- 4) Infill and redevelopment opportunities.
- 5) Capacity for receiving transfers of development rights and relocations of existing development.
- 6) Existing or planned housing in the vicinity.
- 7) Existing or planned street designs with continuous sidewalks, paths and other infrastructure that promotes walking, bicycling and transit use so as to encourage mobility without use of private vehicles.

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**LU-4.8 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:**

- 8) Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.

**LU-4.9 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS THAT INCLUDE TOWN CENTERS OR THE REGIONAL CENTER**

substantial auto use restrictions (such as roadway tolls or substantial parking fees), which may not be possible due to the mix of private and public parking opportunities in the Plan area. Thus, this potential mitigation would be infeasible.” (DEIR/S, p. 10-31 to -32).

<sup>73</sup> “It should be noted that there will also be some ridership benefits not reflected in these figures. For instance, evening off-season service will allow some persons to work year-round at positions that they currently cannot access by transit due to the lack of off-season service, which will in turn increase ridership during the peak seasons.” (TART, p. 52).

<sup>74</sup> [http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan\\_20160614\\_Clean.pdf](http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20160614_Clean.pdf)

**SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:**

- 1) Address all requirements of *Policy LU-4.8*.
- 2) Include building and site design standards that reflect the unique character of each area, respond to local design issues and consider ridgeline and viewshed protection.
- 3) Promote walking, bicycling, transit use and shared parking in town centers and the Regional Center, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within town centers and the Regional Center, and to other major activity centers.

**GOAL T-4  
ENCOURAGE EFFICIENT AND EFFECTIVE EXPANSION OF PUBLIC TRANSIT OPERATION AND USE IN THE LAKE TAHOE REGION.**

**POLICIES:**

**T-4.1 IMPROVE EXISTING TRANSIT SYSTEMS THROUGH INCREASED FREQUENCY, PREFERENTIAL SIGNAL CONTROLS, EXPANDED SERVICE AREA, AND EXTENDED SERVICE HOURS.**

**T-4.2 PROVIDE TRANSIT FACILITIES THAT ENCOURAGE TRANSIT, BICYCLE, AND PEDESTRIAN USAGE.**

**T-4.3 PROVIDE TRANSIT SERVICE TO MAJOR SUMMER AND WINTER RECREATIONAL AREAS.**

[Emphasis added]

**TBAP Goals and Policies on Transit:**

The proposed TBAP also includes policies to increase transit operations and use:

T-P-1 Encourage use of non-auto modes of transportation by incorporating public transit, bicycle, and pedestrian travel amenities in transportation projects and other projects that impact or connect to the transportation network.

T-P-16 Encourage TART to increase TART hours of operation and frequency of route circulation (i.e., reduce headways), provided funding is available.

T-P-17 Work with public transit providers to structure fare rates and schedules in order to optimize ridership.

T-P-26 Working with Federal, State, Local Government and Private sector partners, secure adequate funding and implement the TART Systems Plan so that transit is a viable transportation alternative within the service area.

T-P-27 The County shall require fair share funding contributions by new development subject to discretionary approval or redevelopment that increases density, overall square footage and/or occupancy load for implementation of transit services to meet future demand. On-site transit systems as well as off-site transit alternatives and park and ride facilities must be demonstrated to be a viable transportation alternative and result in vehicle trip reductions for each new development.

TP-29: On an annual basis, Placer County, in consultation with the Tahoe Regional Planning Agency, shall identify fiscal year priorities and develop an implementation strategy within current available funding to meet the overall priorities identified in the TART Systems Plan, including the following:

- Winter 30 Minute Service on North Shore
- Off Season Evening Service South of Squaw and Northstar
- Winter 30 Minute Service South of Squaw and Northstar
- Winter and Summer 30 Minute Service South of Squaw Valley and Northstar
- Eliminate transit fares

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The draft TBAP also includes regulations which identify the importance of public transit and require mitigation fees cover the costs of mitigation. For example:

As a recreational/resort area with a limited roadway network, public transit services are important in expanding mobility capacity and improving environmental conditions. Over the course of a decade, Placer County has delivered a level of transit improvement, service, and coordination in excess of the requirements that govern local public transit. Placer County continues to look for opportunities to enhance and expand transit services, and has prepared an April 2016 update to the TART Systems Plan. The TART System Plan Update is a culmination of work conducted by the North Tahoe Transit Vision Coalition from 2012 through 2016. The plan identifies priority transit improvement and reasonably foreseeable funding sources, including local, State, Federal and private funding to make transit improvements within the “Resort Triangle” of the North Lake Tahoe area. As discussed below and mapped in Figure 5-2, the Plan area is served by a mix of public and private transit services. (TBAP, p. 118)

6T-P-9 New and/or modified development shall be assessed Traffic Mitigation Fees associated with the Placer County Tahoe Region’s Capital Improvement Program. Fees shall be representative of the fair share portion of that development’s impacts on the local regional transportation system. (TBAP, p. 128)

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The proposed TBAP fails to meet both RPU goals and policies and its own goals and policies by dismissing measures to increase transit use deemed necessary to mitigate the impacts. In fact, Appendix G-2 notes that the Area Plan does not include measures that are any more aggressive than those in existing Community Plans and Plan Area Statements nor provide for increased funding to ensure operation.<sup>75</sup> For example, if the existing impact fees are inadequate to support proper transit operations (which as discussed previously, the DEIR/S dismisses more aggressive transit mitigation due to cost), then it is most appropriate for Placer County and TRPA to reconsider the fee program at the programmatic level as solutions involve regional and areawide services (e.g. TART). Such a regional/areawide assessment will be inappropriate for future individual project-level reviews. As proposed, the TBAP misses the opportunity to truly take measures to mitigate the increasing traffic that is plaguing our Region. Given how rare Community Plan updates have been performed and the extensive resources involved in any Plan updates, it is unlikely that this opportunity will come back anytime soon.

### 8. Potential VMT and traffic impacts from existing infrastructure not evaluated

#### A. Skewed baseline:

VMT levels were significantly lower in the baseline years for the RPU EIS analysis due in large part to the economic recession (See League to Save Lake Tahoe, Tahoe Area Sierra Club, and Friends of the West Shore comments on the draft RPU EIS, 6/28/2012

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<sup>75</sup> “In particular, Transportation Policies T-P-11 through T-P-23 present general policies to encourage pedestrian, bicyclist and transit travel by encouraging improved facilities, safer travel corridors, expanded bicycle parking, etc. However, the proposed policies are not significantly more aggressive in enhancing non-auto travel modes than the existing Community Plans, nor does the proposed Area Plan include specific implementation steps (such as new funding sources) to ensure implementation of the policies.” (App. G-2, p. 5).

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[hereafter “RPU DEIR comments 6/28/2012”], p. 219-223<sup>76</sup>). With economic recovery comes increased visitation and resultant VMT impacts – a fact we are now seeing with significant increases in traffic in 2015 and 2016 as attested to by first responders and numerous residents at the 7/7/2016 Placer County Planning Commission hearing on the Martis Valley West Parcel Specific Plan (MVWPSP) project.<sup>77</sup> The California Highway Patrol (CHP) also noted the extensive increases in traffic in recent years in the Truckee/North Tahoe region, as well as concerns about how these increases affect the response time of emergency responders.<sup>78</sup> As noted previously, the RPU EIS failed to account for the increased VMT and LOS that could occur even without the addition of any new units to the Lake Tahoe Basin. In fact, our comments include recommendations from an air quality expert who peer reviewed the 2011 Threshold Evaluation Report specifically noting the need for TRPA to leave an “air cushion” for emission increases from rising VMT associated with economic recovery; unfortunately this was not addressed in the final RPU EIR or RPU package, nor is this addressed in the TBAP DEIR/S.

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***B. Difference between threshold violation and future VMT***

It is revealing to look at the difference between the “Threshold Minus Alternative Regionwide VMT” in the February 16, 2016 LSC Memo<sup>79</sup> (obtained from County staff) and the May 27, 2016 Memo (Appendix G-2) “Traffic Volumes and VMT for Placer Area Plan EIR/EIS.” The latter memo appears to have been updated based on a new model run for TRPA’s Transcad model although it is not explained. The 2/16/16 Memo notes that the resulting VMT estimates for the TBAP alternatives are below the TRPA Air Quality Threshold value of 2,068,000 “by at least 85,548;” in the updated 5/27/2016 Memo, this figure is changed to 47,486 – a difference of 38,062 VMT. First, the DEIR/S must explain this difference, as well as clarify the discrepancy between the information in App. H-4 and the rest of the DEIR/S. Second, this shows how much variation in the model can affect the outcome; in this case, it appears the amount of VMT “remaining” before the regional VMT standard is violated changed by 45% from just a model update. The cumulative summer daily VMT is estimated to be increased by 42,477 (App. G-2, p. 6), while the “Threshold Minus Alternative Regionwide VMT” is 57,158 for Alt. 1. Third, it is worth noting that the window between the existing VMT, cumulative impacts, and violation of the VMT standard is closing – these numbers are not that different, and it doesn’t appear it will take much more for the VMT standard to be violated. In addition, a small underestimate in the VMT analysis (which there are many as we have noted) could

12-29

<sup>76</sup> [http://friendswestshore.org/wordpress/wp-content/uploads/2011/06/2012-TASC.FOWS\\_LTSLT-Comments-DEIS-TER-6.28.pdf](http://friendswestshore.org/wordpress/wp-content/uploads/2011/06/2012-TASC.FOWS_LTSLT-Comments-DEIS-TER-6.28.pdf); also on file with TRPA.

<sup>77</sup> [http://media-08.granicus.com:443/OnDemand/placer/placer\\_c70ed671-3bbe-404d-a1c8-d0be2bfef7da.mp4](http://media-08.granicus.com:443/OnDemand/placer/placer_c70ed671-3bbe-404d-a1c8-d0be2bfef7da.mp4); meeting information:

<http://www.placer.ca.gov/~media/cdr/planning/pc/2016/july%207/jul7actions.pdf?la=en>

<sup>78</sup> “The Truckee and North Tahoe communities... [have] experienced an incredible amount of growth within the last few years, as well as fluctuating population increases... The North Tahoe area has limited roadway infrastructure for State Route (SR) 89 and 28. The Tahoe Basin is a protected environment making increases to the state highway system challenging... These impacts and an increase to congestion increase emergency response times for first responders including CHP Truckee Area personnel.” (7/3/2015, CHP comments on VSVSP DEIR);

[http://www.placer.ca.gov/~media/cdr/ecs/eir/vsvsp/comments%20on%20deir/comment\\_chp.pdf?la=en](http://www.placer.ca.gov/~media/cdr/ecs/eir/vsvsp/comments%20on%20deir/comment_chp.pdf?la=en) (attached)

<sup>79</sup> Cited in DEIR/S, App. H-4, as source for 2015 VMT estimate.

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have a significant impact. We caution the TRPA and Placer County to strongly consider projects allowing substantial increases in VMT until there is a plan to effectively reduce it and ensure standards are not violated through adequate measurements).

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**C. Long term traffic counts:**

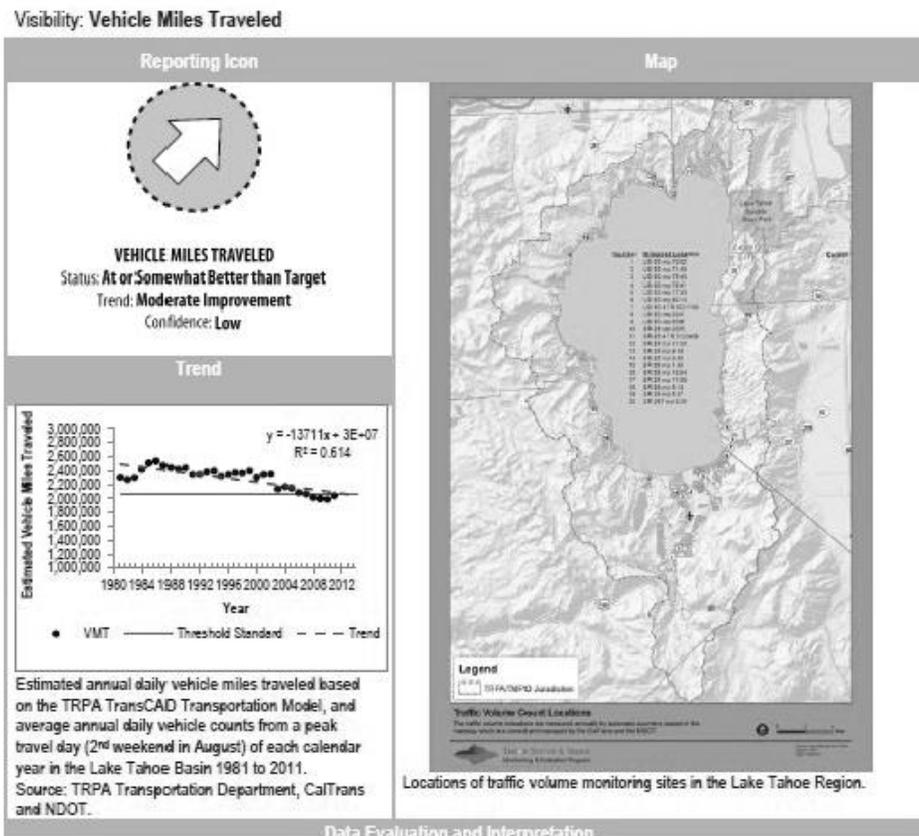
The TBAP’s analysis only reviews the period beginning in 2005.<sup>80</sup> However, as noted in the most recent Threshold Evaluation Report (TER) published in 2012,<sup>81</sup> the existing roadway infrastructure in the Basin has been subjected to far greater traffic levels.

12-30

The FEIR/S must assess the potential worst-case VMT impacts in the TBAP area associated with the VMT that may result from existing infrastructure. This may be reflected by assessment of the maximum traffic levels that have occurred in the area since the current infrastructure was built, as can be gleaned from the long term VMT counts presented in the RPU EIS (cited previously):

<sup>80</sup> “Existing traffic volumes: Traffic volume counts are regularly conducted by Caltrans. The available traffic counts on SR 28 for 2005 through 2014 (the most recent year available) throughout the Plan area were reviewed, and the results are illustrated in Appendix G. Based on the average daily volumes (ADTs) in the peak month of traffic activity (July or August), traffic volumes have generally declined in the Plan area since 2005, except at one of the two points in Kings Beach.” (DEIR/S, p. 10-5)

<sup>81</sup> [http://www.trpa.org/wp-content/uploads/TEVAL2011\\_Ch3\\_Air-Quality\\_Oct2012\\_Final.pdf](http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch3_Air-Quality_Oct2012_Final.pdf); p. 3-17 and 3-49.



12-30 cont

In addition, as noted previously significant increases in traffic around the Basin from peak visitor periods have been observed beginning the summer of 2015 and continuing into this summer. While such data may not be quality assured for public release,<sup>82</sup> the DEIR/S can still account for the impacts of the increasing traffic by examining the full capacity of, and historical traffic volumes on, our roadway systems.

**9. LOS and Vehicle Congestion:**

The TRPA RPU included its own standards related to vehicle Level of Service (LOS) and relied on the implementation of LOS improvement projects by public agencies after RPU adoption to address LOS impacts of the RPU.<sup>83</sup> Although California may be considering regulatory changes that will require future CEQA analyses to examine the VMT impacts

12-31

<sup>82</sup> 2015 traffic counts have not been released yet pending federal review. Pers. Comm. Diana Tham, Caltrans, 7/26/2016.

<sup>83</sup> "TRPA anticipates that new LOS improvement projects will be included with new development proposals (as required by code) and implemented by public agencies in the Region." (RPU FEIS, Volume 1, p. 3-64)

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of projects,<sup>84</sup> California Public Resources Code 21099(B)(3)<sup>85</sup> does not relieve an agency of evaluating the other impacts of congestion, including safety. Further, TRPA is currently legally required to meet the Code’s LOS requirements and the related air quality threshold. In addition, greater congestion during peak periods impedes the ability of emergency responders to both access and evacuate areas of the TBAP and beyond during emergency situations. This increased threat to public health and safety was repeatedly noted as a major concern by the public, emergency responders, and members of the Placer County Planning Commission in recent hearings.<sup>86,87</sup> In addition, a recent California court ruled that existing evacuation plans do not address the capacity of SR 89 to evacuate people during an emergency, and directed Placer County to resolve this inadequacy in the EIR/S that was the subject of the litigation (Homewood Village Resort).<sup>88</sup> Additional comments regarding emergency situations are provided below. Further, impacts to LOS (and VMT) are anticipated to be underestimated due to flaws with the traffic analysis, including but not limited to the failure to consider increased traffic from existing and redevelopment, as discussed further elsewhere.

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The DEIR/S includes the following significance criteria:

“Based on the “Transportation and Circulation” criteria from TRPA’s Initial Environmental Checklist, an alternative would result in a significant impact to transportation and circulation if it would:

- | Substantially impact existing highway systems or alter present patterns of circulations, defined here as:... cause a study roadway within a rural area to worsen from LOS D or better to LOS E or worse;

- | cause a study roadway within an urban area to degrade as follows:
  - | worsen from LOS E or better to LOS F; | worsen from LOS D or better to LOS E for 5 hours or more;” (DEIR/S, p. 10-15). [Emphasis added].

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The DEIR/S assesses LOS impacts and finds only the impacts on SR 28 through Tahoe City to be significant. The Truckee River corridor (SR 89 north), SR 267, Kings Beach, Tahoe City, and the West Shore experienced gridlock this summer and last, an indication that previous lower level baseline years are already out of date.

**Amendment to LOS requirements for both Town Centers:**

The DEIR/S identifies significant and unavoidable impacts to the LOS in the Tahoe City Town Center. However, rather than require additional mitigation measures to reduce these impacts, the TBAP proposes to revise the LOS standards to allow for

12-33

<sup>84</sup> [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php) (image attached)

<sup>85</sup> 21099(B)(3) This subdivision does not relieve a public agency of the requirement to analyze a project’s potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation. The methodology established by these guidelines shall not create a presumption that a project will not result in significant impacts related to air quality, noise, safety, or any other impact associated with transportation.

<sup>86</sup> For example, numerous comments were made during the June 9 and July 7, 2016 Planning Commission hearings related to the Martis Valley West Parcel Specific Plan. Also see Sierra Sun article for summary: <http://www.sierrasun.com/news/22841531-113/planning-commissioners-vote-5-2-for-denial-of-martis>.

<sup>87</sup> Concerns were also expressed during the 8/11/2016 Planning Commission hearing regarding the VSVSP.

<sup>88</sup>

<http://www.leagle.com/decision/In%20CACO%2020151222052/CALIFORNIA%20CLEAN%20ENERGY%20COMMITTEE%20v.%20COUNTY%20OF%20PLACER>

even more congestion in both Town Centers.<sup>89</sup> With this amendment, the TBAP is proclaimed to conform to the RPU. In other words, the DEIR/S concludes the TBAP cannot meet the standards, so the TBAP proposes to revise (weaken) the standards so it can conclude the TBAP is consistent with the standards. In addition, as TRPA’s Code requirement regarding the phased release of new allocations for development includes requirements related to achieving LOS standards, weakening the LOS standard can be expected to allow the release of allocations sooner than analyzed by the RPU EIS, thus further negating the RPU EIS analysis related to the mitigation of LOS impacts<sup>90</sup>. The TBAP DEIR/S has not evaluated this impact.

The DEIR/S states this amendment is allowed by the RPU (Goals & Policies, 10.7(f)). The intended purpose of TRPA’s exception allowing worsening LOS conditions was to increase the availability and use of alternative means of transportation.<sup>91</sup> Specifically, the DEIR/S relies on TRPA’s RPU/RTP Policy 10.7(f), which states the “*vehicle LOS (level of service) standards may be exceeded when provisions for multi-modal amenities and/or services (such as transit, bicycling, and walking facilities) are adequate to provide mobility for users at a level that is proportional to the project generated traffic in relation to overall traffic conditions on affected roadways.*” The RPU includes no criteria regarding how to define when amenities and services are “adequate” under this provision. Without such criteria, there is no foundation upon which TRPA/Placer County, and therefore the public, can assess whether such amenities and services are “*proportional to the project generated traffic.*” As stated in Appendix G-2, the proposed measures to increase transit use (and thereby mitigate traffic impacts) are no more aggressive than existing requirements, nor is funding guaranteed,<sup>92</sup> even though the RPU’s final EIR stated that LOS exceptions would require additional transportation improvements<sup>93</sup>. In fact, for these reasons App. G-2

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<sup>89</sup> “In recognition of the LOS conditions in the Tahoe City Town Center, Area Plan Alternatives 1 through 3 would revise the LOS standards to allow LOS F during peak periods in town centers (Area Plan Policy T-P-6). The future LOS conditions would not exceed the proposed LOS standard for Area Plan Alternatives 1 through 3. However, because the alternatives would result in LOS that exceeds existing TRPA standards and no additional mitigation is feasible, this impact is considered significant and unavoidable for all alternatives.” (DEIR/S, p. 10-16).

<sup>90</sup> TRPA Code: “50.4.3. LOS and VMT Monitoring  
Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.”

<sup>91</sup> “The Draft Plan also provides an exception to roadway level of service standards when multi-modal facilities and services are provided. This provision allows developments to utilize and help fund sidewalks, trails and transit service as an alternative to roadway expansion. In practice, recent projects have received exceptions to level of service standards through an “overriding consideration” finding. The modified plan provisions are intended to make this opportunity more predictable and consistent.” (Community Character RPU Issue Sheet, 7/27/2012, p. 5); [http://www.trpa.org/wp-content/uploads/3\\_Community\\_Character\\_2012-07-27\\_final.pdf](http://www.trpa.org/wp-content/uploads/3_Community_Character_2012-07-27_final.pdf)

<sup>92</sup> “However, the proposed policies are not significantly more aggressive in enhancing nonauto travel modes than the existing Community Plans, nor does the proposed Area Plan include specific implementation steps (such as new funding sources) to ensure implementation of the policies.” (App. G-2, p. 5)

<sup>93</sup> “Revisions include not releasing any additional CFA until the existing supply is exhausted; only

assumes no trip reductions from the TBAP’s transportation policies.<sup>94</sup> Even if what is “proportional” could be defined and assessed in the DEIR/S, without the assurance of increased transit funding along with the other disincentives that are necessary to encourage more transit ridership (e.g. paid parking), there is no guarantee that the amenities or services provided under the TBAP result in a “level that is proportional” to the TBAP’s generated traffic. In fact, the DEIR/S notes that in order to mitigate (peak) impacts, 36-63 vehicles would have to be reduced during the peak hour in Tahoe City, however due to increased operational costs and other constraints the TBAP dismisses additional requirements that would further mitigation traffic,<sup>95</sup> including potential revisions to mitigation fee programs.

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The goals of CEQA<sup>96</sup> and the TRPA Compact<sup>97</sup> include the identification of impacts and all feasible mitigation measures to reduce those impacts. However, as discussed previously, this DEIR/S dismisses viable mitigation options which may mitigate impacts to LOS, instead declaring additional mitigation to be infeasible.<sup>98</sup> The DEIR/S exacerbates this error by then proclaiming there are no impacts from the proposed weakening of the LOS standards because the policy change will not change

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allowing new bonus units to be used in community centers (where average VMT is less); expanding transportation improvement requirements for projects proposing to utilize LOS exceptions; and establishing additional limitations for the future expansion of community centers, for increased height outside community centers, and for increased coverage outside centers, all of which would result in additional concentration of the Region’s development allocations within community centers. A more detailed summary of these changes is provided in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of the Final EIS.” (RPU FEIR, p. 64) [Emphasis added]

<sup>94</sup> “As such, and to provide a conservative estimate of future traffic conditions, no further reductions in traffic volumes or VMT are applied to reflect changes in transportation policies.” (App. G-2, p. 5).

<sup>95</sup> “Additional expansion of public transit ridership could potentially reduce traffic volumes. To address the deficiency under the various project alternatives, approximately 36 to 63 vehicles per hour would need to be removed in the peak direction... this would require up to 150 percent increase in transit operating costs. In addition to the financial resources that would be required to operate additional transit vehicles throughout the peak season, generating the necessary increase in ridership even if the service could be provided would require substantial auto use restrictions (such as roadway tolls or substantial parking fees), which may not be possible due to the mix of private and public parking opportunities in the Plan area. Thus, this potential mitigation would be infeasible.” (DEIR/S, p. 10-31 to -32).

<sup>96</sup> CEQA section:§ 21002. APPROVAL OF PROJECTS; FEASIBLE ALTERNATIVE OR MITIGATION MEASURES

The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.

<sup>97</sup> “Article VII: (2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following: (D) Mitigation measures which must be implemented to assure meeting standards of the region;” [Emphasis added]; [http://www.trpa.org/wp-content/uploads/Bistate\\_Compact.pdf](http://www.trpa.org/wp-content/uploads/Bistate_Compact.pdf)

<sup>98</sup> “While Mitigation Measures 10-1a, 10-1b, and 10-1c would reduce LOS deterioration, the roadway LOS after implementation of the mitigation measures would remain unacceptable and no additional mitigation is feasible.” (DEIR/S, p. 10-16).

actual traffic levels.<sup>99</sup> However, future projects will be subject to meeting the policies in the Area Plan; therefore changes to the Area Plan requirements that allow for more traffic impacts can be reasonably expected to in fact lead to more traffic impacts. The DEIR/S’s claim appears no more than a means to avoid adequate review and mitigation of this impact. Congestion not only impacts air quality, but also affects public health and safety with regards to access for emergency service providers and evacuations.

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In addition, as the DEIR/S notes on p. 10-3, the Caltrans Concept LOS for SR 28 and SR 89 is LOS E. The TBAP proposes to revise TRPA’s LOS standard to allow LOS F in the Town Centers which lie on portions of both state routes,<sup>100</sup> however this would not change the Caltrans LOS standard. As a result, the DEIR/S must disclose that this is also a significant impact with regards to the Caltrans standard (and it will conflict with Caltrans’ requirements).

**Roadway Segment LOS - Kings Beach - TBAP:**

*Impacts to SR 267:*

The DEIR/S analysis concludes that although the TBAP will worsen the LOS on SR 267 north of SR 28, this is not a significant impact because LOS will not be at level E for longer than four hours.<sup>101</sup> There are several problems with this conclusion:

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1. The DEIR/S evaluates the roadway segment on SR 267 north of SR 28 as an ‘urban’ segment, applying the second criterion listed above for urban areas instead of rural areas, yet the TRPA RTP identifies this roadway segment as a rural area.<sup>102</sup> As the DEIR/S aims to tier from the RPU/RTP analysis, the same classifications should be used; as such, SR 267 north of SR 28 should be identified as a rural roadway segment and impacts evaluated against the criterion established for rural roadway segments by Caltrans. In this case, the TBAP will result in a worsening of LOS from level D (existing) to level E, thereby creating a substantial impact as defined by the significance criteria.

<sup>99</sup> “Because this policy would not change actual traffic levels within the Plan area and it would not alter the requirements for project-level mitigation of traffic impacts, it would have no effect on roadway LOS.” (DEIR/S, p. 10-17).

<sup>100</sup> “In recognition of the LOS conditions in the Tahoe City Town Center, Area Plan Alternatives 1 through 3 would revise the LOS standards to allow LOS F during peak periods in town centers (Area Plan Policy T-P-6).” (DEIR/S, p. 10-16)

<sup>101</sup> “[A]lthough SR 267 north of SR 28 would degrade from LOS D to LOS E in the southbound direction, it would remain at an acceptable level (LOS E for 4 hours per day or less).” (DEIR/S, p. 10-17)

<sup>102</sup> “For purposes of this analysis, roadway segments are defined as either urban or rural depending on the type and extent of adjacent land development. Rural areas include the SR 89 North, SR 89 South, SR 267, and parts of US 50 west of Meyers, and SR 431 gateways to the Tahoe Region, SR 89 on the west shore, SR 28 and US 50 on the east shore. The remaining study locations are situated in the vicinity of development within Meyers, the City of South Lake Tahoe, South Stateline, Kingsbury, Tahoe City, Kings Beach, North Stateline, and Incline Village. Accordingly, they are categorized as being situated in urbanized areas. All study intersections are situated in urban areas.” (RTP DEIR 3.3-41). [Emphasis added].

2. The current applicable State Route 267 Transportation Corridor Concept Report (TCCR) by Caltrans identifies the minimum acceptable LOS/“Concept LOS” over the next 20 years on the segment of SR 267 north of SR 28 as LOS D<sup>103</sup>; in fact, the TCCR relies on this segment *remaining* at LOS D for the next 20 years (TCCR, p. 7). The TBAP DEIR/S also notes that Caltrans Concept LOS for all segments of SR 267 is D.<sup>104</sup> Further, as the TRPA RTP notes, Caltrans has “*indicated that significant impacts should be identified for facilities that do not meet its concept LOS.*”<sup>105</sup> The TBAP’s proposal to allow degradation to LOS E conflicts with Caltrans’ Concept LOS and 20-year plan for the roadway and results in a significant impact based on Caltrans’ previous direction to TRPA (the DEIR/S also incorrectly states all TRPA LOS standards are ‘more stringent’ than state standards and therefore are solely applied in the analysis,<sup>106</sup> however this erroneously overlooks Caltrans’ Concept LOS as it is more stringent than TRPA’s for SR 267 north of SR 28). The EIR/S must assess this segment with the appropriate significance criteria, identify that significant impacts will occur as identified by applicable TRPA and Caltrans standards, and include mitigation measures to reduce these impacts.

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*Existing roadway capacity in Kings Beach:*

The DEIR/S relies on outdated information from 2007 regarding the roadway capacity in Kings Beach.<sup>107</sup> As roundabouts were recently installed in the Kings Beach area and will affect the capacity of the roadway, the TBAP DEIR/S must assess the new roadway capacity (which represents the “existing baseline condition”). The DEIR/S cannot rely on almost ten-year old data and ignore interim changes to infrastructure and roadway capacity to discuss the current capacity of the roads. Further, common sense, resident and visitor complaints, and a recent uprising of citizens who are very concerned with the capacity of SR 267 and 28 should inform the County Planning Commission that it is time to buckle down and stop approving new vehicle trips until there is both a plan, plus the implementing requirement - real money - in place to implement solutions.

12-35

<sup>103</sup> State Route 267 TCCR Traffic Data, Forecasted LOS and Facility type, p. 4. (attached)

<sup>104</sup> DEIR/S, p. 10-3.

<sup>105</sup> “A number of factors were considered in selecting the significance criteria for intersections and roadways. TRPA, as the planning agency responsible for the Tahoe Region, has established a more restrictive LOS policy for roadways than that of Caltrans, which submitted a comment letter in response to the NOP for the RTP/SCS EIR/EIS. TRPA’s policy is a minimum LOS D at intersections and roadways with LOS E considered acceptable for no more than four hours per day. Caltrans has indicated that significant impacts should be identified for facilities that do not meet its concept LOS (i.e., planned long-term operating condition), which for certain highways is LOS F.” (RTP DEIR 3.3-41). [Emphasis added].

<sup>106</sup> “Although this report provides LOS standards for intersection and roadway operations, the standards set forth by the TRPA typically govern over the state standards for projects located within the Tahoe Basin, but any projects affecting a state highway are also subject to Caltrans review. Because the LOS standards set forth by the TRPA are more stringent, they are applied in this analysis.” (DEIR/S, p. 10-3)

<sup>107</sup> “Capacity for SR 28 in Kings Beach: eastbound 1,241 vehicles per hour; westbound 1,171 vehicles per hour, as estimated by LSC Transportation Consultants, Inc. as a part of the Kings Beach Urban Improvement Project Traffic Study (LSC 2007). The methodology used in developing these estimates is described in Appendix G. Source: LSC Transportation Consultants, Inc. 2016” (DEIR/S, p. 10-20)

**Roadway Segment LOS - Tahoe City - TBAP:**

*Timing of traffic counts:*

The traffic counts collected for two locations were taken on a Tuesday,<sup>108</sup> yet the DEIR/S identifies Friday as the day in August when the highest ADT typically occurs (DEIR/S, p. 10-5). In order to evaluate the impacts to traffic on a Friday as called for by the DEIR/S, traffic counts used for the modeling should be collected on a Friday. The FEIR/S needs to remedy this error.

12-36

**Roadway Segment LOS – Tahoe City Lodge:**

*Mitigation Fees:*

Mitigation for the Tahoe City Lodge (TCL) impacts to roadway segment LOS relies on the payment of some mitigation fees.<sup>109</sup> However, as noted in our comments regarding mitigation fees, evidence strongly indicates that the existing fee program is not adequate to sufficiently mitigate project impacts. The TBAP EIR/S should first assess existing and future mitigation costs and make amendments to mitigation fee programs as necessary to ensure sufficient fees are collected from all future projects. Subsequent to that analysis, the TCL should be required to mitigate the project’s true impacts as determined by a current updated impact analysis and mitigate fee program assessment.

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*Trip generation:*

The trip generation estimates for existing conditions at the TCL site were determined through assigning land use categories to existing uses and then adding up the maximum trip generation associated with the land uses.<sup>110</sup> This creates a hypothetically inflated number, not a baseline data point from which to calculate trip generation. The DEIR/S does not state whether the existing spaces are fully occupied, nor whether existing land uses are operating at full capacity.

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The DEIR/S also states that the estimates provide a “conservative” estimate of project trip generation.<sup>111,112</sup> While this may be true for the estimates of the event

<sup>108</sup> “SR 28/Proposed Tahoe City Lodge Access – LSC traffic count conducted on July 21, 2015... SR 28/Mackinaw Road – LSC traffic count conducted on July 21, 2015.” (DEIR/S, p. 10-8)

<sup>109</sup> “Tahoe City Lodge Alternatives 1 and 3 would still be subject to payment of traffic mitigation fees prior to issuance of any building permits, and this would reduce the project’s impact on roadway LOS to less-than-significant.” (DEIR/S, p. 10-16)

<sup>110</sup> “The trip generation analysis for the existing and proposed uses at the project site with Alternative 1 is presented in Table 10-7. Standard trip rates provided in the Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition* manual (ITE 2012) are used to calculate daily and PM peak-hour trip generation. As the busiest period of traffic in the Tahoe Region occurs in the PM period (typically, early afternoon), the trip rates for the PM peak hour are applied.” (DEIR/S, p. 10-22).

<sup>111</sup> “These analyses are conducted to reflect peak (100 percent occupancy) use levels of the project site, in order to remain conservative in the estimate of project trip generation.” (DEIR/S, p. 10-22).

<sup>112</sup> “Applying the rates and non-auto adjustments, the proposed project would generate a total of approximately 1,133 DVTE over the course of a peak summer day, or 199 fewer trips than the existing land uses. During the PM peak hour Alternative 1 would generate 140 one-way trips, 49 trips more than the

center, estimates for existing uses are not conservative, as a conservative estimate would start with the existing trips as the baseline (which are likely to be less than the maximum possible trips based on land use). However, there is no information provided to show whether existing land uses are generating the maximum number of vehicle trips as assumed and/or whether the current capacity is at maximum levels. If existing uses do not reflect maximum capacity, the difference between the trips associated with the proposed new uses compared to the existing uses may be much larger. Although more trips may be permitted by virtue of the approved existing uses, CEQA requires the impacts to be evaluated compared to *existing conditions*.<sup>113</sup> The use of the maximum possible trips for existing uses represents the potential impacts of the No Action alternative – this is distinctly different than the existing conditions. This is also different from the approach used to assess existing parking conditions for the TCL, where the DEIR/S specifically recognized it was appropriate to use existing parking demand – not “potential maximum parking demand,” as the baseline. The EIR/S must include data based on existing conditions. For example, the FEIR/S could include surveys of existing businesses to obtain more accurate numbers of guests and clients, similar to how the DEIR/S relies on specific information from the Tahoe City Golf Course to assess potential parking impacts.<sup>114</sup>

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The DEIR/S also states that because the ITE trip manual does not have a category for meeting and event facilities, estimates were based on other uses.<sup>115</sup> However, the applicant could have gathered such information from the numerous other meeting and event facilities around the Tahoe area. Such information should be used to assess potential trip impacts from the facility.

*Trips entering/leaving the Basin:*

The DEIR/S acknowledges that most guests will arrive by personal vehicle. However, the estimated trips are based on travel that might occur once guests are at the hotel. For example, surveys of people walking in the commercial core of

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existing uses. The replacement of the existing commercial uses with the proposed lodge use would add an additional one-way vehicle-trip every 1 minute and 13 seconds, on average, during the busiest traffic hour of the day.” (DEIR/S, p. 10-26)

<sup>113</sup> **“CEQA Section 15125. ENVIRONMENTAL SETTING**

(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.”

<sup>114</sup> “As an existing use, it is appropriate to base parking demand for the golf course on existing parking demand. This was conducted through an analysis of existing numbers and use patterns of golfers, non-golfer patrons of the on-site grill, and employees...” (DEIR/S, p. 10-50)

<sup>115</sup> “As the ITE *Trip Generation* manual does not provide standard trip rates for meeting and event facilities, the trip generation of the proposed meeting space is estimated based upon an analysis of person-trip activity factored by vehicle occupancy rates and travel modes. These analyses are conducted to reflect peak (100 percent occupancy) use levels of the project site, in order to remain conservative in the estimate of project trip generation.” (DEIR/S, p. 10-22)

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Tahoe City only address the behavior of people *once they are here*.<sup>116</sup> This ignores the trip generation and associated VMT resulting from guests traveling into and out of the Tahoe Basin (TRPA considers Friday the appropriate day for peak traffic analysis<sup>117</sup>). This skews the results, as the predicted TCL-generated trips are compared to existing commercial trips. Trips associated with egress/ingress to the Basin are ‘averaged down’ through relying on typical ‘Saturday’ activities such as restaurants, retail, etc., which exclude traveling to and from the Basin. The trip reduction for non-auto use multiplies this same error; for example, the DEIR/S notes that data suggests roughly 3% of guests arrive via an alternative to their passenger vehicle, yet trip estimates are reduced by 15% based on the assumption that a “relatively high proportion of trips made by guests while staying at the lodge would be by non-auto modes.”<sup>118</sup> Clearly visitors from out of the Region will not be walking or riding their bikes from Northern California or Nevada to the Lodge on Friday evening.

12-38  
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The EIR/S should evaluate the trips associated with TCL guests arriving to and leaving Tahoe City. To be conservative, trips should not be reduced by more than 3% to reflect the split between guests arriving via private automobile versus some other means. Where App. G-2 incorporated traffic impacts from the TCL (e.g. p. 2), the EIR/S for the TBAP must also be corrected.

*Assumptions regarding event center for TCL:*

We appreciate the conservative assumption in the DEIR/S which assumes all event attendees would drive to the site although the event center is anticipated to be an amenity for guests.<sup>119</sup> We agree it is appropriate to evaluate and plan for the

<sup>116</sup> “TMPO conducts surveys every few years of trip patterns at recreation and commercial sites. In summer 2012, surveys were conducted by intercepting persons in the Tahoe City commercial core and asking (among other things) their travel mode to the area. Of a total of 105 valid surveys at this location, 21 percent of the survey respondents indicated that they arrived on foot, by bicycle, or on transit.” (DEIR/S, p. 10-22)

<sup>117</sup> “During summer peak months, conditions are often busiest during Friday afternoons as visitors and part-time residents travel into the Region. While Saturday and Sunday conditions are also busy, they have a less pronounced peak hour surge, meaning that intersections (for the Region as a whole) are typically at their busiest during the Friday evening peak hour. Therefore, study intersections and roadways are analyzed for August Friday PM peak hour conditions.” (RPU DEIS, p. 3.3-33)

<sup>118</sup> “Trip generation rates for the proposed lodge under Alternative 1 are shown in the lower portion of Table 10-7. A reduction for non-auto travel is also appropriate for this land use. The initial trip into the Tahoe Region would have a relatively low proportion of non-auto travel. As an example, an evaluation of guests arriving at lodging in the Squaw Valley area indicates that approximately 3 percent arrive without a car, such as by North Lake Tahoe Express shuttles from the Reno Tahoe International Airport, or by tour bus. However, much of the trip generation of a lodge consists of employee trips, or guest trips made while the guest is staying at the lodge. Given the close proximity of the project site to many walking attractions (Commons Beach, Bridgetender’s Museum, Fanny Bridge, restaurants, shopping, etc.), as well as the availability of public transit and shuttles, a relatively high proportion of the trips made by guests while staying at the lodge would be by non-auto modes. Overall, a 15 percent reduction is appropriate for the proposed lodge.” (DEIR, p. 10-24).

<sup>119</sup> “Assumptions for the new meeting space include two events per day and a vehicle occupancy of 2.5 persons per vehicle. The trip generation rate for the new meeting space is very conservative because it assumes that none of the persons attending an event are staying at the lodge. The new meeting space is designed as an amenity for lodge guests. It is therefore anticipated that a large percentage of event

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maximum traffic impacts of the project. However, we have concerns with the parking estimates (discussed later in these comments).

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**10. Impacts from regional projects**

The TBAP’s estimates of cumulative traffic impacts rely on the VMT forecasts included in the VSVSP and MVWSP EIRs.<sup>120</sup> Comments from FOWS, TASC, Sierra Watch, Mountain Area Preservation, the League to Save Lake Tahoe, the California Attorney General,<sup>121</sup> and others, identify numerous technical insufficiencies which likely accumulate to further underestimate the VMT and LOS impacts of those projects in the Basin (for example, the EIRs rely on a lower occupancy rate than would be expected during peak summer periods).<sup>122</sup> Impacts along the West Shore are also likely underestimated as noted previously. The final responses to comments for both documents do not respond to these concerns.<sup>123</sup> As a result, the VMT impacts to the Lake Tahoe Basin are likely underestimated, infecting the cumulative analysis in the TBAP.

12-39

The FEIR must assess the full potential traffic impacts from cumulative projects, relying upon sufficient analyses reflective of the true potential for increased cumulative VMT and congestion from regional projects. Cumulative and individual project impacts to SR 89 and SR 28 must be analyzed consistently and supported by substantial evidence.

attendees will be staying at the lodge. Because the trip generation rates assume none of the attendees at the new meeting space are staying at the lodge, trips are, to the extent attendees are staying at the lodge, double-counted and overstated. TRPA and the County are taking this approach to err on the side of conservatism.” (DEIR/S, p. 10-23)

<sup>120</sup> DEIR/S, App. G-2, p. 3-4.

<sup>121</sup> 8/9/2016; <http://friendsofsv.org/wp-content/uploads/2016/08/Attorney-General-Letter-regarding-Squaw-Valley-Village-Proposal.pdf> (attached)

<sup>122</sup> [http://www.placer.ca.gov/~media/cdr/ecs/eir/martivalleywestparcel/deiroct2015/deircomments/group/comment\\_fows\\_tasc.pdf?la=en](http://www.placer.ca.gov/~media/cdr/ecs/eir/martivalleywestparcel/deiroct2015/deircomments/group/comment_fows_tasc.pdf?la=en);  
[http://www.placer.ca.gov/~media/cdr/ecs/eir/martivalleywestparcel/deiroct2015/deircomments/group/comment\\_map\\_sw.zip?la=en](http://www.placer.ca.gov/~media/cdr/ecs/eir/martivalleywestparcel/deiroct2015/deircomments/group/comment_map_sw.zip?la=en);  
[http://www.placer.ca.gov/~media/cdr/ecs/eir/martivalleywestparcel/deiroct2015/deircomments/group/comment\\_lslt.pdf?la=en](http://www.placer.ca.gov/~media/cdr/ecs/eir/martivalleywestparcel/deiroct2015/deircomments/group/comment_lslt.pdf?la=en);

<sup>123</sup> <http://friendswestshore.org/wordpress/wp-content/uploads/2016/08/PCPC-FOWS-Comments-SquawValley.FEIR-8.7.2016.pdf>; <http://friendswestshore.org/wordpress/wp-content/uploads/2016/08/FOWSTASC-MVWPSP-comments-for-PCPC-7.7.16.pdf>;  
<http://friendswestshore.org/wordpress/wp-content/uploads/2016/08/FOWSTASC-MVWPSP-FEIR-Comments-6.6.2016-for-6.9.pdf>

### 11. Impact to Local Residential Streets (Impact 10-2)

The DEIR/S concludes the potential for increased traffic on local residential streets is less than significant<sup>124</sup> based on admittedly speculative information<sup>125</sup> and reliance on a Countywide (one-size-fits-all) “suggested approach” in Placer County Guidelines involving a 2,500 cars per day ‘threshold’ for action.<sup>126</sup>

**Speculative information:**

The first claim is that the additional 0.25 mile distance associated with the Fairway Drive ‘bypass’ route will discourage drivers from taking Fairway Drive to avoid congestion on SR 28.<sup>127</sup> No evidence is provided to support this claim. In fact, drivers commonly take longer routes to avoid heavily congested areas.<sup>128</sup> The second claim states that the roadway configuration limits the potential for diversion of traffic because most drivers heading west on SR 28 through Tahoe City are going to south SR 89 and Fairway Drive places them north of the intersection with SR 89, making it difficult to get to that route.<sup>129</sup> However, this fails to consider the Fanny Bridge Project, approved over a year *before* this draft EIR/S was released, which will change

12-40

<sup>124</sup> “Implementation of Area Plan Alternatives 1 through 4 would not generate an increase in traffic volumes to the extent that a substantial amount of traffic would divert to Fairway Drive causing the capacity of that roadway to be exceeded. Therefore, the Placer County guideline regarding traffic volumes on residential streets would not be exceeded under any Area Plan alternative and this impact would be less than significant.” (DEIR/S, p. 10-32)

<sup>125</sup> “Beyond the relative travel times, the actual amount of traffic that would divert off of SR 28 in the future would depend on factors that are somewhat speculative: the proportion of drivers that are aware of the diversion route option, the advancement of real-time driver smartphone apps that identify diversion routes for areas of congestion as limited as Tahoe City, and potential strategies being considered in the Tahoe City Mobility Plan to improve traffic flow on SR 28.” (DEIR/S, p. 10-33)

<sup>126</sup> “Given the Placer County guideline regarding traffic volumes on residential streets (2,500 vehicles per day) and the current traffic volume (600 vehicles per day), daily traffic volume on Fairway Drive would have to increase by 1,900 vehicles per day.” (DEIR/S, p. 10-33)

<sup>127</sup> “The potential for diversion of SR 28 traffic onto Fairway Drive is impacted by several factors:

    | In the westbound direction, drivers do not have an opportunity to divert away from SR 28 until they reach Jackpine Street. From this point, the diversion route to the point where a driver can regain the state highway system (SR 89/Fairway Drive intersection) is 5,720 feet, compared with a travel distance of 4,230 feet along the state highways. The fact that the alternate route is more than a 0.25 mile longer tends to reduce the attractiveness of Fairway Drive as a means to avoid SR 28 congestion, as does the relatively narrow roadway, on-street parking, and vertical curves. Assuming an average travel speed via the Fairway Drive diversion of 25 miles per hour (including delays for turning movements and stop signs), using this route in the westbound direction would save a driver time once the average speed on SR 28/89 between Jackpine Street and Fairway Drive falls below 19 miles per hour. Since there are many periods during peak summer when this occurs, it can be concluded that there is a potential for diversion.” (DEIR/S, p. 10-33)

<sup>128</sup> For example, this last winter drivers frequently attempted to use residential streets – which result in longer routes - to avoid congestion. <http://southtahoenow.com/story/03/13/2016/slow-moving-exodus-south-lake-tahoe> (attached)

<sup>129</sup> “| The westbound traffic on SR 28 is comprised of traffic bound for SR 89 North, SR 89 South, as well as to Tahoe City destinations. As the westbound diversion route is west of the SR 28/SR 89 intersection (and traveling to SR 89 South would require a difficult left-turn movement onto SR 89), the potential for westbound diversions is limited to drivers heading to SR 89 North (Squaw Valley/Alpine Meadows, Truckee, or beyond). Based on turning movement counts, approximately 37 percent of the westbound traffic on SR 28 approaching Jackpine Street is bound for SR 89 North (while the largest proportion is bound to SR 89 South). This trip pattern also tends to limit the potential for diversion traffic.” (DEIR/S, p. 10-33)

the roadway configuration and move the intersection between SR 89 and SR 28 farther to the northwest. As a result, those using Fairway Drive to avoid SR 28 would only need to make a right turn back on to SR 89 north (toward Alpine Meadows/Truckee) and then enter the western roundabout to easily continue to SR 89 south along the West Shore. Therefore, this claim is not valid. Third, the DEIR/S states that drivers will be aware of the long delays waiting to regain access to the highway, and this will discourage their use of the diversion.<sup>130</sup> However, as seen in the Tahoe Basin over the past two years, smartphone applications such as Waze have been sending drivers who are unfamiliar with local roads through neighborhoods and creating major congestion.<sup>131</sup> In fact, that this continues to happen frequently suggests that drivers are not being discouraged by congestion on side streets. Thus, it appears that while some locals may be aware of this and are complaining, an overwhelming number of users of Smartphone apps have not be deterred.

12-40  
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**Reliance on Countywide guidance**

The DEIR/S relies on a Placer County Guidance document<sup>132</sup> that suggests applying a ‘2,500 cars per day’ significance level to determine the impact of increased traffic on Fairway Drive (cited previously). The DEIR/S notes that existing traffic is 600 cars per day; this would therefore allow over a 400% in traffic before it is deemed ‘significant.’ No information is provided regarding the delay time of existing conditions, nor the capacity of Fairway Drive to handle traffic without significant delays. There is no survey of existing residents in the area and their opinions and expectations about traffic on Fairway Drive. The DEIR/S also fails to consider that unique local conditions, such as snow removal, need to be considered when attempting to apply a one-size-fits-all approach. In other words, the EIR/S needs to examine the unique conditions and circumstances related to Fairway Drive, assess the capacity, determine an appropriate significance criterion for traffic increases based on that information, and then determine whether the TBAP and TCL impacts would increase traffic above that number. Future mitigation to prevent significant impacts must be adjusted accordingly.

12-41

<sup>130</sup> “In the eastbound direction, drivers traveling eastbound on SR 89 (in the “southbound” direction) have the opportunity to turn left onto Fairway Drive, exiting back onto SR 28 eastbound at either Grove Street or Jackpine Street. Drivers with enough awareness of the local roadway system, however, can also be expected to be aware of the long delays that would be faced waiting to regain access to the highway at peak times. The potential for diversion in the eastbound direction is very low.” (DEIR/S, p. 10-33)

<sup>131</sup> [https://www.washingtonpost.com/local/traffic-weary-homeowners-and-waze-are-at-war-again-guess-whos-winning/2016/06/05/c466df46-299d-11e6-b989-4e5479715b54\\_story.html?tid=sm\\_tw](https://www.washingtonpost.com/local/traffic-weary-homeowners-and-waze-are-at-war-again-guess-whos-winning/2016/06/05/c466df46-299d-11e6-b989-4e5479715b54_story.html?tid=sm_tw) (attached)

<sup>132</sup> Final Report. Placer County Neighborhood Traffic Management Program. February 28, 2007. Placer County Department of Public Works, p. 61. <http://www.placer.ca.gov/departments/works/ntmp> (attached)

## 12. Parking

### Area Plan Parking Impacts:

It is unclear whether the TBAP will result in additional parking spaces compared to existing conditions. While the section for Impact 10-8 discusses parking, it does not include any estimates of future parking spaces.<sup>133</sup> Instead, parking policies are noted and the DEIR/S states that the alternatives will result in a “*lower total parking supply in town centers*;” however, what is not clear is lower than *what*? This statement could mean lower than the No action alternative or lower than the existing number of spaces. The EIR/S needs to clearly identify and quantify the TBAP’s impacts on parking.

### Shared Parking for TCL with TC Golf Course:

The TBAP also relies on shared parking between the Tahoe City Lodge and the Tahoe City Golf Course. However, as queried in our NOP comments, if guests of the Lodge are expected to arrive then “park once” and walk or use transit during their visit, presumably their cars will be left in the shared parking spaces over the duration of their visit, thus creating a conflict for those wanting to use the golf course. As it stands, the TCL EIR/S and the TBAP EIR/S both suggest new guests will not drive once they are here (or will drive less), yet at the same time rely on them to leave their parking spots during the day in order to support the proposed shared parking with the golf course. The FEIS must correct this discrepancy and show how and where adequate parking will be provided for Lodge guests *and* golf course patrons.

12-42

### Tahoe City Lodge Parking Impacts:

The majority of the parking analysis in the DEIR/S is devoted to the TCL project. The TBAP and TCL rely on shared parking between the Tahoe City Lodge and the Tahoe City Golf Course. We are concerned the parking associated with the lodge will not be adequate, which would likely cause hotel and golf course guests to seek parking in adjacent areas and create additional traffic delays and hazards. As noted during the 7/27/2016 TRPA GB hearing, an adjacent property owner is already concerned about the potential use of his property for access as well as parking by Lodge guests and golf course patrons.<sup>134</sup> As queried in our NOP comments, if guests of the Lodge are expected to arrive then “park once” and walk or use transit during their visit, presumably their cars will be left in the shared parking spaces over the duration of their visit, thus creating a conflict for those wanting to use the golf course. As it stands, the TCL EIR/S and the TBAP EIR/S both suggest new guests will not drive once they are here (or will drive less), yet at the same time rely on them to leave their parking spots during the day in order to support the proposed shared parking with the

<sup>133</sup> “Area Plan Alternatives 1, 2, and 3 would include new parking provisions that would result in more efficient use of parking areas. These alternatives would result in lower total parking supply in town centers, while still providing adequate parking. Alternative 4 would make no changes to parking standards and future projects would continue to provide parking consistent with existing requirements. As a result, all Area Plan alternatives would result in a less-than-significant impact.” (DEIR/S, p. 10-48)

<sup>134</sup> Comments made by Sam Rudnick.

golf course. The FEIS must correct this discrepancy and show how and where adequate parking will be provided for Lodge guests *and* golf course patrons.

Table 10-16<sup>135</sup> reveals two items of concern.

1. *Number of parking spaces/unit:*

First, the analysis assumes one parking space per Lodge room and one-bedroom suite, and then just 1.25 spaces per two-room suites (suggesting only 25% of guests in two-room suites will drive additional vehicles and no guests will share one-bedroom suites such that there would be two vehicles). It is unclear where these values came from; however, it is reasonable to expect that many guests using two-unit suites will likely have two cars and some guests with one-room suites will ‘pile in’ to a smaller unit to save funds (especially without any incentives for driving fewer vehicles or disincentives for more, as none are included with the TCL). As discussed elsewhere, while Town Center incentives aim to reduce driving once visitors are in the area, evidence presented in the TBAP DEIR/S suggests that roughly 97% of them will arrive using a personal automobile.

2. *Reduction applied to parking requirements:*

Second, this potential underestimated need is exacerbated by the 20% reduction applied due to the TCL’s location within a Town Center (in other words, this assumes 0.8 vehicles for 1-room suites and one vehicle for 2-room suites). No information is provided to explain why 20% was applied other than because the TBAP proposes it.<sup>136</sup> There are also no criteria to guide the Design Review Committee regarding when this reduction may be appropriate. However, this assumption clearly conflicts with the data presented showing that 97% of visitors to the area are likely to drive there. In other words, it is not explained why the TCL assumes 20% of their guests will not arrive with their own vehicles that will require a parking spot when the DEIR/S presents what it considers comparable information showing that 97% of the guests will arrive with their vehicle. This discrepancy needs to be corrected, and parking needs of all lodge guests (most of which will arrive via personal automobile) must be assessed separate of any walkable/bikeable policies which may reduce trips made by guests once they are here.

The DEIR/S also concludes adequate parking will be available for the clubhouse (event center) use because certain requirements will be included in the permit to mitigate potential impacts:

- “If an event takes place utilizing the conference room space
- 1. Where more than 50 percent of the attendees are not guests of the lodge AND

12-42  
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<sup>135</sup> DEIR/S, p. 10-50

<sup>136</sup> “These regulations indicate that “Until a fee in-lieu of constructing all required parking spaces or other parking management program is in effect, the Placer County Design Review Committee may approve a 20-percent reduction in the amount of required parking for mixed-use, retail, transient lodging and restaurant projects/uses within a town center.” (Section 3.07.A.5.f). Assuming that this is approved, the 20 percent reduction for town center parking is applied.” (DEIR/S, p. 10-49)

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- 2. The event takes place on weekend days in June and on any day from July 1 through Labor Day AND
- 3. The lodge occupancy on the following evening is forecast to be more than 80 percent Then the lodge or the organizer of the event shall be required to make arrangements to mitigate the parking demand by
  - a. Providing adequate off-site parking within a 400-foot walk distance OR
  - b. Providing valet parking arrangement, OR
  - c. Providing a transit shuttle service.
 Based on the above conditions, the meeting space has little potential to add to the total parking demand at peak times on peak days. As the chance that an event with high non-lodge guest usage coincides with a peak golf day is very remote, no additional parking demand is added to address this condition. This analysis therefore assumes use of the new meeting/event space would be managed to avoid creating a net increase in total peak parking demand.” (DEIR/S, p. 10-51)

However, there is no evaluation of whether these contingencies are sufficient, and there is no ‘wiggle room’ provided as the proposed parking supply equals the peak demand of the TCL and Golf Course uses.<sup>137</sup> The proposed ‘contingency’ measures do not kick in until *after* increased parking spaces may be needed (for example, in a situation where approximately 45% of the attendees are not staying at the lodge). The EIR/S must include the data upon which this conclusion is based; if insufficient data were used, the EIR/S must be adjusted to include adequate parking supply.

12-42  
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As noted in our NOP comments, the EIR/S needs to evaluate alternative options to reduce parking demand from guests (even those who may ‘park once’ for their visit<sup>138</sup>). Measures to reduce trips once guests are here are necessary, however, guest parking demand will be more closely tied to how many guests require a parking spot in the first place. Yet the TBAP, as well as the TCL, includes no additional measures to encourage guests to arrive via means other than their private automobiles. For example, disincentives such as paid parking, charges for additional vehicles, and/or discounts for no more than one vehicle/unit may encourage guests to carpool to the hotel, thereby reducing the number of vehicles in need of parking spaces in the first place.

The FEIS should analyze measures to reduce parking impacts on adjacent areas when parking spots for the Lodge and/or Golf Course are full, including incentives for guests to arrive via alternative means (e.g. public transit), disincentives to reduce the use of private automobiles such as paid parking for Lodge and Golf Course parking lots, discounts for guests arriving with just one vehicle, and other options.

<sup>137</sup> “Comparing the proposed parking supply (131 spaces) with the peak parking demand (131 spaces) assuming shared parking among the proposed mix of land uses, the proposed lodge with Alternative 1 would result in an overall parking balance during peak periods.” (DEIR/S, p. 10-55)

<sup>138</sup> *“The EIR/S needs to examine and explain the impacts of providing new parking on the success of the use of transit. The EIR/S needs to 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.’ If Placer County aims to improve walkability, this would suggest that future projects, including the Tahoe City Lodge Pilot Project, should encourage the ‘park once’ approach, where guests arrive and then visit the beach, shop, patronize restaurants, and recreate by walking from their hotel room (and via transit). In this case, more parking would be needed to accommodate golf course customers and hotel guests who desire to leave their vehicle parked during the day (when golfer would also be parking). The impact of the additional parking needs also must be examined.” (NOP comments, p. 36-37)*

**13. Scenic**

The DEIR/S notes that: “*The dominant natural features of the Plan area are the expansive alpine lake (Lake Tahoe) ringed by rugged mountain peaks with thickly forested slopes.*”<sup>139</sup> TRPA’s threshold standards aim to protect views of natural resources through travel route rating standards, which assign numerical ratings along travel units based on “*human-made features along roadways and shoreline; physical distractions to driving along roadways; roadway characteristics; views of the lake from roadways; general landscape views from roadways and the lake; and, the variety of scenery viewed from roadways and the lake*” (p. 9-2)<sup>140</sup> and scenic quality ratings which “maintain or enhance views” of scenic resources visible from roadway or shoreline travel routes.<sup>141</sup> [emphasis added].

The values of a spectacular mountain backdrop or a cobalt blue lake simply cannot be conflated to be equal to a building, no matter how sophisticated and attractive it is. Although TRPA’s concept of scenic improvements includes the built environment, we primarily focus our comments on impacts to the natural scenery as envisioned in the Compact – which includes the spectacular views toward and from Lake Tahoe, the mountains, and dark nights with views of shiny bright stars. The RPU’s strategy, carried forward by the TBAP, is that policies which encourage redevelopment will result in scenic improvements. Focusing primarily on the built environment in assessments of scenic impacts misdirects from considering impacts to the true *irreplaceable* values of the Basin. The DEIR/S fails to examine the impacts of the TBAP specifically on these natural scenic values.

However, with regards to improvements in the built environment, the RPU also stated that most scenic quality improvements have occurred through development and redevelopment.<sup>142</sup> This is somewhat misleading. Scenic quality values rarely improve when new development, especially private development, occurs on previously undeveloped land. Redevelopment, on the other hand, can dramatically improve scenic

12-43

<sup>139</sup> DEIR/S, p. 9-5

<sup>140</sup> “Long-term, cumulative changes to views of the landscape from state and federal highways in the region and from the surface of Lake Tahoe are tracked by the TRPA travel route ratings. Roadways have been divided into 53 segments called “travel units” based on their landscape characteristics. Lake Tahoe’s shoreline is divided into 33 separate travel units. The following visual conditions are given numerical ratings to determine the threshold score for travel units: human-made features along roadways and shoreline; physical distractions to driving along roadways; roadway characteristics; views of the lake from roadways; general landscape views from roadways and the lake; and, the variety of scenery viewed from roadways and the lake.” (DEIR/S, p. 9-2).

<sup>141</sup> “The purpose of the TRPA scenic quality threshold is to maintain or enhance views of individual, existing scenic resources that are visible by the public from roadway or shoreline travel routes. The scenic resources in the region include certain views of the natural landscape and distinctive natural features that were identified, mapped, described, and evaluated as part of the 1982 Scenic Resource Evaluation. Scenic resources include such things as foreground, middle-ground, and background views of the natural landscape from roadways; certain views to Lake Tahoe from roadways; certain views of Lake Tahoe and natural landscape from roadway entry points into the region; unique landscape features, such as ridgelines, prominent mountain peaks, and rock formations that add interest and variety, as seen from roadways. Scenic Resources have been identified and mapped within both the roadway and shoreline travel units adjacent to the Tahoe City Lodge site.” (DEIR/S, p. 9-2 and 9-3).

<sup>142</sup> RPU DEIS, Chapter 3.9.

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values if the redevelopment is a marked improvement over prior conditions, as in the case of the South Shore Redevelopment Area, and does not impact existing views or other scenic resources through increased building height, mass, or siting. However, improvements in scenic quality are not universally the result of development and redevelopment. Unlike some other resource categories, scenic quality thresholds can often be met by maintaining and protecting identified scenic resources, and through landscaping, revegetation, modifications to existing structures, roadway improvements, and undergrounding of utilities, rather than through urban development.

Views of the lake and mountain background are major components of scenic resources, and the scenic resource threshold is a non-degradation standard.<sup>143</sup> New development and redevelopment that intensifies land use, often through building height and mass increases, can remove or impair those scenic views. While redevelopment has improved scenic quality of the built environment for many areas this is not always and for every scenic unit true. Although the DEIR/S assessment of scenic improvements focuses primarily on the built environment, we focus the following comments on impacts to the values the Compact specifically aimed to protect: views toward and from Lake Tahoe, the mountains, and dark night skies. We also note that the DEIR/S concludes no beneficial impacts to scenic quality; all impacts are deemed ‘less-than-significant.’ The one exception is Impact 9-3, Light and Glare, where ‘benefits’ are concluded based in large part on changing guidance to standards and relying on requirements to minimize illumination. However, as discussed more below, the DEIR/S did not address the impacts of new, taller and wider buildings that will add light to areas where no light currently exists, leaving the “beneficial” impact conclusion unsupported.

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**A. Local scenic analysis needed:**

The DEIR/S refers to the TRPA RPU EIS analysis of scenic impacts, however the RPU only assessed impacts at a *regional* scale<sup>144</sup> and in response to comments concerning localized impacts to scenic views from increased height and density, the RPU FEIS stated that additional, more specific reviews would be required.<sup>145</sup> However, the TBAP DEIR/S includes no additional analysis of local impacts of the Area Plan.

12-44

<sup>143</sup> [http://www.trpa.org/wp-content/uploads/TEVAL2011\\_Ch9\\_Scenic\\_Oct2012\\_Final.pdf](http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch9_Scenic_Oct2012_Final.pdf)

<sup>144</sup> “With the exception of the proposed Tahoe City Town Center boundary change and provisions that would allow non-contiguous project areas, secondary residential units, and CFA to TAU conversions, the components of Alternative 1 that could affect scenic or visual quality were analyzed at a programmatic level in the TRPA RPU EIS (TRPA 2012a:3.9-22 through 3.9-28). That analysis found that at a regional level, the provisions proposed in Alternative 1 are likely to result in a greater pace and degree of redevelopment activity. The RPU EIS determined that this would result in beneficial scenic impacts...” (DEIR/S, p. 9-16). [Emphasis added]

<sup>145</sup> “[T]he EIS environmental impact analysis is prepared at a policy level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself. As such, the EIS focuses on the potential effects of policies, which—because they are to be implemented through as-yet-undefined projects over the duration of the Plan—are inherently less precise. The EIS is not intended to take the place of project-specific environmental documentation that will be needed to implement actions anticipated to occur following approval of the Regional Plan, nor does it contain sufficient analytical detail for TRPA to approve site-specific projects that may be proposed in the future consistent with the Plan. (RPU FEIS, Volume 1, p. 3-339).

In fact, the DEIR/S states that the roadway travel unit scores that declined within the Plan area “were the result of new development that blocked lake views (TRPA 2015).” (p. 9-9). We are concerned that adding taller and denser buildings to the Town Centers will further decrease existing views of the lake and mountains. As noted in our NOP comments, the EIR/S needs to examine more specific examples of how the taller and denser buildings that would be allowed by the TBAP affected local views, including from ground-level (e.g. where pedestrians will be) and mountain-level.<sup>146</sup>

**Reduction in views from new and redevelopment**

As the DEIR/S notes, “Taller buildings in combination with reduced setbacks would have a greater potential to block views of mountains, ridgelines, Lake Tahoe, and other scenic views, which could have an adverse effect on scenic vistas, block or degrade existing views of Lake Tahoe, or decrease scenic threshold ratings of affected travel units or scenic resources.” (p. 9-17). The TBAP proposes two approaches to mitigate the loss of views.<sup>147</sup> Our NOP comments included the following:

“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 views,<sup>148</sup> 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. It is questionable how allowing the loss of views in the Area Plan will help achieve and maintain scenic thresholds.

<sup>146</sup> “The EIR/S needs to include several careful and location-specific examples of how these buildings may impact ground-level and mountain-level views, and views of Tahoe City from Lake Tahoe and surrounding mountain tops (i.e. how views of the Lake and mountain backdrop as seen from the Tahoe Rim Trail may change as a result of the taller buildings)... Further, the EIR/S needs to 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. The EIR/S needs to assess and disclose the impact of the proposed scenic requirements on views seen by the walking public.” (NOP comments, p. 44-45)

<sup>147</sup> “However, Alternative 1 would require that four-story buildings located between SR 28 or SR 89 and Lake Tahoe maintain 35 percent of the site as open view corridors to Lake Tahoe. If existing development does not already maintain 35 percent of the site as an open view corridor to the lake, then a redevelopment project would be required to increase the width of open view corridors by at least ten percent.” (DEIR/S, p. 9-20)

<sup>148</sup> **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.” [Emphasis added]

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Further, the Vision Plan for Tahoe City<sup>149</sup> did not provide an example of the amount of Lake Tahoe that could be viewed by the walking public once projects are built. This has also never been exhibited in this planning process. (NOP comments, p. 44-45).”

The DEIR/S does not respond to these comments nor address the noted evaluations. Oddly, the DEIR/S claims it “*evaluates the effects of implementing the development standards, and design standards and guidelines that would apply under each alternative...*” and acknowledges that assumptions must be made for each alternative,<sup>150</sup> although given there are no scenic analyses of Town Center impacts from adoption of the TBAP in the DEIR/S it is unclear where these assumptions were even applied. For example, it is possible that the loss of viewsheds associated with new buildings only required to preserve 35% of views could far outweigh any ‘increased views’ from the ten percent increases required by redevelopment. There is no analysis of what these two requirements could mean; instead, the DEIR/S concludes benefits without any evidence upon which to base the conclusion. Further, these requirements only apply to four-story buildings, yet shorter buildings can also substantially block views. The TBAP DEIR/S includes no analysis of the potential loss of view sheds associated with the taller and denser buildings allowed in Town Centers.

The DEIR/S also notes the RPU EIS “*found that allowances for increased building height could substantially increase visual mass and magnitude, which could degrade scenic views...*” and relies on the mitigation measures in the RPU to mitigate these impacts.<sup>151</sup> Not only are these mitigation measures evaluated from a regional, not local, standpoint in the RPU EIS, but they do not ensure protection and enhancement of natural views (discussed in greater detail in our RPU comments<sup>152</sup>). As a result, the DEIR/S lacks both an analysis of local scenic impacts in Town Centers as well as an examination of mitigation measures that will ensure such impacts are mitigated and scenic views are improved and protected. As noted in our comments on the RPU DEIS (p. 317), the RPU’s mitigation measures deferred consideration of scenic impacts to future reviews (in this case, the Area Plan). Now the TBAP review is referring back to the RPU DEIS to conclude impacts were already examined and mitigated in the RPU EIS; in both cases, impacts have not been sufficiently analyzed.

The DEIR/S also concludes that implementing ordinance 3.09 will protect scenic quality. However, the ordinance<sup>153</sup> only addresses views from certain viewpoints (e.g. from 300 feet), includes loose language that does not ensure protections (i.e.

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<http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUUpdate/DraftAreaPlan2015/TC%20visioning%20options.pdf>

<sup>150</sup> “The Tahoe City Lodge project and Kings Beach Center design concept provide examples of the application of proposed standards at these sites. Assumptions must be made about the likely type, location, and scale of development, redevelopment, and restoration under each alternative.” (DEIR/S, p. 9-13)

<sup>151</sup> “The RPU EIS analysis also found that allowances for increased building height could substantially increase visual mass and magnitude, which could degrade scenic views. The RPU EIS prescribed a mitigation measure that would reduce this impact to a less-than-significant level by requiring that three- or four- story buildings in town centers comply with specific findings and performance standards.” (DEIR/S, p. 16)

<sup>152</sup> RPU DEIR comments 6/28/2012, p. 304-318

<sup>153</sup> DEIR/S, p. 9-20.

“minimize” interference...to the extent practicable,”<sup>154</sup> refers to screening of development (rather than viewsheds affected by the development), and requires “no net loss” of views of scenic viewpoints identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory.<sup>155</sup> Regarding the “no net loss of views,” we have questioned TRPA before about what this specifically means and how it will be enforced but received no clear answers. The RPU does not specify how this will be applied, and the TBAP does not correct this deficiency. Further, the TBAP states that TRPA will determine the method used to assess the ‘net loss’ of views; this fails to provide the public the opportunity to understand and comment on what this means and how it will be determined – yet this information is directly relevant to understanding how this requirement will protect scenic resources and therefore should be disclosed in the EIR/S.

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**Non-contiguous project areas:**

The DEIR/S concludes that the TBAP’s proposed policy change regarding noncontiguous parcels will be mitigated by measure 9-1, which will add the following text to the TBAP:

“Projects using a non-contiguous project area shall not increase the density or land coverage in any portions of the project area that are between SR 28 or SR 89 and Lake Tahoe, beyond the limits that would apply to those portions of the project area without the use of a non-contiguous project area.” (DEIR/S, p. 9-37).

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While this may mitigate impacts to and from views of Lake Tahoe that are above and beyond those allowed by the RPU, this does not address the impacts to scenic views of surrounding mountains and ridgelines or night sky, which are also listed as dominant natural features (p. 9-6) in the DEIR/S and important scenic resources in the TRPA Compact.<sup>156</sup> Further, the mitigation measure should specify that projects relying on this exception must also meet any requirements for viewshed protection included in the TBAP.<sup>157</sup>

**Examples of additional review:**

Unlike many policy-level environmental documents, which address general impacts because specific impacts cannot be known, the DEIR/S could go much further in delineating probable scenic impacts due to the limited area available for continued development, the amount of development envisioned under each alternative, and the detailed nature of the regulations regarding coverage, height, and transfers of

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<sup>154</sup> No criteria or guidance has been provided to identify what qualifies as “minimize[d]” or “practicable.”

<sup>155</sup> “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.” (DEIR/S, p. 9-20)

<sup>156</sup> Article I(a)(3)(6)(7)(8)(10) and Article II (i); [http://www.trpa.org/wp-content/uploads/Bistate\\_Compact.pdf](http://www.trpa.org/wp-content/uploads/Bistate_Compact.pdf)

<sup>157</sup> “However, Alternative 1 would require that four-story buildings located between SR 28 or SR 89 and Lake Tahoe maintain 35 percent of the site as open view corridors to Lake Tahoe. If existing development does not already maintain 35 percent of the site as an open view corridor to the lake, then a redevelopment project would be required to increase the width of open view corridors by at least ten percent.” (DEIR/S, p. 9-20)

development rights that accompany each alternative. An analysis of local impacts could make assumptions regarding location and character of future development within each town center based on an analysis of available vacant land, coverage, and properties that are candidates for redevelopment.

It would be possible to construct hypothetical scenarios for each alternative that identify likely sites into which development would be directed or transferred within each town center. The potential maximum buildout (e.g. worst-case scenario) of the Town Centers based on the proposed TBAP from various views on the Lake, SR 28, from mountains, and on night sky could be examined, yet the only visual simulations in the DEIR/S are related to the TCL. The DEIR/S could also apply the TBAP regulations regarding the preservation of 35% of views compared to existing viewsheds and examine the impacts of the 10% expansion in views applied to redevelopment based on an examination of existing buildings that currently block views (and would be subject to these regulations if redeveloped) combined with the increases in height and density allowed in new and redeveloped buildings to assess potential local scenic impacts. The EIR/S should also examine the impacts of increased viewshed protection as well as requirements to open views for redevelopment for all buildings, not just four stories.

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**B. Community Character**

The DEIR/S concludes less than significant impacts to community character based on similar reasoning as used in the scenic impact assessment,<sup>158</sup> as a result, the same technical flaws that plague the scenic assessment also degrade the review of community character impacts. The DEIR/S in fact notes that the new taller buildings “*would be a departure from much of the existing built environment*” but then dismisses this impact by stating the buildings would be “*consistent with applicable standards.*” However, the DEIR/S is responsible for assessing the impacts compared to *existing conditions*, not to the standards that will be implemented by the proposed plan. We also note that the existing regulations applicable in the TBAP boundary are represented by the existing Plan Area Statements and Community Plans, not the RPU. The DEIR/S also concludes that visual effects will not “*substantially*” detract from community character,<sup>159</sup> however no information regarding what criteria were used to determine whether impacts are ‘substantial’ or not are included.

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<sup>158</sup> “... the increased height of up to 56 feet and four stories allowed in core areas of town centers, would be a departure from much of the existing built environment, but would be consistent with applicable standards. In combination with proposed policies and new standards for site design, building form, and street frontage improvements, the resultant visual effects in the Plan area would not substantially detract from community character. The policies and design standards in Alternatives 1 would be consistent with applicable TRPA height and design standards, design review guidelines, and the SQIP. Because Alternatives 1 would not be inconsistent with the SQIP, TRPA Design Review Guidelines, or applicable height and design standards, this would be a less-than-significant effect on community character. (DEIR/S, p. 9-42)

<sup>159</sup> “In combination with proposed policies and new standards for site design, building form, and street frontage improvements, the resultant visual effects in the Plan area would not substantially detract from community character.” (DEIR/S, p. 9-41)

**C. Night Sky**

The DEIR/S recognizes the importance of night sky views: “Rural and rural transition areas in the Plan area have dark skies with little light pollution from urban areas, making them ideal locations for astronomical viewing. Views from lake side beaches and from watercraft on the Lake are especially expansive and free of nighttime light interference” (p. 9-6). The DEIR/S concludes beneficial impacts to night sky from the action alternatives.<sup>160</sup>

However, there is not sufficient information presented in the DEIS/R to determine that the increase in night lighting in urban areas would not have a significant impact on night skies, despite lighting standards contained within the RPU and proposed TBAP to deflect upward light spill. Further analysis is needed to determine the probable increase in levels of night lighting resulting from new development and redevelopment. The TBAP would allow for larger, wider buildings where they do not exist now; even if light spill is minimized, this still creates light pollution where none may currently exist. Estimates of increased percentages of night lighting based on anticipated levels of development would be feasible, and essential to providing enough information to determine impacts. As noted previously, information is available to prepare a more detailed, local-level assessment of the potential impacts of new and redeveloped buildings on scenic views; this same type of analysis of future development could also be used to evaluate the potential light pollution and night sky impacts.

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**D. Ridgeline Protection:**

As the proposed Brockway Campground<sup>161</sup> has revealed, the existing RPU Code may not be protective enough of Tahoe’s scenic ridgeline views. As it currently stands, the RPU does not specifically protect the scenic values of natural ridgelines. TRPA’s Code Chapter 13 includes a statement that Area Plans “consider” ridgeline and viewshed protection.<sup>162</sup> We request the TBAP include additional provisions that specifically state “ridgelines and viewsheds shall be protected”.<sup>163</sup> In addition, such language is needed in the TBAP to protect these natural values in *all circumstances*, not just when new Area Plans are adopted. Example language can easily be found in other areas, including many in Colorado resort communities.

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<sup>160</sup> “Alternatives 1, 2, and 3 would maintain the substantive requirements of existing exterior lighting standards, convert portions of existing discretionary lighting guidelines into required standards, and add new standards that address prohibited lighting, fixture types, glare, and light trespass. These standards would reduce the potential for future projects to result in substantial light or glare, new sources of light or glare that are more substantial than other light or glare in the area, or exterior light that is cast off-site. This would be a beneficial effect on light and glare conditions.” (DEIR/S, p. 9-47)

<sup>161</sup> <http://www.trpa.org/document/projects-plans/>

<sup>162</sup> 13.6.5.C(1) :Additional Review Standards for Area Plans with Town Centers or Regional Center  
In addition to the requirements of subparagraphs A and B above, submitted Area Plans that contain Town Centers or the Regional Center shall include policies, ordinances, and other implementation measures to:  
1. Include building and site design standards that reflect the unique character of each area, respond to local design issues, and **consider** ridgeline and viewshed protection; [Emphasis added]

<sup>163</sup> We herein incorporate our previous request to TRPA for ridgeline protection:  
<http://friendswestshore.org/wordpress/wp-content/uploads/2014/11/FOWS-TASC-comments-to-APC-requesting-Ridgeline-Code-DRAFT-2.pdf> (attached)

### 14. Soil Conservation

TRPA’s 2011 Threshold Evaluation Report explains:

“Impervious cover (also referred to as land coverage, impervious surfaces, or impervious coverage) prevents rainfall and snowmelt from infiltrating directly into the soil; instead, it increases the volume of often times pollutant-laden storm water runoff reaching streams, causing flashier and sporadic stream flow events, creating unstable stream channels, and ultimately impacting the water quality of Lake Tahoe. In 1974, Robert G. Bailey wrote that impervious cover is “...the most critical element in the land disturbance that has created the basic environmental problems facing the Lake Tahoe basin—water quality degradation, flooding, and soil erosion.”

Land coverage effectively short-circuits the watershed’s sediment and pollutant-removal mechanisms. Coverage also reduces or eliminates aquatic and terrestrial habitat that provide ecological value (Roy et al 2003). For instance, the delivery of sediment, a pollutant of concern identified in the Lake Tahoe TMDL (Lahontan and NDEP 2010), can be created by flashy streams with increasing power to erode as impervious cover increases within a basin (Booth 1990). “ (p. 5-3).

As the DEIR/S states, there are two threshold standards related to soil conservation:

“TRPA has two soil conservation threshold standard indicator reporting categories, as follows:

| Land Coverage (impervious cover) Threshold Standard to comply with allowable land coverage limitations established in the Land Capability Classification of the Tahoe Basin. This threshold standard indicator reporting category consists of nine different standards for the nine separate land capability districts (LCDs). All soils within the region have been assigned an LCD based on their ability to tolerate disturbance and development while retaining their natural function. LCDs 1a to 3 are considered sensitive and LCD 7 is considered the most tolerant. Additional discussion of land coverage and LCDs is included in Section 14.3, “Environmental Setting.”

| SEZ Threshold Standard to restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided to attain a 5 percent increase in the area of naturally functioning SEZ lands.

Soil conservation/coverage limits are not only important to the health of Lake Tahoe regionally, but to the health of local watersheds, including tributary streams and the nearshore areas into which they discharge. The TBAP DEIR/S relies on the RPU EIS analysis to conclude less-than-significant impacts to soil conservation.<sup>164</sup> As explained in our October 2013 Opening Brief for the RPU lawsuit (cites refer to documents in the Administrative Record which are on file with TRPA):

“The soil conservation threshold protects “the many functions of non-degraded soils[,] such as infiltration, erosion prevention, vegetation growth, and nutrient cycling.” AR4169. Its intent is to preserve “environmental balance” region-wide. AR11956 (DEIS noting coverage limits “necessary in the Region to protect water quality and preserve environmental balance at the

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<sup>164</sup> E.g. “Under Alternative 1, high capability lands within the Tahoe City and Kings Beach Town Centers would be allowed up to 70 percent coverage (base allowable plus transferred coverage) for both developed and undeveloped parcels, provided that they are either (1) located on the mountain side of SR 28, or (2) are further than 300 feet from Lake Tahoe (TRPA Code Section 3.4.2.B.1). Consistent with the Regional Plan, the amount of land coverage beyond the base allowable amount would be transferred from other parcels. This increase in transferred land coverage in town centers would directly affect the both the Kings Beach Center design concept and the Tahoe City Lodge. The potential effect of this policy was analyzed in the TRPA PRU EIS Impact 3.7-1 (TRPA 2012b: pp. 3.7-18 to 3.7-19) and was determined to be less-than-significant.” (DEIR/S, p. 14-23)

individual parcel scale,” citing AR27444; AR27424 (coverage limits “primarily for the purposes of erosion control and maintaining ecological balances”). Soil in the Tahoe Basin “is an integral part of the structure and function of the natural ecosystem.” AR116224 (1982 EIS for establishing thresholds). It is “essential for supporting vegetation by providing a medium to anchor roots, store nutrients, and store water for growth.” *Id.* Vegetation, in turn, “is a part of a total system that is responsible for removing nutrients, particularly nitrogen, from precipitation which is stored in the soil. The nutrient removal process or nutrient uptake is extremely important in the nutrient balance in the entire aquatic system.” AR116226. Further, “[t]he physical, chemical, and microbiological composition of soils have substantial effect on the quality of water moving over or through the soil system.” AR116224.” (p. 8)

The more development in a local area, the more coverage, the more disruption to its soil, its streams, its watershed’s ecological functioning, and the nearshore.<sup>165</sup> Often, coverage standards related to soil conservation are lumped together with water quality impacts, and the importance of soil’s function beyond how it impacts water runoff and pollution is minimized. The RPU EIS gave little consideration to healthy soils, instead concluding less than significant impacts based primarily on alternatives to soil limits (e.g. BMPs) that were claimed to meet water quality objectives.<sup>166</sup> In essence, the RPU and TER’s interpretation of soil conservation standards suggest that “coverage doesn’t matter,” and that engineered water treatment facilities can mitigate the impacts of coverage (although such facilities are based only on water quality objectives and do not require that healthy soil function be preserved). In other words, stormwater filter-based facilities do not grow vegetation to mitigate for the loss of uncovered soil.

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**Significance at local scale:**

The TBAP has not identified a significance threshold for the loss of soil at the local watershed level, let alone how much new coverage would be added locally. Without having identified *any* threshold for soil loss in local watersheds, there is no basis for concluding that the TBAP’s impacts to soil conservation are “less than significant.”

In addition, the TBAP DEIR/S, as with the RPU EIS,<sup>167</sup> concludes less-than-significant impacts from the increased coverage allowed in Town Centers as a result of transfers of coverage from other areas.<sup>168</sup> The DEIR/S also notes that coverage beyond base allowable can be transferred to a project area, however must come from within the same HRA (unless it meets the requirements in Code 30.4.3.B.6, in which case it can be transferred from other HRAs).<sup>169</sup> This section is a recent amendment to the TRPA

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<sup>165</sup> See comments on RPU DEIS from Attorney General of California, RPU FEIS, Vol. 2, p. 2-68 to 2-70.

<sup>166</sup> September 2014 Plaintiff’s Opening Brief for Appeal, p. 25-30 (on file with TRPA)

<sup>167</sup> “Consistent with the Regional Plan, the amount of land coverage beyond the base allowable amount would be transferred from other parcels. This increase in transferred land coverage in town centers would directly affect the both the Kings Beach Center design concept and the Tahoe City Lodge. The potential effect of this policy was analyzed in the TRPA PRU EIS Impact 3.7-1 (TRPA 2012b: pp. 3.7-18 to 3.7-19) and was determined to be less-than-significant.” (DEIR/S, p. 14-23)

<sup>168</sup> “Implementation of Alternative 1 would result in coverage changes that are consistent with the TRPA Code of Ordinances. Although there would be a small increase in coverage within town centers, this change would be accompanied by transfers in land coverage, which would result in an overall reduction in land coverage. For these reasons, Alternative 1 would have a less-than-significant impact related to the creation of compaction or land coverage as it is managed by TRPA.” (DEIR/S, p. 14-25).

<sup>169</sup> “This coverage standard conforms to the land coverage restrictions of TRPA Code Section 30.4.2.B.1, pp 30-16. Projects wishing to take advantage of the increased maximum allowable coverage would be required to transfer the coverage that exceeds the base allowable from within the same Hydrologically

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Code,<sup>170</sup> and the impacts of allowing the transfers across HRAs were not sufficiently analyzed.<sup>171</sup> Our exhaustive comments regarding the soil conservation threshold and the 2012 RPU/TER reinterpretation of the standards are herein incorporated.<sup>172</sup> The EIR/S should analyze coverage within each subwatershed shown in Figure 15-1, at a minimum, and disclose the anticipated changes in coverage in each subwatershed in relation to the Bailey standards that apply to soil types for those areas. In addition, as requested in our NOP comments,<sup>173</sup> the EIR/S should list the coverage amounts separately for areas with development and conservation/recreation areas without development. The DEIR/S did not respond to this request.

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**Other water quality measures:**

The TBAP also relies on other measures in the RPU to mitigate water quality impacts of additional coverage.<sup>174</sup> However, as noted in our final Reply Brief (December 2014; p. 17-18), these measures do not actually address localized water quality impacts. For example:

- RPU coverage reduction programs are not targeted to the same watersheds where coverage is concentrated;
- TRPA Code section 60.2.3 does not offset local water quality impacts of new coverage: it allows “offsite” mitigation or contribution to a water quality mitigation fund that could fund projects anywhere in the same “local jurisdiction,” not the same watershed;
- Nothing in the area plan approval process requires “coverage reductions” or water quality “improvements” to occur in local watersheds;
- Nothing mandates corrective action under the RPU or TBAP if TMDL load reduction plans are not implemented or reductions are not achieved; future development allowed by the RPU is not contingent on *directly measured* water quality improvements;

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Related Area (HRA) as defined by TRPA Code Section 30.4.3.E... Coverage can be transferred across HRAs when the sending parcel is located in sensitive lands (LCDs 1 through 3) and the receiving parcel is located in non-sensitive land (LCDs 4 through 7) and the receiving parcel is located further than 300 feet from Lake Tahoe or on the mountain side of SR 28.” (DEIR/S, p. 14-23 to -25)

<sup>170</sup> Ordinance No. 2015-07, adopted 12/16/2015.

<sup>171</sup> FOWS comments to RPIC, 10/26/2015; <http://friendswestshore.org/wordpress/wp-content/uploads/2016/08/FOWS-comments-to-RPIC-with-attachments-10.26.2015.pdf> (attached)

<sup>172</sup> Including all comments on the RPU EIR, RTP/SCS EIR/S, 2011 Threshold Update Report, and subsequent litigation. (On file with TRPA).

<sup>173</sup> “FOWS’ comments on the May 2014 draft Policy document included a request for Placer County to, at a minimum, include a separate Table which shows the existing number of acres and percentages by use without the 39, 478 acres of Conservation/Backcountry Use. FOWS also noted that *Table 2.2-2: Existing and Allowable Hard Coverage by Land Capability District* should also separate out the acres of coverage associated with publicly-owned, conservation/backcountry use from the total coverage, as including these presumably undevelopable areas heavily skews the information. Further, as coverage closer to the Lake has the greatest water quality impact to the lake... FOWS recommended additional tables be included which note the coverage, *excluding* the Conservation/Backcountry use, as well as tables which distinguish among the different locations of coverage. This information has not been provided with the TBAP documents. *We request the EIR/S provide this information and for each alternative, assess the impacts and location of the existing and proposed coverage in terms of how it relates to downstream nearshore conditions.*” (NOP comments, p. 17-18)

<sup>174</sup> DEIR/S, Table 15-1: Water Quality Code Requirements Related to the Proposed Project

- There are no offsets to address BMP failures; and
- There are no requirements for measurements to regularly monitor operation and to determine the extent of any failures.

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As a result, the TBAP lacks sufficient measures to protect local water quality standards, including TRPA’s nearshore standards.

### 15. Stream Environment Zones (SEZs)

Stream Environment Zones (SEZs) are important for water quality, forests, functioning soil systems, and wildlife habitat.<sup>175</sup> Effective restoration of disturbed and developed SEZs provides water quality and other ecological benefits.<sup>176</sup> The 2011 TER<sup>177</sup> lists the status of the SEZ restoration threshold as “considerably worse than target” (DEIR/S, p. 14-3). TBAP policies state:

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“This Area Plan seeks to significantly accelerate the rate of SEZ restoration.

#### **STREAM ENVIRONMENT ZONE POLICIES**

SEZ-P-1 Pursue SEZ restoration projects in coordination with the EIP and TMDL programs, the California Tahoe Conservancy, and other partner agencies. Priority will be given to sites in high pollution loading catchments.

SEZ-P-2 Accelerate SEZ restoration by implementing incentives for redevelopment within Town Centers and the transfer of development from SEZs to Town Centers in accordance with the Regional Plan.

SEZ-P-3 All TRPA policies, ordinances and programs related to Stream Environment Zones (SEZ) will remain in effect.

The Implementation Plan describes SEZ Restoration projects and performance targets. Regulations are outlined in the Area Plan Implementing Regulations.” (TBAP, p. 40)

<sup>175</sup> “Stream environment zones are defined by hydrology, hydric soils, and water-associated vegetation. Although SEZ plant communities constitute only a small portion of the Basin’s total land area, they are extremely rich and productive. SEZs perform a critical role by providing for fish and wildlife habitat and movement, water treatment, flood attenuation, open space, and scenic and recreational enjoyment, among many other functions and values. Protecting and restoring SEZs is essential for improving and maintaining the environmental amenities of the Lake Tahoe Basin, and for achieving Threshold Standards for water quality, soil conservation, vegetation preservation, and other Threshold Standards. This leads to an enhanced quality of life for residents and a vital economy.

Healthy and functional SEZs are important for soil conservation because these resilient systems are better able to respond to, and recover from, watershed disturbances such as wildfires, insect infestations, and diseases. Functional SEZs help prevent aquatic and terrestrial systems from unraveling, which can lead to widespread erosion and water quality impacts downstream. Sediment in particular can be generated from erosion and carried downstream, ending up in Lake Tahoe where it may impact water clarity.” (2011 TER, p. 5-14).

<sup>176</sup> “We believe this analysis provides substantial evidence that effective stream restoration provides both a desired water quality benefit, in addition to the multitude of ecological and recreational benefits achieved.” <http://www.2ndnaturellc.com/wp-content/uploads/2014/03/SLRT-on-the-UTR-2014.pdf> (excerpt attached)

<sup>177</sup> [http://www.trpa.org/wp-content/uploads/TEVAL2011\\_Ch5\\_Soil\\_Conservation\\_Oct2012\\_Final.pdf](http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch5_Soil_Conservation_Oct2012_Final.pdf)

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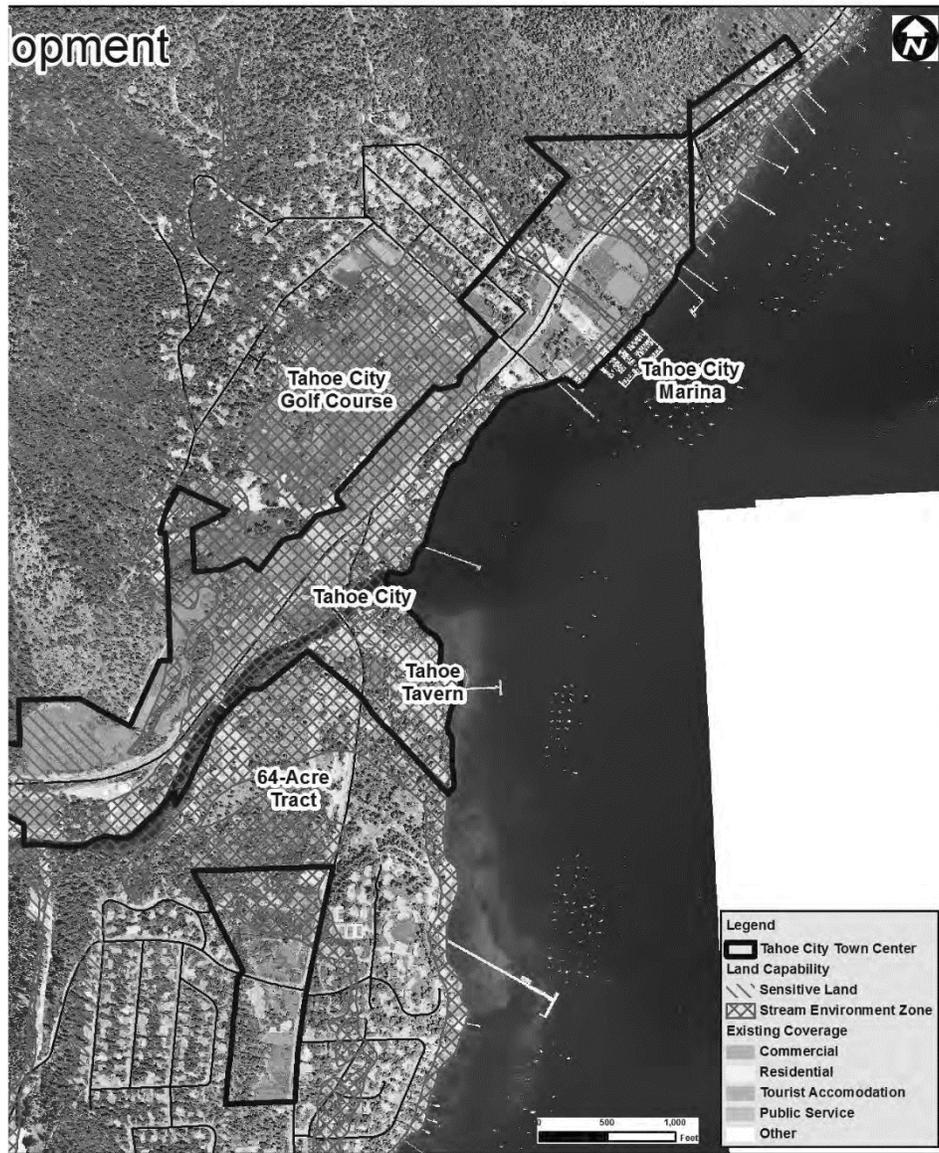
Yet, other than the 1.7 acres of SEZ restoration included in the TCL (notably of disturbed but not covered SEZ),<sup>178</sup> the TBAP includes no regulatory changes or incentive programs to encourage the removal of coverage from, and restoration of, SEZs *within* the Town Center boundaries where SEZs are closest to Lake Tahoe. The TBAP also includes no additional measures (above and beyond those in the RPU) to ensure that SEZ restoration (both within and outside of Town Centers) is “significantly accelerated,” nor does it explain what would represent “significant” acceleration.

In fact, APC member Zach Hymanson also expressed disappointment with the TBAP’s failure to encourage more SEZ restoration at the July 13, 2016 hearing. As is illustrated in Figures 2-7 to 2-9 in the TBAP most of the land within both Town Centers is classified as SEZ. In fact, the TBAP notes that most of the soils within the Town Centers are land capability 1 - the most sensitive soil type.<sup>179</sup> Maps showing SEZ in both Town Centers from the RPU are included below as the TBAP figures 2-7 through 2-9 do not clearly portray the SEZ. We recommend the TBAP maps be updated with more distinctive colors which better separate SEZs from other land types.

12-53  
cont

<sup>178</sup> “Alternative 1 would decrease land coverage on the lodge site by a total of 10,080 square feet (sf). In addition, the SEZ restoration component of the project would restore the health and function of 74,052 sf (1.7 acres) of disturbed, but not covered, SEZ (LCD 1b) areas. Coverage in LCD 5 would decrease by 11,202 sf, and the resulting coverage in LCD 5 would be well below the maximum transferred coverage limits allowed by the TRPA Code of Ordinances and the proposed Area Plan.” (DEIR/S, p. 14-26)

<sup>179</sup> “The LCDs range from 1 to 7, with 1 being the most environmentally sensitive and 7 being most suitable for supporting development (see Table 14-2).” (DEIR/S, p. 14-4)



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cont

**A. Failure to disclose SEZ impacts:**

Although TRPA’s SEZ-related thresholds include numerical standards,<sup>180</sup> the DEIR/S fails to include sufficient quantifiable information regarding the TBAP’s impacts to SEZs. As our NOP comments note: “for each alternative, the EIR/S should examine and disclose the acres of SEZ that will be restored to a fully functioning SEZ, acres of SEZ that will be reclassified as non-SEZ, acres that will be covered as a result of approved projects (e.g. Fanny Bridge SR 89 Realignment), and SEZ acres that will be developed with public service facilities and bike trails (in other words, coverage that is exempt per TRPA’s RPU, Code Section 30.4.6).” (NOP Comments, p. 47). However, this information is not provided in the DEIR/S. The only estimates found regarding SEZ restoration are those for the TCL, which could result in the restoration of 1.7 acres.<sup>181</sup> The DEIR/S must evaluate the number of acres that will be impacted and restored as a result of TBAP adoption (including coverage not analyzed as part of the Town Centers, i.e. bike trails), as well as provide performance standards that must be met to ensure achievement of necessary restoration, how they will be tracked, and what actions will be taken if goals are not being met.

12-54

**B. SEZs within Town Centers:**

While SEZ restoration elsewhere may result in some benefits (depending on existing conditions, disturbance, proximity to Lake Tahoe and other factors), Town Centers are generally the most covered areas within the TBAP boundaries and are immediately adjacent to Lake Tahoe, making effective treatment of stormwater even more imperative (SEZs are the most effective means to remove fine particulates, phosphorous, and

12-55

<sup>180</sup> “SEZ Threshold Standard to restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided to attain a 5 percent increase in the area of naturally functioning SEZ lands.” (DEIR/S, p. 14-2).

<sup>181</sup> e.g. “... the SEZ restoration component of the [TCL] project would restore the health and function of 74,052 sf (1.7 acres) of disturbed, but not covered, SEZ (LCD 1b) areas.” (DEIR/S, p. 14-26)

nitrogen from stormwater and as the TBAP notes, provide “natural water treatment”<sup>182</sup>). In other words, **there are no mechanisms to ensure the “accelerated” removal of coverage from existing SEZs in the Town Centers where such restoration will provide significant water quality benefits**; it is well established by the TMDL that urban areas contribute most of the fine particle and phosphorous pollution and a significant portion of the nitrogen pollution affecting Lake Tahoe.

**Coverage transfer “incentives” do not guarantee SEZ restoration:**

Although the transfer/incentive programs aim to transfer coverage from sensitive areas into Centers (see TRPA Code Table 51.3.6-1<sup>183</sup>), there are two concerns about the efficacy of the program. First, the existing transfer program does not ensure that such transfers will actually provide net environmental benefits and second, the program does not encourage the removal of coverage from SEZs *within* Town Centers. Specifically (as noted in our RPU EIS comments and legal documents):

- Location matters, and the RPU, and the TBAP, treat the water quality impacts from coverage as if the Basin were one big ‘bowl,’ thereby ignoring the local impacts of coverage and variations in the nearshore area;
- There are no criteria or methods included that would ensure the soft coverage being ‘removed from’ areas outside of the Town Center are actually significantly impacting water quality under current conditions and/or not being filtered by natural processes between the existing location of the soft coverage and Lake Tahoe;
- The RPU did not analyze the location of sensitive lands/SEZs with regards to impacts to water quality; in other words, the water quality impacts from coverage located miles from Lake Tahoe may currently be reduced or eliminated through treatment in natural areas that exist between the existing coverage and Lake Tahoe, thus providing no benefit to the transfer;
- The RPU’s transfer program did not address the extensive supply of existing and potential coverage that may be purchased from land banks; in these cases, there would be no additional SEZ restoration; and
- The RPU’s transfer program provides credits for transferring coverage from SEZs that could not possibly be developed in the first place (e.g. from Desolation Wilderness and areas that will never be served by roads), resulting in no net increase in SEZ restoration when such “coverage” is transferred for use.

The annotated figure below provides an example of how the transfer program may transfer development/coverage from areas where it is causing no or minor impacts to Lake Tahoe as a result of adequate natural infiltration to areas where associated runoff is contributing more pollution to Lake Tahoe due to the absence of areas for natural infiltration.

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cont

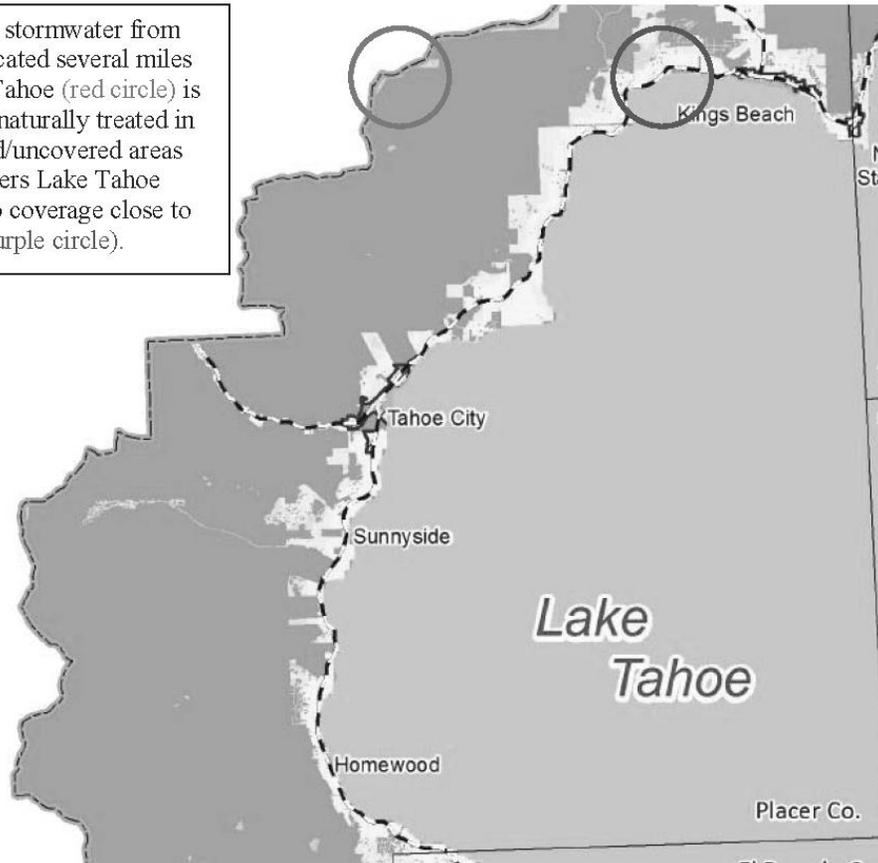
<sup>182</sup> “Programs to reduce runoff from urban and residential areas have been implemented throughout the Placer County portion of the Lake Tahoe Basin and are focused on stormwater management, preventing the discharge of untreated stormwater directly to streams, and restoration of SEZs which provide natural water treatment.” (DEIR/S, p. 15-18) [Emphasis added]

<sup>183</sup> [http://www.trpa.org/wp-content/uploads/Code-of-Ordinances\\_7-13-16.pdf](http://www.trpa.org/wp-content/uploads/Code-of-Ordinances_7-13-16.pdf)

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i.e. Polluted stormwater from coverage located several miles from Lake Tahoe (red circle) is likely to be naturally treated in undeveloped/uncovered areas before it enters Lake Tahoe compared to coverage close to the Lake (purple circle).



12-55 cont

**Legend**

- TRPA Jurisdiction
- USFS and State Parks
- Transfer Ratios for Development Rights**
- 1:1 (Sending:Receiving)
- 1:1.5 (Sending:Receiving)
- 1:2 (Sending:Receiving)
- 1:2.5 (Sending:Receiving)
- 1:3 (Sending:Receiving)
- Special Planning Districts**
- High Density Tourist District
- Regional Center District
- Town Center District
- Stream Restoration

Above image taken from Map 3 of the final 2012 RPU (legend on left)

See Land Use Policy

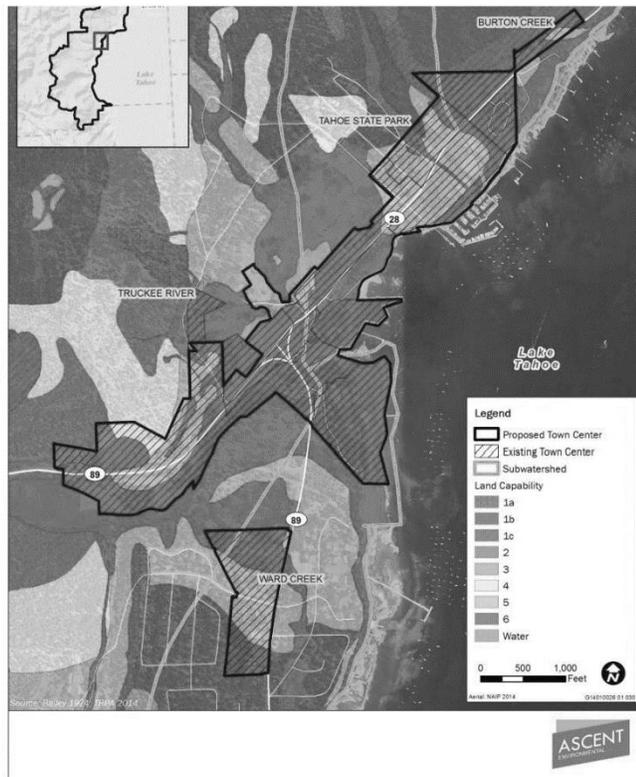


**TAHOE  
REGIONAL  
PLANNING  
AGENCY**

**Map 3  
Conceptual Ratios for  
Transfer of Development Rights  
December 12, 2012**

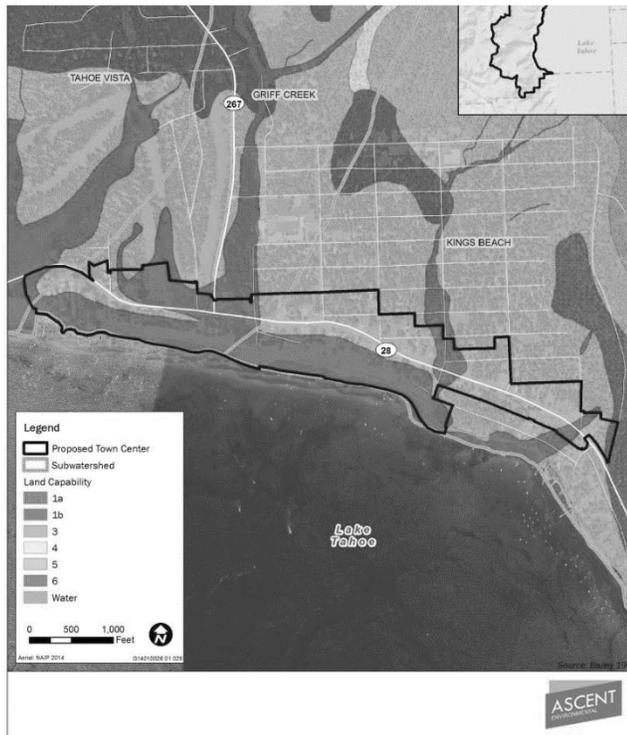
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TBAP DEIR/S, Exhibit 14-6

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TBAP DEIR/S, Exhibit 14-7

**TBAP disincentivizes restoration of historical SEZs within Town Centers:**

While the transfer incentives may locate new coverage beyond baseline allowable limits only on LCD's 4-7,<sup>184</sup> the TBAP does not include additional incentives to ensure the restoration of SEZs *in* the Town Centers (other than the restoration associated with the TCL). In fact, it appears that rather than restore what was historically SEZ, land capability challenges are instead reclassifying these lands as non-SEZ.<sup>185</sup> The provision of incentives for transferring coverage from other areas to these Town Centers creates a situation which encourages the reclassification of historical SEZs within the Town Centers to higher capability lands so that they can serve as 'receiving sites' and therefore the RPU's "incentives" will apply. In addition, the fact that most of the Tahoe City Town Center and a significant portion of the Kings Beach Town Center are LC 1b (Town Center land classification exhibits are included below for easy reference) means that receiving lands where Town Center incentives will apply are limited, thus further encouraging the reclassification of historical SEZs in Town Centers to higher land capabilities to earn transfer incentives. The TBAP should include requirements which protect historical SEZs. In addition, the TBAP should require that the surrounding land capability and condition

<sup>184</sup> "Land coverage increases above base allowable would only be allowed on high capability lands (LCDs 4 through 7)..." (DEIR/S, p. 15-26)

<sup>185</sup> NOP Comments, p. 29-30

be reviewed and considered with all land capability challenges to ensure that land capabilities do not continue to be changed in a vacuum, nor that the cumulative changes to land capability that we have seen with land capability changes in Tahoe City are not adequately considered.

**C. Area Plan regulations pertaining to SEZs:**

The TBAP includes two policy statements regarding SEZ restoration in specific locations – one for the Tahoe City Golf Course Special Planning Area, and the other for the Tahoe City Western Entry Special Planning Area<sup>186</sup> (which drains to the Truckee River, not Lake Tahoe).<sup>187</sup> Further, the TBAP refers to the Implementation Plan for SEZ restoration projects and performance targets. However, the Implementation Plan merely includes simple policy statements to “pursue” high value SEZ restoration on opportunity sites”<sup>188</sup> and “Performance Targets;”<sup>189</sup> although no “targets” are actually included in the performance target list. Without numerical targets, there is no means for TRPA or Placer County to evaluate whether adequate SEZ restoration will occur let alone to ensure the (undefined) end goal for restoration is achieved and the SEZ is constructed and then functioning as it should. The TBAP Implementing Regulations also fail to include any additional measures to ensure more SEZ restoration within the Town Center boundaries. It is also worth noting that the only two SPA’s subject to policies encouraging SEZ restoration drain to the Truckee River via the Tahoe City Wetlands Treatment System. There are no Special Areas with such policies proposed for other portions of the Town Centers which drain to Lake Tahoe.

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**Tahoe City Golf Course Special Planning Area:**

Although the proposed Tahoe City Golf Course Special Planning Area (TCGC SPA)<sup>190</sup> would result in some restoration of ‘disturbed’ SEZs (as evidenced by the

12-56

<sup>186</sup> “Restoration. Projects with Truckee River frontage shall remove coverage and restore SEZs along the river frontage extending no less than 30 feet from the high water mark.” Section 2.04 (B\*)(1)(a).  
“Restoration. All or part of the special planning area may be included in a Town Center Project Area only if an equal or greater area of disturbed SEZ land is restored prior to or concurrent with development. Fifty percent of the qualifying restoration areas must be within 0.5 mile of the project. The other 50 percent may be located elsewhere in the same hydrologically related area (HRA), as defined by TRPA.” (Section 2.04 (B\*)(3)(a).

\*Note: There appears to be an error in the TBAP as the applicable section follows section (B) and therefore should be labeled section C. (TBAP, p. 266)

<sup>187</sup> NHC 2016. Town Center Water Quality Analysis, Figure 2.

<sup>188</sup> “IP-P-2 Pursue high value SEZ restoration on opportunity sites, including but not limited to the Truckee River corridor, the Tahoe City Golf Course, Burton Creek, Pomin Field and the Griff Creek area.” (TBAP, p. 147)

<sup>189</sup> “Environmental Restoration

8. Coverage removal from Stream Environment Zones and other sensitive lands (privatelyfunded): Increase privately funded coverage removal and mitigation.” (TBAP, p. 170).

<sup>190</sup> “... implementation of Alternative 1 would result in the establishment of the Tahoe City Golf Course Special Planning Area (SPA), which would require the restoration of SEZ lands at a 1:1 ratio for every square foot of the SPA included in a project area (in addition to the SEZ restoration requirements included in Section 30.4 of the TRPA Code). In this way, the reclassification of the land use classification on the Tahoe City Golf Course would recognize and protect the golf course as open space, and would accelerate the restoration of SEZ lands within the golf course and the immediate area thereby furthering the goals of

proposed restoration of disturbed lands associated with the TCL), this does not encourage nor require the restoration of SEZ lands which are currently *covered* such as parking areas and paths. In fact, it likely disincentivizes restoration of existing covered SEZ lands as it allows additional developments based on completing (less expensive) requirements to restore SEZ lands, which as shown in the TCL example, can simple be ‘disturbed’ versus covered (and impacts from disturbed land are likely to be less than from covered land). It is reasonable to expect developers will choose the least expensive option when pursuing projects. In addition, the overlay only applies to the land associated with the TCL project,<sup>191</sup> thus additional restoration beyond the TCL project is not likely to occur from the proposed TCGC SPA. Further, TRPA’s Code only requires a 1:1 restoration for transfers from sensitive lands to other sensitive lands, which would result in no net benefits for restoration within Town Centers when coverage is transferred from one SEZ to another.<sup>192</sup> The TBAP should require the restoration of SEZs that are currently covered by hard coverage to ensure significant benefits, or adjust the ratios to require more SEZ restoration when it is occurring on disturbed but not hard covered areas to account for the proportional impacts of each (for example, construction to restore one acre of SEZ will generally have a larger footprint than just the one acre) and to avoid disincentivizing the restoration of hard coverage. In addition, the TBAP should ensure more SEZ restoration by requiring more than the 1:1 coverage transfer requirements when sending parcels are classified as sensitive lands. As the TBAP now stands, there are no beneficial SEZ effects to be claimed associated with such transfers. Given most of the Tahoe City Town Center and a large portion of the Kings Beach Town Centers contain developed SEZs, it is imperative for the TBAP to ensure increased SEZ restoration within Town Centers.

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**Boundary Line Amendment:**

Land to be removed from the Tahoe City Town Center boundary is classified as LC 1b, thus the transfer incentives would not apply and the boundary change would not incentivize any ‘new’ restoration outside of the Town Center boundary compared to existing conditions. Although the section (including the TC Golf Course Clubhouse) proposed for inclusion in the Town Center boundary is less sensitive land and includes development,<sup>193</sup> without additional measures in the TBAP to ensure SEZ restoration above and beyond the RPU’s existing policies, the TBAP fails to ensure “accelerated” SEZ restoration within Town Centers – where restoration will provide substantial benefits compared to more distant and less connected locations.

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the TRPA Regional Plan and contributing to the attainment of the TRPA environmental thresholds.” (DEIR/S, p. 5-15)

<sup>191</sup> See Figure: “Greater Tahoe City Plan Area” on p. 16 of the TBAP’s District Standards.

<sup>192</sup> “Receiving parcels within an approved... Center: From sensitive lands, land coverage shall be transferred at a ratio of 1:1, until the total land coverage reaches the maximum allowed.” (TRPA Code 30.4.3.A.2)

<sup>193</sup> “The portions of the parcels proposed for inclusion in the Town Center are developed...” (DEIR/S, p. 5-15).

**Other SEZ lands in the Area Plan**

Between the county portion of Tahoma to the northern Stateline at Nevada, there are 17 named creeks (Table 15-4; p. 15-17) and innumerable drainages that make up the SEZ lands in the TBAP. These SEZ lands are in various stages of health; the DEIR/S must evaluate their condition (e.g. effectively functioning (or) fully restored, planned for some restoration, covered in asphalt and concrete, or diverted or otherwise disturbed in some way). The RPU did not evaluate the condition of each of the streamzone areas in these watersheds or include any projection of future restoration and/or performance targets that must be accomplished to attain the SEZ Threshold standard. Thus, it is an egregious failure of the TBAP DEIR/S to not evaluate the existing conditions, future impacts, and benefits of the plan on these water-influenced areas.

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In total, TRPA’s SEZ threshold standards have not been attained (this threshold standard is listed as “Considerably Worse than Target” in the most recently available TER),<sup>194</sup> yet the TBAP includes no measures which ensure beneficial impacts to SEZ restoration. Notably the TCL proposes restoration, however this is not a TBAP policy which will guide future restoration on projects beyond the TCL. In fact, Placer County has stated repeatedly that the TCL is a separate project and subject to its own review and approval processes, not the TBAP’s – in other words, it is possible that the TBAP is approved while the TCL is not; in this instance, there is nothing in the TBAP that would require the restoration of a specified amount of SEZ and therefore no “net benefit” to SEZ restoration can be guaranteed by the TBAP. The DEIR/S does not show how “less-than-significant” impacts to SEZs will result in the net environmental gain promised by the RPU and by extension, Area Plans.

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**16. Water Quality**

**A. Nearshore Threshold Standards:**

The DEIR/S states that the “primary topics raised during scoping that pertain to hydrology and water quality included: ... effects on existing drainage systems, inclusion of Pollutant Load Reduction Model results, and potential for beneficial water quality effects.” (p. 15-1). However, the list is missing impacts to Lake Tahoe’s nearshore water quality, which we raised extensively in our NOP comments (pages 9-15). There are five TRPA thresholds related to protection of Tahoe’s nearshore areas, and one TRPA threshold focused on aquatic invasive species (a threat that is well-understood to affect nearshore areas), yet the DEIR/S contains no analysis of the TBAP’s impacts to nearshore areas; instead a short paragraph acknowledges that higher turbidity “appear[s] to be influenced by surface runoff from developed areas.” (p. 15-6). In fact, 40 years of research has shown higher turbidity in nearshore areas is caused by surface runoff – a fact clearly represented by TRPA’s adoption of water quality standards for littoral Lake Tahoe and for surface runoff.<sup>195</sup> Further, as scientists recently reminded TRPA, nearshore

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<sup>194</sup> 2011 TER Chapter 5, p. 5-18.

<sup>195</sup> [http://www.trpa.org/wp-content/uploads/TEVAL2011\\_Ch4\\_WaterQuality\\_Oct2012\\_Final.pdf](http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch4_WaterQuality_Oct2012_Final.pdf)

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conditions require a “different scale of evaluation and management” due to variable nearshore conditions.<sup>196</sup>

The TMDL is only focused on mid-lake water clarity, not the nearshore (cite included in our NOP comments); in addition, the Lake Tahoe TMDL crediting program does not require nearshore-related load reductions.<sup>197</sup> The EIR/S must analyze how the proposed TBAP will impact TRPA’s nearshore standards, yet the entire water quality analysis appears focused on mid-lake clarity processes and impacts and relies on TMDL requirements to miraculously address nearshore conditions. In fact, if improved long-term mid-lake clarity<sup>198</sup> were indicative of improved nearshore conditions (following the logic of the implication that focusing on meeting mid-lake clarity objectives is sufficient to address nearshore impacts), then Lake Tahoe would have experienced a slow-down in the negative decline of nearshore conditions matching the slowdown in the loss of mid-lake clarity, however available trend data reveal nearshore conditions and primary productivity (algae growth) have generally grown worse while mid-lake clarity loss has slowed. The same is true for the Primary Productivity indicator (also a TRPA threshold standard).<sup>199,200</sup> The nearshore is affected by pollutants differently than the mid-lake and such nearshore impacts are not addressed by the TMDL.<sup>201</sup> Nearshore conditions are heavily impacted by algae growth, which is stimulated by nitrogen and phosphorous, both of which increased in the Lake in 2015.<sup>202</sup> Increased algae (periphyton biomass) has also been noted in areas closest to medium and high development.<sup>203</sup> Finally, as nearshore is heavily affected by algae growth and plant growth is more seasonal,<sup>204</sup> relying on annual

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<sup>196</sup> <http://www.trpa.org/wp-content/uploads/Agenda-Item-No.-VII.D.-Nearshore-Action-Plan.pdf>

<sup>197</sup> See Responses to comments, such as: “At this time, the TMDL Program does not intend on linking nearshore with the Crediting Program. The TMDL Management Agencies believe nearshore improvement is one of many multi-benefit considerations that Urban Implementers should be taken into account in the prioritization of load reduction projects and actions... : Given the lack of established nearshore program stakeholder information distribution processes, TMDL Program Managers agree the TMDL Management System documents can provide an interim solution until such processes are developed. Future documents will consider and, where appropriate, report on nearshore program activities.” Lake Tahoe TMDL program, December 2015 Findings and Recommendations Memo; <https://www.enviroaccounting.com/TahoeTMDL/FileResource/GetFileResourceForProgram/b8f845e2-9ff5-44e2-9401-dfa4a0b44a1a> (attached)

<sup>198</sup> “This year the annual average Secchi depth, a measure of lake clarity, continued the long-term halt in clarity degradation.” (SOTL 2016, p. 2.3) (attached)

<sup>199</sup> For example, a comparison of the Algae Growth (primary productivity) on p. 10-1 to annual average secchi depth on p. 11.1 shows that trends in algae growth, which affects nearshore areas, do not follow trends in mid-lake clarity (2014 State of the Lake Report [SOTL]; [http://terc.ucdavis.edu/stateofthelake/sotl-reports/2014/sotl\\_2014\\_complete.pdf](http://terc.ucdavis.edu/stateofthelake/sotl-reports/2014/sotl_2014_complete.pdf))

<sup>200</sup> [http://www.trpa.org/wp-content/uploads/TEVAL2011\\_Ch4\\_WaterQuality\\_Oct2012\\_Final.pdf](http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch4_WaterQuality_Oct2012_Final.pdf)

<sup>201</sup> <http://friendswestshore.org/wordpress/wp-content/uploads/2014/10/Sept-30-2014-RPU-Appeal-Opening-Brief.pdf>; (p. 46)

<sup>202</sup> “The lack of deepwater mixing allows a continued build-up of nitrate in the deep water. Surprisingly, in-lake phosphorus concentrations which had been on a long term decline, displayed an increase in 2015, to the highest level in the last six years.” (SOTL 2016, p. 2.3); <http://terc.ucdavis.edu/stateofthelake/>

<sup>203</sup> “With respect to spatial changes, the trends are somewhat definitive, with areas of medium and high development displaying higher levels of periphyton biomass. Whether this is due to the presence of the development itself or whether it is also tied to the fact that development often occurred in areas of flatter land (meadows, wetlands etc.) has yet to be determined.” (SOTL 2016, p. 6.4);

<sup>204</sup> E.g. “Lake Tahoe has a “deep chlorophyll maximum” in the summer that occupies the range of 150-300 ft. in the water column. In that depth range the light and nutrient conditions are most favorable for algal

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average values (as done for mid-lake clarity, and as used for water quality analysis tools like the PLRM model) is not appropriate and does not provide the information necessary to identify measures to reduce algae growth.

As discussed below, the TBAP (and the RPU it relies on) measures focus primarily on phosphorous and include no additional measures to reduce nitrogen inputs to the Lake, which also stimulates algal growth.<sup>205</sup>

The EIR/S should evaluate and disclose nearshore water quality with regards to the individual subwatersheds identified in Figure 15-1. Detailed information is available to examine the following:

- existing nearshore clarity,
- algae growth,
- substrate,
- water depth,
- mixing potential,
- aquatic conditions,
- soil types and proposed coverage in each watershed,
- erosion potential,
- conditions related to surface runoff and groundwater pollution,
- BMP status,
- drought impacts,<sup>206</sup>
- local concentrations (where nearshore monitoring is now available<sup>207</sup>), and
- other factors which are all known to impact nearshore conditions.<sup>208</sup>

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***B. Impacts of concentrated coverage on water quality***

The DEIR/S concludes that the land use changes and increased coverage limits within town centers were analyzed in the TRPA RPU EIS and found to be less than significant.<sup>209</sup> For this reason, we focus on both the RPU EIR and TBAP DEIR/S analyses to discuss the impact evaluation.

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growth.” (p. 10.3) and “Periphyton biomass was surveyed around the lake during the spring of 2015, when it was at its annual maximum.” (p. 10.8) (attached)

<sup>205</sup> “Nitrogen (N) is important because it, along with phosphorus (P), stimulates algal growth.” (SOTL, p. 9.3) (attached)

<sup>206</sup> “The Lake Tahoe Interagency Monitoring Program (LTIMP) measures nutrient and sediment input from seven of the 63 watershed streams – a reduction of three streams since 2011... All these reductions were largely due to the effects of the drought.” (SOTL 2016, p. 9.2) (attached)

<sup>207</sup> See SOTL 2016, p. 6.2. (attached)

<sup>208</sup> “Figure 1-2. Illustration of important factors and processes affecting the lake nearshore environment.” Page 17. Heyvaert, A.C., Reuter, J.E., Chandra, S., Susfalk, R.B., Schaldow, and S.G. Hackley, S.H. 2013. Lake Tahoe Nearshore Evaluation and Monitoring Framework. Final Report prepared for the USDA Forest Service Pacific Southwest Research Station.

[http://www.dri.edu/images/stories/centers/cwes/Nearshore\\_Evaluation\\_and\\_Monitoring\\_Plan\\_02.10.14.pdf](http://www.dri.edu/images/stories/centers/cwes/Nearshore_Evaluation_and_Monitoring_Plan_02.10.14.pdf)

<sup>209</sup> “With the exception of the proposed Tahoe City Town Center boundary change, the land use changes and increased coverage limits within town centers contemplated by Alternative 1 were analyzed in the TRPA RPU EIS and were found to be less than significant (TRPA 2012b: pp. 3.8-41 – 3.8-42)” (DEIR/S, p. 15-26).

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As noted extensively in our comments as well as throughout the RPU litigation, local impacts to water quality (mid-lake and nearshore) and soil were not adequately analyzed. In fact, TRPA and consulting attorneys assured the courts that Area Plan environmental reviews would include additional analyses of local impacts.<sup>210</sup> We strongly suggest that these official promises are not ignored and these studies are not only undertaken, but shown to be based upon a thorough, credible scientific review and evaluation, otherwise the DEIR/S will remain fatally flawed.

The RPU DEIS estimated coverage as either *within or outside of Centers*;<sup>211</sup> it did not estimate coverage at the localized scale (e.g. in each Center, or each subwatershed, etc.), nor discuss the conditions in the nearshore in proximity to the coverage increases. It also did not address the hydrologic connection to Lake Tahoe, which was recently noted as another important factor by TRPA GB members.<sup>212</sup> We have pressed for an analysis which addresses the impacts of upland development in proximity to nearshore conditions repeatedly to no avail.<sup>213</sup> Instead, the RPU’s Appendix H estimated the average coverage per unit for each land use type (e.g. CFA, TAUs, etc.) then multiplied that by the number of new units that could be built (including the remaining units per the 1987 Plan plus the additional commodities TRPA added with the RPU [note this did not include increases associated with the transfers/conversions of units such as TAU morphing]). The total new coverage was then categorized as *either within or outside of Centers*, and then land capability districts were estimated (which are therefore also only based on whether coverage is within or outside of Centers – not whether coverage is within individual centers). The new coverage amounts did not include coverage from the new bike trails, recreational/public service facilities, etc.

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**Soil Conservation analysis in the RPU EIS:**

The RPU DEIS determined impacts to be less than significant through the conclusion that the RPU would decrease coverage in sensitive areas and because new coverage plus existing coverage was less than the total Basinwide coverage presumably allowed per Bailey (as detailed in our comments on the 2011 Threshold Evaluation Report [TER] cited previously, the RPU EIS and TER changed the interpretation of the threshold and inappropriately examined coverage at a basinwide level, irrespective of location and local parameters which affect water quality and soils impacts and without regard for the local impacts that were in fact previously recognized by TRPA with regards to Hydrologically Related Areas<sup>214</sup>).

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<sup>210</sup> E.g. Stated by TRPA attorney Whit Manley during 4/12/2016 Final Hearing at the 9<sup>th</sup> Circuit Court of Appeals. [https://www.youtube.com/watch?v=CODT\\_-55hIo&nohtml5=False](https://www.youtube.com/watch?v=CODT_-55hIo&nohtml5=False)

<sup>211</sup> RPU DEIS, App. H.

<sup>212</sup> See minutes from 5/27/2015 GB meeting, included in June 2015 GB packet, p. 8-10 (attached)

<sup>213</sup> E.g. “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, 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.” (NOP comments, p. 12).

<sup>214</sup> “The HRA concept description is provided in the 1984 EIS for the 1987 Regional Plan (p. II-17), which

The RPU FEIS included a lengthy overview of why the DEIS analysis was considered to be sufficient in a “programmatic coverage assessment” (see FEIS Master Response 3). The FEIS mischaracterized our comments on the need for localized coverage analysis as asking for ‘parcel by parcel’ application of the Bailey standards, although our comments clearly emphasized evaluations based on the *subwatershed* scale. As a result, the FEIS did not respond to our comments on these issues. The FEIR included some minor revisions to the total coverage amounts but no additional analysis was performed. The FEIR also stated that additional localized analysis will be done for Area Plans.<sup>215</sup>

**Water Quality analysis in the RPU DEIS:**

The RPU’s water quality analysis relied on coverage standards and BMPs to conclude “Less than Significant” impacts (to all WQ standards). Regarding coverage, associated water quality impacts were considered less-than-significant for the following reasons (the water quality analysis also assumed BMPs would mitigate impacts, as discussed later in these comments):

- the total coverage will not exceed the 373 acres of maximum new coverage estimated in the TMDL reports (notably a different approach than the soils analysis used for examining the same impact),
- coverage in sensitive LCDs will be reduced (at a basinwide level),
- new coverage will be limited to high-capability land,
- BMPs will be required, and
- with 70% maximum coverage there is adequate room to fit BMPs designed for the 20-year storm.<sup>216</sup>

With regards to algae (both a mid-lake and nearshore water clarity problem), the RPU DEIS concluded less-than-significant impacts because the RPU will use education to phase-out the use of phosphorous-containing fertilizers by 2017 (however no mention is made of nitrogen), and because the RPU includes a new threshold management standard for attached algae (notably, including a new management standard does not, by itself, result in pollutant reductions; actual measures to reduce nutrients contributing to the growth of attached algae are necessary). The RPU also does not include any additional measures to decrease nitrogen as the TMDL (relied upon by the RPU) and one of the key programs to implement it – the Lake Clarity Crediting Program - does not guarantee needed reductions in nitrogen from stormwater. The

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states that “[t]he term “related hydrologic unit” has not yet been specifically defined. However, the Agency will limit transfers of coverage to a reasonable distance from the receiving site, so that the effect on water quality of coverage within the area is no worse than if the development were confined to the respective parcels.” (Staff summary for amendments to HRA policy, p. 153). [http://www.trpa.org/wp-content/uploads/October-28-2015-Governing-Board-Packet-REVISED-Corrected-title-on-RPIC-4\\_5-Attachment-G-1.pdf](http://www.trpa.org/wp-content/uploads/October-28-2015-Governing-Board-Packet-REVISED-Corrected-title-on-RPIC-4_5-Attachment-G-1.pdf) (attached)

<sup>215</sup> See Volume 1 of the RPU FEIR response to comment O16-121 (cited previously)

<sup>216</sup> “Table 3.8-7 demonstrates that high capability land with 50 percent or 70 percent coverage could accommodate the design and construction of BMPs of sufficient size to mitigate the impacts of the impervious coverage.” (RPU DEIS, p. 3.8-35)

only effective way to significantly reduce nitrogen in stormwater pollution is through vegetative uptake. This requires uncovered land downstream from the source of the stormwater where vegetation can grow, however the TMDL (and Crediting Program) promote engineered stormwater BMPs that are not designed for nitrogen removal and in most cases, they do not provide added vegetation to allow for vegetative uptake.<sup>217</sup>

The RPU FEIS first explains why the RPU DEIS analysis was sufficient regarding the analysis of the impacts of concentrated coverage on water quality (see FEIS Master Response 5). The FEIS also includes an additional analysis in App. C, where rather than estimate the new coverage impacts using average coverage per unit (as done in the Soil Conservation section of the DEIS), the FEIS looked at Centers and determined the total new coverage based on allowing up to 70% coverage on all high-capability lands (and 50% on lands within 300' of the Lake) within Town Centers. The new total coverage was categorized as either *within or outside of Centers*, then the PLRM model was applied to estimate pollutant loads (based on one modeled "scenario" where additional local review was stated to be necessary<sup>218</sup>). Once again, the analysis did not examine where the coverage would be *locally* nor address location in relation to nearshore conditions or how pollution may interact in local areas. In fact, the FEIS stated that additional analysis would be required to analyze impacts to specific centers<sup>219</sup> and that those values will differ from the PLRM values.<sup>220</sup> As shown in our NOP comments (p. 11), the TERC State of the Lake Reports provide examples of the variable conditions for attached algae around the Lake, showing that conditions near South Shore Centers are different from North Shore or West Shore centers.

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**Upland coverage and water quality impacts:**

The 2011 Threshold Evaluation Report (TER) revised how TRPA examined its soil coverage threshold, using presumed coverage in uphill areas, often on protected USFS land, to justify increased coverage in centers closest to the lake.<sup>221,222</sup> To date, no science proves that [the] Forest Service'[s] 148,000 acres of land that lies uphill of

<sup>217</sup> "Vegetation, in turn, 'is a part of a total system that is responsible for removing nutrients, particularly nitrogen, from precipitation which is stored in the soil. The nutrient removal process or nutrient uptake is extremely important in the nutrient balance in the entire aquatic system.'" October 2013 Plaintiff's Opening Brief on RPU lawsuit, p. 8

<sup>218</sup> There are several disclaimers about assumptions used in the PLRM. For example, the RPU FEIS discloses the following: "**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." (RPU FEIS, p. 3-32)

<sup>219</sup> "Site-specific analysis and detailed stormwater modeling would be necessary to generate a representative estimate of pollutant loading in specific community centers." (RPU FEIS, p. C-5).

<sup>220</sup> "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." (RPU FEIS, p. 2-32).

<sup>221</sup> July 25, 2012 (on file with TRPA)

<sup>222</sup> December 5, 2012; Attachment 1 (on file with TRPA)

the urban impervious coverage is either available or usable to naturally treat the runoff from the downhill urban areas” (and so far as we know, water still runs downhill) yet this is how the 2011 TER, 2012 RPU,<sup>223</sup> and the proposed TBAP (as it relies on the RPU) treat coverage.

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**Transfers of soft coverage:**

The RPU FEIS also failed to address our comments about proximity of coverage to Lake Tahoe and water quality concerns regarding the RPU’s provision allowing the ‘restoration’ of soft coverage far from the Lake - where runoff is apt to be filtered by undeveloped land - in exchange for transferring that coverage to add more hard coverage in Centers closest to the Lake while relying on BMPs to mitigate the water quality impacts (as discussed previously, coverage impacts go beyond water quality but these other impacts are not analyzed nor mitigated through the focus on water quality). By ignoring the suite of information showing that proximity matters, the RPU and TBAP fail to guarantee the claimed outcome of the transfer program - that water quality will benefit from these transfers. The RPU also failed to include any criteria or methods for evaluating whether existing ‘soft coverage’ is resulting in the assumed water quality impacts in its current (pre-transferred and/or pre-restored) location. For example, supposed soft coverage in forested areas distant from Lake Tahoe may not be preventing significant infiltration of water or causing significant soil erosion, thus “restoration” of such coverage would provide no water quality benefit while the increase in hard coverage from presumably transferring this soft coverage will negatively impact water quality. As a result, it is incorrect to conclude, for example, that stormwater impacts in Town Centers are ‘mitigated’ by the removal of coverage elsewhere.<sup>224</sup> To remedy this problem, the TBAP should identify criteria and methods to measure the impacts of existing soft coverage to determine whether it is preventing infiltration (including soil compaction, such as with a cone penetrometer, soil moisture, and existing infiltration rates using, for example, a rain simulator).<sup>225</sup> In addition, criteria should also address the location of soft coverage and the availability of undeveloped land between the soft coverage and Lake Tahoe (or tributaries) to filter any pollution from the stormwater flowing off of the soft coverage. In such cases where existing soft coverage is not creating significant impacts to water quality, transfers to Centers should not be allowed (as no environmental benefit would result and therefore such a transfer will result in a net negative impact on soils and water quality).

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The TBAP DEIR/S tiers from the RPU EIS and fails to address the many unanswered questions noted in our comments. Taken together, inadequate and insufficient analyses have been relied upon to proclaim water quality and soil benefits although the “evidence” behind it lacks credibility and fails to support the projected ‘benefits.’

<sup>223</sup> September 2014 Plaintiff’s Opening Brief for Appeal, p. 27-28 (on file with TRPA)

<sup>224</sup> “... the transfer of land coverage into town centers would result in an associated decrease in coverage and stormwater runoff elsewhere.” (DEIR/S, p. 15-33).

<sup>225</sup> i.e. See “Homewood Mountain Resort 2006 Restoration Treatment and Monitoring Report. Integrated Environmental Restoration Services, Inc.” Prepared by Rachel Arst, David Gibbs, and Michael Hogan. (attached) and other information regarding methods at: <http://ierstahoe.com/?pg=research> (image attached)

**Transfers of potential coverage:**

The TBAP (and RPU, as it relies on the RPU), erroneously assumes that transfer incentives for the retirement of existing coverage from sensitive, outlying areas will successfully result in the transfer of such coverage to Town Centers, because it fails to take into account the existence of alternative ways for acquiring coverage (e.g., purchase from land banks and purchase and retirement of “potential” coverage, which is not physically existing coverage but hypothetical coverage a parcel might be allowed if it were developed). The RPU FEIS as well as RPU lawsuit responses have failed to address these comments. Coverage transfers from “potential coverage” and banked coverage within the TBAP must be examined and impacts disclosed.

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**Coverage transfers within 300’ of Lake Tahoe:**

The RPU, and by extension the TBAP, limit coverage within 300’ of Lake Tahoe to 50%. This was intended to mitigate the impacts of the increased coverage allowed in Centers in the RPU. The TBAP DEIR/S relies, in part, on this requirement to conclude less than significant impacts from increased coverage in Town Centers.<sup>226</sup> However, there is no scientific information suggesting that only coverage within 300’ of the nearshore affects the Lake; this value was an arbitrary number chosen in 2012 as a political compromise. This is yet another reason that adequate local analysis and ongoing monitoring is necessary, as well as tying future increases in development to *measured* results.

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**Coverage from non-contiguous project area amendment:**

The DEIR/S discusses the potential impacts of concentrated coverage from the proposal to allow the use of noncontiguous project areas within Town Centers and concludes impacts will be beneficial because the change would not alter existing TRPA regulations (p. 15-26). However, the DEIR/S fails to analyze concentrated coverage at the local level. As a result, there is no evidence to conclude that further concentrating coverage through this amendment will not have significant impacts. In order to provide that evidence, TRPA and Placer County must perform a credible analysis of the local impacts to soil and water quality.

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<sup>226</sup> “Under Alternative 1, high capability lands within the Tahoe City and Kings Beach Town Centers would be allowed up to 70 percent coverage (base allowable plus transferred coverage) for both developed and undeveloped parcels, provided that they are either (1) located on the mountain side of SR 28, or (2) are further than 300 feet from Lake Tahoe (TRPA Code Section 3.4.2.B.1). Consistent with the Regional Plan, the amount of land coverage beyond the base allowable amount would be transferred from other parcels. This increase in transferred land coverage in town centers would directly affect the both the Kings Beach Center design concept and the Tahoe City Lodge. The potential effect of this policy was analyzed in the TRPA [RPU] EIS Impact 3.7-1 (TRPA 2012b: pp. 3.7-18 to 3.7-19) and was determined to be less-than-significant.” (DEIR/S, p. 14-23)

***C. PLRM modeling of Tahoe City and Kings Beach Town Centers:***

The TBAP relies on PLRM (modeled) estimates<sup>227</sup> to conclude either a benefit or less-than-significant water quality impact from each alternative<sup>228</sup> based on BMP implementation.<sup>229</sup>

**PLRM does not sufficiently address all parameters that affect impacts of coverage on water quality:**

As noted in our NOP comments (p. 12), the PLRM model only develops estimates of the runoff from properties with BMPs compared to that of properties without BMPs; while some site-specific parameters such as land uses and local BMP information were used,<sup>230</sup> the model provides no examination of the location of the runoff (i.e. given the availability of site-specific coverage data [e.g. as was used in the 2016 NHC PLRM analysis of the Town Centers<sup>231</sup>] and advanced GIS mapping, the EIR/S could have identified coverage based on the individual subwatersheds shown in Exhibit 15-1), the existing nearshore conditions, the substrate or lack thereof, water depth, mixing potential, and other local features that play a role in how much runoff may affect nearshore and mid-lake water quality.<sup>232</sup>

**PLRM unrealistically relies on proper BMP installation and maintenance:**

The PLRM also assumes proper BMP installation and maintenance,<sup>233</sup> which does not reflect real world conditions (see below), nor does it take into account the local factors and meteorological variations that affect stormwater conditions (as noted in the excerpt from the Boulder Bay EIS included below); instead, the PLRM assumes BMPs based on the 20-year stormwater design will consistently capture sufficient stormwater to meet objectives although evidence shows this stormwater design is not

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<sup>227</sup> “For the proposed project, the PLRM (Version 2) was used to individually model the maximum buildout of the Kings Beach and Tahoe City Town Centers to determine the localized effects on water quality.” (DEIR/S, p. 15-26); see Northwest Hydraulic Consultants. 2016 (February). Placer County Tahoe Basin Area Plan: Town Center Water Quality Analysis. Draft Report. NHC Ref. No. 5001254. (Included as reference in DEIR/S)

<sup>228</sup> “Finally, the PLRM modeling conducted for the proposed project indicates that Alternatives 1 and 2, which encourage the redevelopment of town centers, would result in a decrease in the pollutant load carried in stormwater runoff through TRPA BMP requirements. For these reasons, the land use changes and policies that would be implemented through Area Plan Alternatives 1 and 2 would have a beneficial impact on water quality. Alternatives 3 and 4 would also generate a slight reduction in pollutant loading and would have a less-than-significant impact on water quality.” (DEIR/S, p. 15-26)

<sup>229</sup> “[T]he PLRM model indicates that the increased BMP implementation would create a pollutant load reduction in the Tahoe City and Kings Beach Town Centers, even after accounting for the increase in land coverage.” (DEIR/S, p. 15-28)

<sup>230</sup> “The model incorporates site-specific information on land uses, coverage, stormwater BMPs, and hydrologic connectivity.” (DEIR/S, p. 15-26)

<sup>231</sup> Northwest Hydraulic Consultants. 2016 (February). Placer County Tahoe Basin Area Plan: Town Center Water Quality Analysis. Draft Report. NHC Ref. No. 5001254. (Included as reference in DEIR/S)

<sup>232</sup> Final RPU EIS, Volume 1, p. 3-31 and 3-32.

<sup>233</sup> “The PLRM performance estimates assume BMPs are correctly designed, installed, and maintained to retain and infiltrate the 20-year 1-hour design storm (generally taken as 1 inch of runoff from impervious surfaces on a parcel).” (NHC 2016, p. 15)

sufficient for current conditions, let alone projected increased flooding associated with climate change (discussed in greater detail below).

**PLRM model relies on annual average precipitation**

The PLRM model forecasts stormwater runoff based on annual average precipitation (see NHC 2016, Town Center Water Quality Analysis). As shown in the TRPA-certified Boulder Bay Final EIS,<sup>234</sup> annual averages do not capture the temporary fluctuations in weather that will affect the amount of stormwater in an area:

“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].

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As a result, the annual-average precipitation metric the PLRM uses to estimate runoff impacts is not adequate for evaluating the local, site-specific impacts of precipitation and other factors on runoff, nor how these variations affect loading (although the PLRM and stormwater design standards rely on annual averages, those averages will be affected by short-term increases in pollutant loading which will then affect annual averages). The EIR/S must assess the specific parameters that will impact runoff, as noted in the Boulder Bay stormwater report.

**Lack of measured evidence to support PLRM estimates:**

No evidence has yet been provided to show that PLRM estimates have accurately predicted stormwater treatment outcomes in real-world conditions. This is yet another reason that future development such as is envisioned in the TBAP should be contingent upon proven BMP effectiveness under the variety of meteorological conditions experienced in local areas.

***D. Reliance on BMPs:***

Like the RPU EIS, the TBAP DEIR/S also relies on implementation of BMPs to mitigate impacts from additional coverage on water quality (Impact 15-2) and the volume of stormwater runoff (Impact 15-3) associated with the TBAP<sup>235</sup> and the Tahoe City

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<sup>234</sup> [http://www.trpa.org/wp-content/uploads/Appendix\\_AB\\_Supplemental\\_WQ\\_Study.pdf](http://www.trpa.org/wp-content/uploads/Appendix_AB_Supplemental_WQ_Study.pdf) (attached)

<sup>235</sup> e.g. Impact 15-2: “Finally, the PLRM modeling conducted for the proposed project indicates that Alternatives 1 and 2, which encourage the redevelopment of town centers, would result in a decrease in the pollutant load carried in stormwater runoff through TRPA BMP requirements.” (DEIR/S, p. 15-26);

Lodge.<sup>236</sup> Our RPU litigation documents lay out detailed information regarding the problems with relying on BMPs to mitigate these impacts, including lack of enforcement and the RPU’s failure to include any additional, more aggressive measures to ensure BMP installation and maintenance. In fact, during the 4/12/2016 RPU final hearing at the 9<sup>th</sup> Circuit Court of Appeals, TRPA’s attorney acknowledged that other than “increased” tracking requirements associated with the TMDL, the only amendments regarding the BMP enforcement policies were related to TRPA’s oversight of local government Area Plans; in other words, amendments to provide more aggressive BMP enforcement were not included in the RPU. The TBAP does not add any such policies, thus there is no assurance that BMP enforcement (of installation and ongoing maintenance) will improve such that the assumed benefits are realized, nor are there any backup measures to mitigation impacts in the event BMPs do not function as modeled. Other problems include improper/absent ongoing maintenance and an outdated design capacity which fails to address existing and future climatic conditions. A summary of these issues is provided below; however, we herein incorporate the detailed comments regarding BMPs that have been included in all RPU litigation court documents. Further, it is understood that BMPs are not intended to capture every last drop of water as they are based on annual averages. However, this means that BMPs cannot be expected to fully mitigate runoff caused by increased coverage – contrary to the RPU and TBAP’s treatment of coverage as if the impacts of increased coverage can simply be mitigated through BMPs.

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**Enforcement failures, poor/absent maintenance, and ongoing effectiveness monitoring:**

The TBAP does not include any requirements above and beyond the RPU’s bare minimums to ensure BMPs are functional and effective in perpetuity (which the RPU EIR and TBAP DEIR/S assume, as decreases in effectiveness in the future have been included in any water quality analyses; in other words, BMPs are assumed to function in perpetuity once they are installed). The TRPA RPU identified that ongoing maintenance of BMPs is lacking and that maintenance was necessary for BMPs to function effectively, yet the TBAP includes no additional measures to ensure improved maintenance in the future. Instead, the only ‘assurances’ of effectiveness appear to be a requirement that if requested, proof of ongoing maintenance, “*such as contractual evidence, shall be provided to ESD upon request.*” (DEIR/S, p. 15-25). There are no requirements to measure water quality to ensure BMPs remain effective, nor scheduled inspection activities that must be met by projects in the future.

Further, the RPU EIR relied on local governments to meet their load reduction requirements in its analysis. Therefore, Placer County must indicate how it will

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Impact 15-3: “Implementation of Area Plan Alternatives 1 and 2 would result in increased impervious surfaces within town centers. However, the requirements for future projects to meet existing BMP standards and project level drainage analysis would remain in place under all alternatives. These requirements would cause a decrease in stormwater runoff volumes for all alternatives, resulting in a less-than-significant impact.” (DEIR/S, p. 15-32)

<sup>236</sup> “Mitigation Measure 15-2 would substantially reduce the risk of stormwater quality impacts during the operation of the Tahoe City Lodge meeting TRPA BMP requirements either through the installation and maintenance of parcel scale permanent water quality BMPs and/or participating in an area-wide water quality treatment project showing great[er] or equal water quality benefits to parcel scale BMPs.” (DEIR/S, p. 15-32)

ensure BMPs relied upon for load reductions are correctly installed and maintained as assumed in the RPU EIS. Given the generally poor record regarding installation and maintenance of BMPs and the heavy reliance on BMPs to reduce pollution from stormwater to meet water quality standards,<sup>237</sup> the TBAP must include additional requirements to ensure ongoing inspection and effectiveness monitoring based on field measurements, and enforcement actions in perpetuity. This was also stated in our NOP comments,<sup>238</sup> however the DEIR/S does not address this critical water quality issue.

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**Outdated design capacity:**

Our NOP comments outlined current information regarding storm events, impacts from climate change, and other parameters which indicate the outdated 20-year stormwater design employed by the RPU, and the TBAP, is not supported by substantial evidence, and will not sufficiently capture stormwater in the future.<sup>239</sup> In fact, there is no evidence that this design standard is even adequate for *current* conditions. Although BMP's are not designed to capture every single drop of water, underdesigned facilities will inevitably lead to more stormwater runoff in the future than if facilities are designed to capture higher volumes of water. TRPA's Boulder Bay EIS specifically examined weather patterns and runoff and concluded that to understand the potential for runoff, modeling must account for the variations in weather patterns and soil moisture (excerpt included above).<sup>240</sup>

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We have raised concerns about insufficient design capacity specifications with TRPA and Placer County repeatedly over the years, including in our NOP comments on the TBAP, and this issue has still never been addressed. Oddly, TRPA's previous Community Enhancement Program (CEP) rewarded project applicants proposing higher stormwater design capacities than were required.<sup>241</sup> Clearly TRPA has long-recognized that 20-year designs are inadequate. The TBAP, as well as the TCL<sup>242</sup> (which also requests additional incentives not provided to other developers), should require stormwater treatment above and beyond the bare minimum. We recommend all future developments other than single family homes be required to design stormwater treatments based on capturing water from a 100-year storm event (see our comments regarding climate change and flooding for more discussion).

<sup>237</sup> Discussed in detail in RPU litigation documents that are on file with TRPA.

<sup>238</sup> "It is important that an adequate performance/maintenance commitment be documented with a requirement to timely replace/rebuild non-functioning BMPs. Highly- and over-covered areas in catchments close to Lake Tahoe, such as Tahoe City and Kings Beach, increase the percentage of rain and snowmelt that would be discharged due to the excess impervious cover, and make it more difficult and costly for area-wide BMPs to infiltrate or fully treat pollutant loads." (NOP comments, p. 31)

<sup>239</sup> "Increased flooding as predicted in climate change scenarios will not only pose a threat to private property and public safety, but will also generate increased stormwater runoff, thus creating impacts to both mid-lake and nearshore clarity. As noted in our comments to TRPA on the RPU, there is no evidence to support that planning to capture stormwater based on a 20-year storm design is sufficient." (NOP comments, p. 31)

<sup>240</sup> Also included on p. 31 in our NOP comments.

<sup>241</sup> <http://www.trpa.org/wp-content/uploads/CEPcomplete1.pdf>; Note desired benefits include projects that "go above and beyond" with regards to coverage removal and stormwater treatment. (attached)

<sup>242</sup> "... stormwater systems [for the Tahoe City Lodge] would be designed to accommodate the volume of surface water generated by site during a 20-year, 1-hour storm..." (DEIR/S, p. 15-33)

We also noted that even if such analysis had been performed by the RPU EIS, it would have reflected only a broad, regional-level review. The design needs and runoff impacts associated with localized areas in the TBAP require a localized analysis. Factors that affect the volume and/or path of runoff include, but are not limited to:

- the amount and location of existing coverage,
- distance to streams and/or Lake Tahoe,
- angle of slope to the lake (which can increase runoff velocity) and other topographic features,
- soil type,
- depth of water in the nearshore,
- level of ground saturation, and
- intensity and duration of storms.

As requested in our NOP comments,<sup>243</sup> the EIR/S must examine local factors and assess what stormwater design is necessary to address actual local conditions. In addition, the importance of treating stormwater (or storing stormwater for later treatment) cannot be overemphasized. The federal and state governments have invested almost \$2 billion<sup>244</sup> in measures to protect Lake Tahoe’s water quality and efforts are underway to plan to support the expenditure of another \$415 million over the next ten years.<sup>245</sup> Meteorological and water quality experts have warned us to plan for higher volumes of water over shorter periods of time (see references cited in NOP comments); there is no excuse for not requiring higher standards for stormwater treatment.

**TMDL implementation is uncertain**

Implementation of the TMDL remains uncertain.<sup>246</sup> Not only is the TMDL a “basket of BMPs” and as noted, reliance on BMPs is not sufficient to ensure the presumed benefits, but funding for the TMDL is also uncertain. In addition, funding for meeting TMDL requirements to address roadway runoff – a significant source of fine sediments – is also questionable.<sup>247</sup> The RPU and TBAP do not prohibit future

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<sup>243</sup> “The EIR/S should analyze what storm design standard will be 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.” (NOP comments, p. 31-32)

<sup>244</sup> Lake Tahoe Restoration Act of 2015; <https://www.congress.gov/114/crpt/srpt256/CRPT-114srpt256.pdf>; p. 12 (attached)

<sup>245</sup> See proposed Lake Tahoe Restoration Act of 2015; <https://www.congress.gov/congressional-report/114th-congress/senate-report/256/1> (p. 2) (attached)

<sup>246</sup> January 2014 Plaintiff’s Reply, p. 6-7; <http://friendswestshore.org/wordpress/wp-content/uploads/2014/01/41-Pls-Reply-on-MSJ.pdf>

<sup>247</sup> “Stormwater programs implement capital projects, roadway treatments, maintain the capital projects implemented, and other miscellaneous activities. TMDL science shows that roadways contribute the dirtiest runoff. The biggest opportunity to reduce pollution is in infrastructure maintenance and roadway treatments. In fiscal year 2014/15 stormwater programs costs \$2,500,000. There will be an increase in

increases in development in the event that the TMDL is not fully implemented or that roadway reductions are not achieved, let alone to independent field measurements that prove TMDL projects are functioning as modeled.

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**BMPs and the TCL:**

As the TCL also relies on the installation of permanent BMPs to mitigate adverse water quality impacts,<sup>248</sup> the same technical inadequacies which plague the Area Plan conclusions also affect the DEIR/S findings regarding the TCL.

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***E. Lack of measured results:***

The PLRM analysis in the TBAP is only a model. The only way to ensure the modeled reductions are being achieved is through on-the-ground measurements of results. Yet the RPU, and the TBAP, allow significant developments based on the *presumption* that the modeled values were correct, and/or that future areawide BMPs will someday be installed to mitigate the impacts of new and redevelopment. There is nothing in the TBAP which ties the approval of additional coverage in the Town Centers to the measured achievement of water quality objectives for mid-lake and nearshore standards. Reliance on the TMDL is misplaced as the TMDL is a ‘model of a modeled model’ that has yet to provide directly *measured* results to confirm the estimated load reductions. Such measurements could involve sampling the stormwater that is exiting treatment areas and facilities and comparing those results to what was previously modeled (with specific measurements of fine particulates [not assumptions that estimate the percent of fine particulates based on total particulates], nitrogen, and phosphorous species). This would require sampling during and after storm events; the methods used for collection must allow for a comparison to modeled estimates.

12-71

The TBAP needs to include standards which require adequate measurement and monitoring, with future development contingent upon measured improvements in water quality (in other words, until *field* measurements of fine particulates, nitrogen, and phosphorous verify that modeled pollutant load reduction from BMPs and other water quality projects is occurring as modeled, new and large redevelopment projects that will further increase pollutant loading should not be approved. At that time, and not until, environmental benefits can be awarded. There is no backup plan in the TBAP to address water pollution and soil impacts in the event of BMP failures.

stormwater program cost over the next permit term. The low hanging fruit has been picked so it will be more difficult and more expensive to meet load reduction goals in the next permit term. Many of the roadway maintenance programs are locally funded and are ineligible for grant funding. Funding possibilities: They include a mix of measures, each with its own set of pros and cons. Some tend to affect local residents more than visitors and vice versa, some require voter approval while others do not, and some require jurisdictions to work together and others allow jurisdictions to go forward individually. There are some options that wouldn’t create the revenue to meet the program need and so a portfolio approach being evaluated that combines two or three funding options. These options were vetted with stakeholders and agency representative through one-on-one interviews.” (Minutes from TRPA GB meeting, 2/24/2016; p. 17) (attached)

<sup>248</sup> “Implementation of Mitigation Measure 15-2 would require installation of approved permanent water quality BMPs, which would reduce the potential for Tahoe City Lodge Alternatives 1, 2, and 3 to create adverse effects on water quality from operational activities to a less-than-significant level.” (DEIR/S, p. 15-26)

**F. Reexamination of Significance Criteria:**

As inadequate stormwater design and improper BMP maintenance will lead to overflows, additional surface runoff, alterations to water flow, potential impacts to groundwater, exposure of people to water-related hazards, runoff that would exceed the capacity of stormwater systems, and other impacts, plus a lack of adequate monitoring will not guarantee impacts will be mitigated, the following significance criteria must be reexamined (criteria are based on evaluating whether the project will do the following):

“TRPA Criteria:

- ▢ discharge into surface waters, or alter surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity;
- ▢ cause the potential discharge of contaminants to the groundwater or alter groundwater quality;
- ▢ change absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 year 1-hour storm runoff (approximately 1 inch per hour) cannot be contained on the site;
- ▢ expose people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence.

CEQA Criteria:

▢ substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion, siltation or flooding on- or off-site;

▢ create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage, infiltration, and treatment systems or facilities resulting in increased sources of pollutants reaching surface waters or causing detrimental flooding to property or infrastructure;” (DEIR/S, p. 15-20 to -21)

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In sum, there is adequate evidence that relying on BMPs and existing policies related to BMP installation and maintenance does not guarantee the modeled water quality improvements assumed by the DEIR/S, and there is no backup plan to address failures. Further, the conclusion that there will be beneficial impacts to Impact 15-2<sup>249</sup> relies on the installation and effective operation of BMPs in perpetuity, which is also not guaranteed for a variety of reasons noted in our comments. The modeling used to conclude a reduction in pollutant loading from the TBAP’s policies is also faulty for the reasons noted above, thus the conclusion of a “beneficial” benefit to water quality is not supported (notably this is the only impact related to water quality or soil conservation that is considered ‘beneficial’). As a result, the TBAP does not guarantee net environmental gain to TRPA’s water- and soil-related thresholds.

12-73

**G. Atmospheric Deposition:**

The discussion of TRPA’s thresholds in Section 5.2.2 should also include information about TRPA’s Air Quality threshold standard based on atmospheric deposition, as it is a standard aimed to protect water quality. Further, the TMDL relies on a reduction in NOx emissions from vehicles to achieve nitrogen reductions (the RPU also relied on a reduction in NOx to achieve water quality goals). However, there are no measures provided in the TBAP DEIR/S to specifically address the atmospheric deposition of nitrogen, and the deficiencies in the VMT analysis are expected to also underestimate

12-74

<sup>249</sup> “Impact 15-2: Potential water quality impacts to surface and groundwater due to changes in land use or lodge operation” (DEIR/S, p. 15-26)

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NOx emissions, thus not ensuring that the NOx emission reductions relied upon by the RPU EIS will occur.

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### 17. Natural Hazards

The DEIR/S notes:

“The primary issues raised during scoping that pertain to hazards, hazardous materials, and risk of upset included:

- □ Increasing the number of people and structures in areas with high wildland fire hazards, and
- □ Evacuation in the event of an emergency.” (p. 18-1)

It is well established that wildfire occurrences and severity are on the rise, and threats are increasing<sup>250</sup> due to the impacts of drought, climate change, bark beetles, and decades of fire suppression policies. The Placer County Local Hazard Mitigation Plan states:

“Likelihood of Future Occurrence [of wildfires]

**Highly Likely** — From May to October of each year, Placer County faces a serious wildland fire threat. Fires will continue to occur on an annual basis in the Placer County Planning Area. The threat of wildfire and potential losses are constantly increasing as human development and population increase and the wildland urban interface areas expand. Due to its high fuel load and long, dry summers, most of Placer County continues to be at risk from wildfire.

**Climate Change and Wildfire**

Warmer temperature can exacerbate drought conditions. Drought often kills plants, which serve as fuel for wildfires. Warmer temperatures could increase the number of wildfires and pest outbreaks, such as the western pine beetle.” (p. 4-142)

12-75

As more humans live, visit, and recreate in the area (as will be a result of the TBAP), the potential for wildfires increases.<sup>251,252</sup> Narrow roads and areas with only one means of ingress/egress, as are found in many portions of the TBAP, complicate evacuation and emergency response during wildfire events.<sup>253,254</sup> As shown in Exhibit 18-1, most of the

<sup>250</sup> “Changes in precipitation patterns and increased temperatures are expected to alter the distribution and character of natural vegetation and associated moisture content of plants and soils. An increase in frequency of extreme heat events and drought are also expected. These changes are expected to lead to increased frequency and intensity of large wildfires (CNRA 2012:11).” (DEIR/S, p. 12-11)

<sup>251</sup> “ **Human Actions** – Most wildfires are ignited by human action, the result of direct acts of arson, carelessness, or accidents. Many fires originate in populated areas along roads and around homes, and are often the result of arson or careless acts such as the disposal of cigarettes, use of equipment or debris burning. Recreation areas that are located in high fire hazard areas also result in increased human activity that can increase the potential for wildfires to occur.” (Placer County Local Hazard Mitigation Plan, p. 4-133)

<sup>252</sup> “CalFire data shows that, between 2000 and 2005, the majority of fires within CalFire’s jurisdiction were caused by humans. Equipment, vehicles and debris burning were among the largest ignition-source culprits.” (Planning for Water-Wise Development in the Sierra: A Water and Land Use Policy Guide. Sierra Nevada Alliance, Aug. 2008, p. 13). <http://sierranevadaalliance.com/wp-content/uploads/2014/02/PlanningforWaterWiseDevelopment.pdf>. (attached)

<sup>253</sup> “Factors contributing to the wildfire risk in Placer County include

- Overstocked forests, severely overgrown vegetation, and lack of defensible space around structures;
- Excessive vegetation along roadsides and hanging over roads, fire engine access, and evacuation routes;
- Drought and overstocked forests with increased beetle infestation or kill in weakened and stressed trees;
- Narrow and often one-lane and/or dead-end roads complicating evacuation and emergency response as well as the many subdivisions that have only one means of ingress/egress;
- Inadequate or missing street signs on private roads and house address signs;
- Nature and frequency of lightning ignitions; and

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TBAP is located in a very high Fire Severity Zone. These Zones are described as: “Wildland areas that support high to extreme fire behavior or developed/urban areas with high vegetation density (greater than 70 percent cover) and associated high fuel continuity.” (DEIR/S, p. 18-12). The DEIR/S further notes that “*Many of the communities within the NTFPD are surrounded by wildland fuels on multiple sides and often have a single road for ingress and egress (TFFT 2015: 7). These isolated communities with poor access present challenges to fire suppression efforts. Even evacuating these communities during an event is very difficult.*” (p. 18-13). [Emphasis added]

The significance criteria for TRPA and CEQA analysis of natural hazards include:

- “TRPA
  - | interfere with an emergency evacuation plan;
- CEQA
  - | impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; or
  - | 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.” (DEIR/S, p. 18-14)

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Despite the facts that the TBAP will place more people and their vehicles in a high fire severity zone, which will also result in more fire ignitions, that danger from wildfires is on the rise, and that the ability to evacuate people and provide emergency access throughout the TBAP is limited, the DEIR/S defies all evidence (as well as logic) and concludes a less-than-significant impact with regards to Impact 18-3: Interfere with implementation of an emergency response plan or emergency evacuation plan and Impact 18-4: Expose people or structures to wildland fire hazards.<sup>255</sup> In fact, as noted below, the referenced plans in the DEIR/S do not address the capacity of roadways within the TBAP to evacuate or provide for emergency access. While there may be general plans among first responders regarding how they will react during emergencies, the TBAP DEIR/S provides no actual emergency response plan or emergency evacuation plan that is formulated to address the capacity of our roadways to evacuate or provide emergency access. In this case, there is no plan upon which the DEIR/S can evaluate this impact in the first place, and the TBAP includes no provisions to formulate or identify such a plan.

└ Increasing population density leading to more ignitions.” (Placer County Local Hazard Mitigation Plan, p. 4-132 to 4-133). <http://www.placer.ca.gov/departments/ceo/emergency/local-hazard-mitigation-plan> [Emphasis added] (excerpt attached)

<sup>254</sup> “While development has continued throughout the District, access into individual subdivisions has not changed. Street widths remain marginal, on-street parking remains a problem in all but the newest subdivisions and, in general, ingress and egress are difficult if not impossible during peak season population fluctuations.” (12/8/2015 Letter to Placer County BOS from North Tahoe Fire Protection District; <http://www.placer.ca.gov/upload/bos/cob/documents/sumarchv/2015/151208A/17b.pdf>) [Emphasis added] (attached)

<sup>255</sup> DEIR/S, p. 18-23 and 18-27, resp.

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The DEIR/S includes the following items:

**1. References to other Plans:**

The TBAP states it would not “alter or revise the existing Placer Operational Area East Side Emergency Evacuation Plan, Placer County Local Hazard Mitigation Plan, or Lake Tahoe Geographic Response Plan.” (p. 18-23). However, there are several problems with this conclusion:

- None of these documents address the capacity of the in-Basin roadways to evacuate people from the Basin during an emergency;
- The Placer Operational Area East Side Emergency Evacuation Plan (EEP) specifically states that it does not include the Tahoe Basin;<sup>256</sup>
  - Even if it did include the Tahoe Basin, the EEP outlines how emergency events will be handled;<sup>257</sup> it does not evaluate the capacity of the Basin’s roadways to evacuate people nor list criteria to assess when a proposed plan or project interferes with such plans;
- The Placer County Local Hazard Mitigation Plan (LHMP) includes information regarding plans by various agencies to assist with emergency responses and plans to update information (e.g. databases, GIS tools, public education, etc.). The LHMP does list in-Basin emergency shelters,<sup>258</sup> but does not address roadway capacity nor evaluate how people will travel to these shelters on congested roadways. The LHMP also refers back to the EEP, which as noted above, does not include the Tahoe Basin;
- The Lake Tahoe Geographic Response Plan addresses situations involving hazardous chemicals, not wildfire evacuations.<sup>259</sup>

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**2. Vague speculation and opinion:**

The DEIR/S speculates that the addition of TCL visitors would not “substantially” increase existing congestion,<sup>260</sup> although “substantially” is not defined nor has the

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<sup>256</sup> “For the purposes of this plan, the “eastern side” comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit.” (EEP, p. 4-290 to 4-291) (attached)

<sup>257</sup> “The plan provides details regarding evacuation alerts, evacuation emergency medical services and public information, traffic control, transportation, communication, and animal services.” (DEIR/S, p. 18-9)

<sup>258</sup> “Eastern Placer: The County worked closely with the American Red Cross (ARC) to identify facilities in the North Tahoe area (including Truckee) for use as emergency shelters. Schools in Tahoe City, Kings Beach, and Truckee have been identified and the ARC continues to conduct on-site assessments of the facilities for suitability as emergency shelters. Additionally, the ARC has fielded three trailers in the areas with each trailer containing 50 cots, blankets, pillows, and a generator to support each shelter.” (EEP, p. 4-292) (attached)

<sup>259</sup> “The Lake Tahoe Geographic Response Plan (LTGRP) (Lake Tahoe Response Plan Area Committee 2014) is the principal guide for agencies within the Lake Tahoe watershed, its incorporated cities, and other local government entities in mitigating hazardous materials emergencies. The LTGRP establishes the policies, responsibilities, and procedures required to protect life, environment, and property from the effects of hazardous materials incidents. The LTGRP establishes the emergency response organization for hazardous materials incidents occurring within the Lake Tahoe watershed. The plan is generally intended to be used for oil spills or chemical releases that impact or could potentially impact drainages entering Lake Tahoe and the Truckee River.” (DEIR/S, p. 18-6)

congestion with regards to an emergency evacuation been analyzed (see below). It is also worth noting that like the TBAP, the TCL will also contribute to a significant and unavoidable impact to LOS in Tahoe City. Although the TBAP proposes to amend the LOS policy to allow greater congestion in this area, this does not negate the fact that the TBAP and TCL are estimated to both increase congestion, which will impede emergency access and evacuation. Further, the proposed LOS policy revision for the TBAP would allow LOS F (which is basically gridlock) in Tahoe City and Kings Beach during peak periods<sup>261</sup> – a very dangerous proposal, especially given the lack of planning for evacuations and emergency access in the area. To allow increases in congestion for such extended periods of time only further exacerbates the danger to public health and safety in the event of an emergency situation such as a wildfire.

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The DEIR/S also suggests that because future development will be directed to walkable areas, this will provide visitors with access to services and destinations without using their vehicles.<sup>262</sup> It appears that the purpose of this statement is to imply that this will reduce traffic and therefore impacts to emergency evacuation. However, not only is this opinion and contrary to the DEIR/S’s own conclusions regarding traffic impacts, but this also fails to consider that most of those visitors will be driving into and out of the Basin for their visit. Wildfires are not planned events and certainly don’t limit themselves occurring on a “Saturday” when visitors may be walking around instead of driving to or from their Tahoe destination.

**3. Limits on potential development:**

The DEIR/S also suggests that due to limits on future development, the addition of visitors generated by the TBAP will not “substantially increase” congestion such that it would interfere with emergency response and evacuation plans.<sup>263</sup> Once again, this

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<sup>260</sup> “Area Plan Alternatives 1 and 3 could result in an increase in overnight visitors in the Basin; however, because the lodge would accommodate approximately 236 people at maximum capacity (assuming a 118-unit lodge), the addition of these visitors would not substantially increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded.” (DEIR/S, p. 18-23)

<sup>261</sup> “In recognition of the LOS conditions in the Tahoe City Town Center, Area Plan Alternatives 1 through 3 would revise the LOS standards to allow LOS F during peak periods in town centers (Area Plan Policy T-P-6).” (DEIR/S, p. 10-16)

<sup>262</sup> “Future development would be directed to walkable areas, such as town centers and mixed-use areas, providing opportunities for visitors to access services and destinations without using their vehicles.” (DEIR/S, p. 18-25)

<sup>263</sup> “Furthermore, the additional overnight visitors could include day visitors that may have previously driven into the Basin. Roadways in the Basin currently experience congested conditions during peak periods throughout the year. With the focus on walkability, alternative transportation, and transit improvements emphasized by available allocations, the addition of visitors generated by the Area Plan would not substantially increase congestion such that interference with emergency response or evacuation plans would occur.” (DEIR/S, p. 18-25)

<sup>263</sup> “Roadways in the Basin currently experience congested conditions during peak periods throughout the year. With the focus on walkability, alternative transportation, and transit improvements emphasized in the Regional Plan and RTP, and the fact that development potential is limited by available allocations, the addition of visitors generated by the Area Plan would not substantially increase congestion such that interference with emergency response or evacuation plans would occur... Because Alternative 1 would provide emergency access, emergency responders have confirmed their ability to serve Alternative 1 development, and the project would be required to demonstrate compliance with fire safety requirements prior to approval of TRPA and Placer County permits, operation of the lodge under Alternative 1 would not interfere with emergency response or evacuation of the project site.” (DEIR/S, p. 18-24 and 18-25)

speculation runs contrary to the DEIR/S analysis, which shows increased LOS from the plan’s implementation (see Chapter 10). In addition, the DEIR/S does not explain how emergency response vehicles will be able to quickly move through gridlocked traffic. Further the meaning of “substantially increase” is not defined. There are no criteria or performance targets which could be used to identify when an increase in congestion would be considered “substantial.”

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**4. Reduced fuel loads and increased defensible space:**

The DEIR/S also claims that forest management measures that will reduce fuel loads and regulations regarding defensible space will reduce wildland fire hazards.<sup>264</sup> While these actions may reduce the severity of future fires and susceptibility of homes to ignition, wildfires will still necessitate evacuations and emergency access; emergency responders will still need to respond to fires and evacuations will still be required, thus access will still be imperative. Reducing fuel loads does not change roadway capacity, nor negate the need for evacuations, and access for emergency responders, thus this provides no evidence to suggest adverse impacts to evacuation and emergency response would be reduced.

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**5. Emergency responders have confirmed the ability to serve the TCL project:**

The DEIR/S concludes that because emergency responders have stated they will serve the TCL project, and the project will be required to meet fire safety requirements prior to permit approval, the project would not interfere with emergency response or evacuation of the project site.<sup>265</sup> This conclusion is a red herring. It is not up to emergency responders to deny or approve a project, nor does the presence of building codes negate the danger when buildings are constructed in high fire danger zones. In addition, although the DEIR/S must address the ability to evacuate the TCL project area, the DEIR/S must also examine the project’s impacts on evacuation and emergency access throughout the TBAP roadways that will be affected by the TCL’s traffic.

12-80

**A. *Failure to analyze roadway capacity***

The TBAP DEIR/S includes no analysis of the capacity of roads within the TBAP to handle evacuation, the time involved in evacuations from locations throughout the TBAP, backup plans in the event a road becomes impassable, performance standards to be met to

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<sup>264</sup> “As described under “Wildland Fire Protection,” fuels reduction projects are underway or planned for over 17,000 acres within the Area Plan. With adherence to the above-mentioned regulations, implementation of Area Plan and Regional Plan policies, and continued fuels reduction efforts in the Area Plan, fuel loads would decrease and defensible space would increase resulting in a reduction in wildland fire hazards. For these reasons, the potential exposure to high or very high fire hazards for additional visitors not previously considered in the RPU EIS and RTP/SCS EIR/EIS would be reduced. This impact would be less than significant.” (DEIR/S, p. 18-28)

<sup>265</sup> “Because Alternative 1 would provide emergency access, emergency responders have confirmed their ability to serve Alternative 1 development, and the project would be required to demonstrate compliance with fire safety requirements prior to approval of TRPA and Placer County permits, operation of the lodge under Alternative 1 would not interfere with emergency response or evacuation of the project site.” (DEIR/S, p. 18-25)

ensure additional people and vehicles from new or redeveloped projects do not impede evacuation plans, or any other means to evaluate the impacts of additional vehicles on roadway capacity during emergency events. It should be noted that **the highest fire danger in the Tahoe Basin generally occurs during the same months that the Basin experiences extended peak traffic congestion – July and August.** This further exacerbates the threat to public health and safety from fires and other natural hazards requiring swift evacuation and action. In addition, while public education is important and should be completed for residents and visitors, there is limited ability to educate visitors, including overnight visitors and even more so day visitors, about how to react during emergency situations. As noted at recent Placer County Planning Commission hearings on the MVWSP<sup>266</sup> and VSVSP<sup>267</sup> projects, people panic and this must be considered when planning for emergency situations.

None of the DEIR/S’s “impact assessments” actually address the TBAP and TCL’s impacts on the capacity of roadways, including SR 267, 28, and 89, to handle emergency evacuations and provide access for emergency responders. That the TBAP will worsen LOS in Tahoe City and on SR 267 and allow for more congestion in Kings Beach suggests that there will be more congestion that would interfere with an evacuation; in fact, the DEIR/S fails to explain how the project can have significant and unavoidable impacts on LOS in Tahoe City, yet have less than significant impacts on emergency evacuation on those same roadways.

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In addition, a recent court ruling related to the Homewood Mountain Resort reflects the importance of assessing the impacts on the capacity of emergency evacuation routes. The Third District Court of Appeals of California issued a ruling on 12/22/2015 related to the Clean Energy Committee’s (CEC’s) challenge of the Homewood Village Resort’s EIR.<sup>268</sup> One of the most notable outcomes is the Court’s decision regarding emergency evacuation is:

*“There are two components to the wildfire evacuation risk – evacuation by residents, workers, and visitors, and the impact of that evacuation on access by emergency entities responding to wildfire. The EIR fails to evaluate both.”*

*“... evacuation [of people from the project area] could also impact the environment by impeding emergency responders who might otherwise be able to prevent the spread of wildfire ...”*

*“[The EIR] failed to identify the capacity of SR 89 or connecting roads to accommodate the evacuation of people, including additional people from the project.”*

The CEC noted that analyzing this impact must involve the evaluation of “*the total number of residents, businesses and tourists that can be safely evacuated from the West Shore, without impeding emergency vehicle access, in the event of wildfire, earthquake or seiche and evaluate the cumulative impact of the project on natural disaster evacuation and emergency vehicle access to the West Shore.*” The Court also pointed out that while

<sup>266</sup> 6/9/2016 and 7/7/2016;

<http://www.placer.ca.gov/departments/communitydevelopment/planning/pchearings>

<sup>267</sup> 8/11/2016; <http://www.placer.ca.gov/departments/communitydevelopment/planning/pchearings>

<sup>268</sup>

<http://www.leagle.com/decision/In%20CACO%2020151222052/CALIFORNIA%20CLEAN%20ENERGY%20COMMITTEE%20v.%20COUNTY%20OF%20PLACER>

the EIR concluded significant and unavoidable impacts to congestion on SR 89, the EIR “inexplicably” did not conclude those “same inadequate roads to be a significant, unavoidable impact in the context of a wildfire requiring emergency evacuation.”<sup>269</sup>

The Court directed Placer County to comply with CEQA, which will require addressing the failure to identify, describe, and analyze the wildfire evacuation risk. With regards to the TBAP and TCL DEIR/S, our NOP comments specifically requested the DEIR/S analyze these impacts:

*“Placer County needs to complete an updated assessment of the capacity and response times associated with existing emergency services (including fire protection and emergency medical services), and the impacts to services associated with the increased residents and visitors stemming from the new RPU and proposed Placer County TBAP, as well as cumulative increases in visitors from adjacent projects and resort expansions, including Northstar and Squaw Valley resorts.”* (NOP comments, p. 55-56)

As noted above, similar to the Homewood case is the DEIR/S’s conclusion that there will be significant and unavoidable traffic impacts (before the TBAP is amended to make those impacts “comply” with the TBAP), yet the EIR “inexplicably” concludes a less than significant impact to interference with emergency evacuation.

**Increased population and CFA within RPU analysis:**

The DEIR/S claims that the TBAP will not increase the number of people in high or very high hazard areas “beyond that assessed in the RPU EIS...”<sup>270</sup> However, this is irrelevant. The RPU/RTP documents failed to include planning for evacuations and emergency access (the referenced sections only address defensible space, water flow requirements, new building standards, etc., which do not address roadway capacity or evacuation and emergency access<sup>271</sup>) or to account for the increased visitors and vehicles that would again visit the Basin once the economy improved (see transportation comments for more detail). In addition, traffic conditions have changed since the RPU/RTP baseline year of 2010, as the millions of visitors and residents in the Basin can attest to in 2015 and 2016.

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<sup>269</sup> Note: “This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.”

<sup>270</sup> “The Area Plan contains large areas of high to very high fire hazards as well as some moderate fire hazard areas (see Exhibit 18-1). Implementation of Alternative 1 would not increase the number of residents or CFA in high or very high fire hazard areas of the Plan area beyond that assessed in the RPU EIS and RTP/SCS EIR/EIS (TRPA 2012:3.14-12 – 3.14-13; TMPO and TRPA 2012:3.14-18). However, with implementation of the CFA to TAU conversion program, Alternative 1 could facilitate an increase of overnight visitors associated with the additional TAUs. Consequently, implementation of the Area Plan under Alternative 1 would increase the number of people exposed to wildland fire hazards in the Plan area.” (DEIR/S, p. 18-28)

<sup>271</sup> “Alternative 3 would include the same policy changes as Alternative 2 that would directly increase and improve defensible space, reduce fuel load, and allow greater flexibility in the manner in which adequate fire protection is achieved and in which fires are suppressed within the Region... Furthermore, as development continues throughout the Region under Alternative 3, projects would be required to consider the fire hazards in the Region and include measures to ensure that defensible space is maintained and excessive fuel is reduced.” (RPU DEIS, p. 3.14-13)

**Adding to problems before solutions are addressed:**

In addition to the reasonable conclusion that significant and unavoidable traffic impacts translate to significant and unavoidable impacts on evacuation routes and capacity, it is also worth stepping back and considering the bigger picture. This project will place 1000's of additional people (including new residents<sup>272</sup> and visitors<sup>273</sup>) in a very high fire danger zone, where people could lose not only their property, but their lives to wildfire. This area is also subject to millions of visitors each year, most of whom visit the region during the summer months – the same time period when fire danger is at its greatest. These dangerous land use decisions are being made without first considering the capacity of the affected roadways to evacuate people during emergencies. Although we cannot remove all of the existing development to protect people from fire danger in the area, we can plan in advance for how to address emergency situations before adding more development that will only increase the threat to public health and safety. It is most appropriate to address these impacts at the areawide planning level (as well as the regional planning level, as we believe TRPA should also be addressing evacuation concerns from a basinwide perspective as well) as evacuation plans and emergency access will involve regional roadways. This impact analysis, and the mitigation that must be developed for it, require areawide planning. Individual project-level reviews are only stop-gap measures that will not mitigate the threat nor address the bigger picture.

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We ask that Placer County and TRPA consider whether placing more people in danger and exacerbating impediments to safe evacuations before analyzing how to first deal with the problem is a desirable and responsible land planning approach. We also recommend both entities focus on analyzing the capacity of roadways to handle evacuations, plans for doing so, performance standards to meet, guidelines for approval of new and redeveloped projects, and other issues in order to ensure public health and safety. Not only does this require the areawide planning in the TBAP boundaries, but also regional planning by TRPA. For example, during the 1997 floods, there was a point where the only way in and out of the Basin was SR 267. It took hours to get out of the Basin; imagine if a similar situation occurred during a wildfire event where wind and extreme fuel contribute to rapid spread (as has been the case in other in-Basin fires, including the 2007 Washoe Fire<sup>274</sup> on West Shore and 2007 Angora Fire<sup>275</sup>) and some of our roadways – or even just one of them – were closed. Finally, we note that the loss of a human life, as has occurred in previous

12-82

<sup>272</sup> See “Table 6-7 Existing Population and Projected 2035 Population Totals for Area Plan Alternatives.” Note the table does not include part-time residents.

<sup>273</sup> 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. In addition, over 1,000 new housing units (with 494 occupied) and 571 additional tourist units are anticipated (Table 6-8, p. 6-12).

<sup>274</sup> “**August 2007 Washoe Fire** – The Washoe Fire started with a structure fire of a home located on the West Shore of Lake Tahoe near the Sunnyside Resort. The fire quickly engulfed one residence, spread to two others and moved into forestlands. The fire spread to two other homes and destroyed them as well. In all, 5 homes were destroyed and 20 acres of forestland burned. Extreme wind fueled and drove the fire, which significantly contributed to the rapid spread.” (LHMP, p. 4-138)

<sup>275</sup> <http://www.cnpsd.org/fire/angorafireusfsfullreport.pdf>

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fires,<sup>276</sup> cannot be mitigated to less-than-significant. The current developments planned in the TBAP and larger North Tahoe/Truckee Region will result in greater threats to human life. Placer County is responsible for the protection of public health and safety and approving these increases in development that will further clog already congested roadways jeopardizes the health and safety of millions of people.

12-82  
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**B. Flooding and Climate Change:**

Our NOP comments identified the need to plan for larger flood events as recommended by meteorological experts (see NOP references), the Lahontan Regional Water Quality Control Board (LRWQCB),<sup>277</sup> and in the most recent assessment of the Truckee River Basin,<sup>278</sup> however the DEIR/S fails to address this potential impact:

12-83

“The NOP and draft Area Plan give very little attention to the need to **adapt** to the impacts of climate change. The document focuses solely on analyzing GHG emissions.<sup>279</sup> 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,<sup>280</sup> we need to prepare for larger episodic storms.<sup>281</sup> In fact, meteorologists have continued to warn the public of the likelihood of

<sup>276</sup> “Past fires in the region have resulted in loss of life, significant losses of property, and substantial damage to habitat and environmental resources.” (DEIR/S, p. 19-32)

<sup>277</sup> “The potential risk should not be underestimated or limited to “100-year flood” events based on the available probability data from the 20<sup>th</sup> century or before; recent published scientific data and models from the U.S. Geological Survey provides substantial evidence of the potential for devastating flooding and damage from “atmospheric rivers” of moisture that reoccur with regularity on a scale of one to several centuries, bringing floods potentially much, much larger than experienced in the last century... Such flood events also have the potential to adversely affect water quality over a significant time period due to the discharge of building materials and waste from damaged infrastructure.” (7/17/2015, LRWQCB comments on VSVSP DEIR (p. 5);

[http://www.placer.ca.gov/~media/cdr/ecs/eir/vsvsp/comments%20on%20deir/comment\\_lahontan.pdf?la=en](http://www.placer.ca.gov/~media/cdr/ecs/eir/vsvsp/comments%20on%20deir/comment_lahontan.pdf?la=en)) (attached)

<sup>278</sup> “In a separate but related effort to the Basin Study, Reclamation assessed the potential changes in flood frequency that could occur in the Truckee Basin under future climatic and hydrologic conditions. This flood analysis found an increased probability of a one-day flood exceeding 37,600 cfs, which is the maximum flow recorded in the Truckee River at Reno during the January 1997 flood event considered to be the flood-of-record for the Basin. In fact, future conditions may increase the likelihood of a flood of any magnitude – the Basin may experience more floods like the 1997 event, but would experience more floods considered “less extreme,” also. For years 2000 to 2050, the likelihood of a flood event with flows from 20,000 cfs to 40,000 cfs increases between 10 percent and 20 percent from the historical likelihood for such a flood; for years 2050 to 2099, the likelihood for such a flood increases by 30 percent to 50 percent. Analyses that assume future flood frequency will follow the same distribution as historical floods in the Truckee Basin are likely to underestimate the potential for flooding in the future. The flood analysis conducted in parallel to the Basin Study is included in this report as ‘Appendix E – Truckee River Flood Frequency and Magnitude Analysis.’” (Truckee River Study Basin Study Report, Dec. 2015, p. 6-9)

<sup>279</sup> “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)

<sup>280</sup> [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/2015/jan/item\\_13.pdf](http://www.waterboards.ca.gov/lahontan/board_info/agenda/2015/jan/item_13.pdf)

<sup>281</sup> Excerpt of Summary Point slide from referenced presentation to the Lahontan Regional Water Quality Control Board, January 2015 included below in NOP comments.

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increased 200- to 500-year Megaflood storm events as a result of climate change.<sup>282</sup> In terms of protecting our future Lake Tahoe environment, now is the time to plan for accommodating more flood water, especially in areas that have been previously mapped as SEZ.

*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.” (NOP comments, p. 25-26)*

The DEIR/S only considers the currently mapped 100-year flood plain and relies on existing Placer County regulations<sup>283</sup> and TRPA Code prohibiting new development in floodplains (although exceptions may be granted for certain uses, thus it is not correct to imply that all future development is prohibited in these areas<sup>284</sup>). However, this does not address the issue of planning to handle larger volumes of water throughout the TBAP. Planning must go beyond the 100-year floodplains to include stormwater throughout the entire TBAP area. In addition, this problem is exacerbated by the individual land capability challenges that are changing historical SEZs to lands with higher land capability, resulting in more development on these lands. The water will need to flow somewhere, and as noted previously, the existing 20-year stormwater design is not adequate. Further, the DEIR/S notes that land use changes also impact the ability to handle flooding, yet includes no assessment of how the TBAP’s proposed changes (including increased cover in Town Centers) will affect water flow during large flood events.<sup>285</sup>

The DEIR/S also relies on outdated information regarding the frequency of flooding events.<sup>286</sup> However, as noted in information provided by experts (as cited in our NOP comments), the Basin will experience more frequent, episodic flooding events, and as a result, should be planning to handle larger volumes of stormwater.

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<sup>282</sup> [http://tahoe.ca.gov/wp-content/uploads/2014/06/files/2013\\_VO/UTR\\_/Dettinger\\_Ingram\\_sciam13.pdf](http://tahoe.ca.gov/wp-content/uploads/2014/06/files/2013_VO/UTR_/Dettinger_Ingram_sciam13.pdf); <http://www.tahoeeculture.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](http://meteora.ucsd.edu/cap/pdf/files/ARKStorm_Summit_Handout_Final.pdf); (copies attached)

<sup>283</sup> Placer County Flood Damage Prevention Regulations (Section 15.52, Placer County Code) (DEIR/S, p. 15-36)

<sup>284</sup> “TRPA Code Section 35.4.2 prohibits additional development, grading or filling of lands within the 100-year floodplain, with limited exceptions provided for outdoor recreation, public service facilities, floodplain crossings, and water quality control facilities.” (DEIR/S, p. 15-36)

<sup>285</sup> “The potential for flooding can change and increase through various land use changes and changes to land surface, which result in a change to the floodplain. A change in environment can create localized flooding problems inside and outside of natural floodplains by altering or confining natural drainage channels. These changes are most often created by human activity.” (DEIR/S, p. 4-79)

<sup>286</sup> “In its common usage, the floodplain most often refers to that area that is inundated by the 100-year flood, the flood that has a one percent chance in any given year of being equaled or exceeded. The 100-year flood is the national minimum standard to which communities regulate their floodplains through the National Flood Insurance Program. The 500-year flood is the flood that has a 0.2 percent chance of being equaled or exceeded in any given year.” (DEIR/S, p. 4-79)

**C. Other geologic hazards:**

The DEIR/S concludes less-than-significant impacts from earthquakes through reliance on California Building Codes.<sup>287</sup> However, earthquakes may result in seiches. According to Figures 14-2 and 14-3, most of the Tahoe City Town Center and almost all of the Kings Beach Town Center fall within the area that could be affected by a seiche,<sup>288</sup> thus more residents and visitors will be located in the areas that could be affected by this natural hazard. In fact, the larger amount of existing development in these locations is noted as a threat.<sup>289</sup> The DEIR/S concludes that the danger of exposure of the increased development and people brought by the TBAP is less-than-significant because site-specific geotechnical reports will be required.<sup>290</sup> However, unless geotechnical engineering can elevate project areas up to 30 feet or higher, development located in the affected areas will still be threatened by seiches. The DEIR/S also relies on evacuation and emergency response plans to mitigate TBAP and TCL impacts. As noted elsewhere, there is currently no analysis of the capacity of Basin roadways to evacuate people or quantify and mitigate potential impacts from new developments, nor stated intentions to perform this assessment and develop sufficient plans, thus there is no basis upon which to conclude less-than-significant impacts. The TRPA and Placer County should first address the Basin’s capacity to evacuate and provide emergency access and plan to safely protect human life first, before placing more people and property in harm’s way.

12-85

**18. Greenhouse Gases (GHGs)**

We are concerned with the increases in GHG emissions associated with the TBAP. Lake Tahoe deserves up-front measures to protect its nearshore and deep-water clarity and blueness; climate change, a result of increased GHG emissions, is already impacting the lake in numerous negative ways.<sup>291</sup> Therefore, allowing any increase in GHG emissions contributes to further climate-fueled harm to Lake Tahoe. Automobiles are one of the largest source of GHG emissions; failing to implement all available mitigation to reduce vehicle emissions (as well as other motorized emissions such as from boats), as discussed

12-85

<sup>287</sup> “Although the Plan area would experience strong seismic shaking in the event of a large earthquake, the risk to people and structures would be reduced through compliance with the current seismic design requirements of the California Building Standards Code.” (DEIR/S, p. 14-34)

<sup>288</sup> “Seiche waves can continue for hours following a tsunami inducing earthquake, causing extensive damage. Modeling of potential earthquakes occurring beneath Lake Tahoe indicate that a fault rupturing seismic event of magnitude 7.0 could trigger a tsunami, followed by seiche with waves of up to 30 feet high along the shoreline of Lake Tahoe (Ichinose et al. 2000). Exhibits 14-2 and 14-3 show the land area within 30 vertical feet of the Lake Tahoe high water elevation in the Tahoe City and Kings Beach Town Centers.” (DEIR/S, p. 14-10 to 14-11)

<sup>289</sup> “Because the majority of buildable land within the Tahoe Basin is located along the shore of Lake Tahoe, a seismically induced seiche wave could inundate many communities within the Plan area.” (DEIR/S, p. 14-34)

<sup>290</sup> “... compliance with existing TRPA and Placer County permitting requirements, which limit development on steep slopes, require site specific environmental review, and, as appropriate, require geotechnical analysis to identify and mitigate potential geologic hazards would reduce these potential risks to a less-than-significant level.” (DEIR/S, p. 14-34)

<sup>291</sup> [http://terc.ucdavis.edu/stateofthelake/sotl-reports/2016/2016sotl\\_v2-sm.pdf](http://terc.ucdavis.edu/stateofthelake/sotl-reports/2016/2016sotl_v2-sm.pdf);  
[http://terc.ucdavis.edu/publications/documents/state\\_climate\\_change.pdf](http://terc.ucdavis.edu/publications/documents/state_climate_change.pdf); Coats et al. 2010,  
[http://terc.ucdavis.edu/publications/documents/climate\\_change\\_2010.pdf](http://terc.ucdavis.edu/publications/documents/climate_change_2010.pdf)

with regards to inadequate mitigation strategies for transportation impacts, skirts TRPA and Placer County’s responsibility to protect Lake Tahoe.

The following comments focus on the analysis of “Impact 12-3: Impacts of climate change on the project.” As the DEIR/S notes:

“These climate change effects may translate into a variety of issues and concerns that may affect the Area Plan and lodge project area, including but not limited to:

- ▭ increased frequency and intensity of wildfire as a result of changing precipitation patterns and temperatures;
- ▭ increased stormwater runoff associated with changes to precipitation patterns and snowmelt patterns;
- ▭ increased risk of avalanches, mudslides, and flooding associated with changes to precipitation and snowmelt patterns; and
- ▭ decreased snowpack resulting in lower water supply during summer months and negative economic effects from impaired winter recreation.

Despite the global effects of climate change, how those effects would impact the project areas would depend on the policies, plan or project designs, and programs in place that would lessen climate change impacts.” (DEIR/S, p. 12-31)

The DEIR/S concludes a less than significant impact on the project from climate change. However, as noted in our comments regarding stormwater runoff and design, precipitation patterns, flooding, wildfire threats, and water supply, the DEIR/S analyses of these various impacts is not adequate, nor is the proposed mitigation. As a result, evidence does not support the less-than-significant conclusion.

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### 19. Water Supply

The DEIR/S concludes a less-than-significant impact on water supply from the TBAP and TCL (p. 16-18) by tiering from the RPU’s water supply analysis, and by relying on future project-level reviews (which as noted previously, often causes environmental impacts to be overlooked due to bureaucratic and political momentum). However, the RPU’s water supply analysis failed to address the potential impacts of climate change and drought on water supply, both to the Lake Tahoe<sup>292</sup> and Truckee River watersheds (see discussion in comments regarding cumulative water supply impacts). The RPU relied on the TROA limits,<sup>293</sup> which were determined before we entered into the historic drought

12-86

<sup>292</sup> “The consequences of this change [in thermal dynamics] to the vulnerable Lake Tahoe ecosystem will include exacerbation of existing water quality problems (e.g., reduced mixing, lower dissolved oxygen and/or development of anoxia in the hypolimnion, release of bio-stimulatory nitrogen and phosphorus) and water supply problems (e.g., increased lake surface temperature, higher evaporate rate) driven primarily by climate change.” G.B. Sahoo, A.L. Forrest, S.G. Schladow, J.E. Reuter, R. Coats, and M. Dettinger. 2015. Climate Change impacts on lake thermal dynamics and ecosystem vulnerabilities. *Limnol. Oceanogr.* 00, 2015, 00-00.

<sup>293</sup> “Although the precise location of new development and redevelopment in the Basin cannot be known, on a Region-wide basis, surface water allocation to the Tahoe Region pursuant to the TROA is 34,000 afy, and current Region-wide water demand is approximately 28,079 afy (USBR and DWR 2008). Additional demand generated by the Regional Plan Update alternatives would range from a low of 637 afy for

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we’ve now experienced for five years, and the TROA FEIS did not consider the impacts of such a severe and prolonged drought. Our NOP comments include specific details regarding the failures of the TROA analysis and other circumstances which further threaten water supply in the future (see p. 50-54). In addition, the RPU EIS did not analyze the increased demand that would occur if the Basin’s second homes became primary homes, nor did it assess the increased development potential from transfers and conversions of units (associated with recent RPU amendments as well as the proposed TBAP amendment) and the TBAP DEIR/S has also not performed this analysis. We also note that the recent RPU amendment allowing a conversion of CFA and TAU and vice versa relied on a purported comparison of transportation impacts; it did not consider the differences in water demand among these uses,<sup>294</sup> notably the DEIR/S does recognize that converting CFA to TAU increases water demand,<sup>295</sup> however the DEIR/S analysis only considers the new conversions that would be allowed by the TBAP. It does not examine this increase in demand associated with TRPA’s 2015 RPU amendment regarding CFA to TAU conversions and therefore does not make up for TRPA’s failure to examine the impacts of the 2015 amendment.

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The DEIR/S also relies on future project-level reviews to address water supply. However, as water supply is a basin-wide issue, addressing supply and potential mitigation measures are most appropriately considered as part of a higher-level analysis. As the RPU did not perform this review, the TBAP must assess these impacts and include any necessary mitigation measures.

## 20. Population and housing

Our comments regarding the cumulative impacts on affordable housing (below) are also applicable within the TBAP boundaries. Although there are social and economic issues to consider as well, we herein focus on the transportation and related environmental impacts of the current housing imbalance in the region. Workers who cannot afford housing in the Basin must commute from other areas, thereby contributing to VMT and impacting public health and safety, air quality, water quality, noise, and other resources.<sup>296</sup> This is clearly represented by the majority of jobs in the Basin that employ workers who live outside of the Basin.<sup>297</sup> Policies which inevitably lead to more low-wage jobs in the region will increase the demand for affordable housing. In our NOP comments<sup>298</sup> we

12-87

Alternative 1, to 2,308 afy for Alternative 5, at build-out of remaining and newly authorized allocations. Therefore, sufficient water supplies would be available for any of the alternatives.” (RPU DEIS, p. 3.13-11)

<sup>294</sup> <http://www.trpa.org/wp-content/uploads/May-27-2015-Governing-Board-Packet.pdf>

<sup>295</sup> “However, with implementation of the CFA to TAU conversion program, Alternative 1 could facilitate an increase of overnight visitors associated with the additional TAUs. Consequently, implementation of the Area Plan under Alternative 1 would increase the amount of demand for water supply and conveyance in the Plan area.” (DEIR/S, p. 16-19)

<sup>296</sup>

“On a typical workday, approximately **11,880** workers commute into the Region and **9,980** residents commute out of the Region for work. •Vehicle emissions negatively impact environmental thresholds.” ; <http://www.trpa.org/wp-content/uploads/Tahoe-Regional-Housing-Needs-Report-May-14-2014.pdf>

<sup>297</sup> “In 2013, the percentage of jobs filled by workers from outside the region was approximately 79 percent on the North Shore and West Shore (U.S. Census Bureau Center for Economic Studies 2015).” (DEIR/S, p. 6-7)

<sup>298</sup> “The EIR/s needs to 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

identified the need for the DEIR/S to evaluate the type of jobs that will be available as a result of the TBAP, including the duration and wage of employment. The RPU and TBAP policies favor large redevelopments with a focus on tourism and recreation; it is reasonable to expect that this will create many low-wage part-time/seasonal jobs, as is customary with these kinds of uses.<sup>299</sup> The DEIR/S does estimate the number of new jobs (Table 6-8), but states that evaluating the type of job is difficult due to economic shifts.<sup>300</sup> However, given that Tahoe’s economy is, and has for decades, been based on seasonal tourism and recreation, which favors low-wage, part-time jobs, it is not unreasonable to conclude that many of the new jobs are likely to be these kinds of jobs. The recently released “*Truckee North Tahoe Regional Workforce Housing Needs Assessment, August 2016*”<sup>301</sup> discusses many of these issues as well as notes that “seasonality [in employment] is primarily driven by employment changes in the Accommodation and Food Service and Arts, Entertainment, and Recreation sectors” – two of the dominant employment sectors.<sup>302</sup>

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Yet the TBAP fails to ensure that the supply will be sufficient to meet the demand. The DEIR/S concludes a less-than-significant impact for three reasons<sup>303</sup> as discussed below.

**1. Implementation of the expanded secondary dwelling unit program:**

As discussed in our comments on the cumulative housing impacts, the TBAP proposes an amendment that will remove an incentive to provide affordable housing by allowing secondary units to be market rate. Thus, there is no guarantee that such units will provide housing for even moderate income employees, let alone low-income. Home size doesn’t necessarily mean the homes will be

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*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 and on-site workforce housing”. (NOP comments, p. 43)*

<sup>299</sup> <http://www.ttcf.net/wp-content/uploads/2016/01/FINAL-RHS-Executive-Summary.pdf>

<sup>300</sup> “Accurate forecasts of these projections, including the types of employment (e.g., part-time/full-time, minimum wage, seasonal/year-round) are difficult to calculate due to the uncertainty of future economic shifts.” (DEIR/S, p. 6-13).

<sup>301</sup> <http://www.ttcf.net/wp-content/uploads/2016/01/FINAL-RHS-Executive-Summary.pdf>

<sup>302</sup> “The dominant employment sectors in the Study Area include Accommodation and Food Services; Arts, Entertainment, and Recreation; and Construction.” (Regional Workforce Housing Needs Assessment, p. 3)

<sup>303</sup> “Area Plan Alternative 1 would support an increase in the development of affordable and moderate-income housing over existing conditions with implementation of the expanded secondary dwelling unit program, development incentives allowed by the Regional Plan, and Placer County requirements for new development to provide workforce housing and reductions in development fees for affordable housing. For these reasons and because the growth management system of the Regional Plan would maintain a balance of jobs and housing to meet demand, this alternative would not induce substantial population growth, either directly or indirectly, such that it would create an additional demand for housing. Therefore, Area Plan Alternative 1 would have a less-than-significant impact.” (DEIR/S, p. 6-20)

affordable.<sup>304</sup> Unless these units are deed-restricted to affordable housing units, the DEIR/S cannot rely on them to provide affordable housing.

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**2. Development incentives allowed by the Regional Plan:**

Incentives, such as awarding bonus units, may encourage some additional affordable housing. However, as history shows, without assurances or requirements to do so, projects are more likely to be developed for higher profits. A clear example of this is the Gondola Vista project at South Stateline, where although approved with the inclusion of affordable housing units, the developer recently proposed a different use, thus eliminating the affordable housing that was going to be provided as a component of the project.<sup>305</sup> It is not unreasonable to assume that future project applicants will seek to gain the greatest profits for their project, which will result in larger, more expensive units that moderate- and low-income workers cannot afford. Therefore, unless the TBAP includes requirements which limit new development that will create lower income jobs until affordable housing is guaranteed, the existing RPU policies do not guarantee adequate affordable housing supply.

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**3. Placer County requirements include the provision of workforce housing and reductions in developer fees for affordable housing**

As discussed in our comments on cumulative housing impacts, current Placer County programs are only required to provide a portion of the affordable housing needed to support new developments. This exacerbates the situation by allowing developments to create new low- and moderate- income jobs yet not provide housing to support them and over time, the gap widens as recognized by Placer County.<sup>306</sup> In addition, there is often a delay between the payment of mitigation fees and the construction of such housing units.

12-90

In our NOP comments, we also requested the TBAP include potential locations for low and very-low income housing. However, no such information was provided. In summary, the TBAP not only fails to ensure adequate affordable housing, but it actually amends one of the RPU's policies to *reduce* the amount of deed-restricted affordable housing. Worse yet, this is being done as we are in the midst of an affordable housing crisis throughout the region.<sup>307</sup> Further, as reflected in the RPU's policies, environmental protections are often waived or weakened in order to accommodate affordable housing (i.e. the provision to allow new units without requiring residential allocations, which were developed to limit future growth capacity). Therefore, as the proposed TBAP has the potential to further increase the demand for affordable housing while not ensuring

12-91

<sup>304</sup> <http://www.hcn.org/articles/tiny-houses-are-not-the-solution-to-the-rural-wests-housing-crunch/> (attached)

<sup>305</sup> <http://southtahoenow.com/story/05/10/2016/new-condo-development-planned-property-adjacent-van-sickle-bi-state-park>

<sup>306</sup> “[Placer] County also recognizes that compliance with Policy C-2 by development projects in the County will not by itself completely solve this social challenge, and that employees will still need to commute, share accommodations, etc...” (VSVP, FEIR, p. 3.2.3-9)

<sup>307</sup> <http://www.tahoedailytribune.com/news/23328607-113/the-faces-of-taho-es-affordable-housing-issue-three-stories>

sufficient supply, it is reasonable to expect that additional measures may be proposed in the future to facilitate increased affordable housing which will have negative impacts on the environment. As a result, there is no evidence to support the assertion of less-than-significant impacts for Impacts 6-1 and 6-2.

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### 21. Air Quality

The DEIR/S concludes less-than-significant for Impact 11-3: Long-term operational emissions of ROG, NOX, PM10, and PM2.5 and Impact 11-7: Atmospheric deposition of NOX and phosphorus in large part by tiering from the RPU EIS (see Chapter 11). However, there are significant deficiencies with the air quality analysis that were not corrected in the final EIS.<sup>308</sup> One of the large problems with the RPU EIS analysis was the failure to adequately account for boating impacts on Lake Tahoe. The TBAP expands this error by assuming no additional boats,<sup>309</sup> although the TBAP will draw more people to the area. In addition, boat use from the substantial cumulative development increases in the Region will increase as 1,000's of new units will be constructed in the "resort triangle" area (Truckee/Northstar/North Tahoe/Squaw Valley/Alpine Meadows). It is reasonable to expect that with more people will come more boats and other motorized recreational equipment; in fact, TRPA has recently noted that recreation demands on Lake Tahoe will increase.<sup>310</sup> As noted in our comments on the RPU EIS, a substantial number of boats on Lake Tahoe are brought in from outside of the Basin. However, boats are not even mentioned in the TBAP DEIR/S's cumulative impact discussion on air quality. The FEIR/S must address the TBAP and TCL-related increases in boat emissions as well as the potential cumulative increases from regional development.

12-92

### 22. Cumulative Impacts

The cumulative impact analysis in the TBAP DEIR/S tiers from the RPU EIS and RTP EIR/S, noting that the cumulative analysis evaluates only new projects or proposals that would substantially alter the cumulative context and analysis, or new or refined features of the proposed TBAP that can contribute to cumulative impacts.<sup>311</sup> However, there are numerous cumulatively considerable impacts that have not been adequately analyzed.

12-93

<sup>308</sup> RPU DEIR comments 6/28/2012, p. 170-231

<sup>309</sup> Table 11-8. See footnote: "No adjustments were made to the estimate of waterborne emissions provided in the RPU EIS." (DEIR/S, p. 11-26).

<sup>310</sup> "There will be a drive for increased demand for recreation access in the Basin. As a regional entity, TRPA needs to plan and execute on it." (Joanne Marchetta, 10/28/2015 GB hearing minutes, p. 4) [attached]

<sup>311</sup> "Because the proposed Placer County Tahoe Basin Area Plan was prepared to implement the Lake Tahoe Regional Plan and is consistent with its goals and policies, which were evaluated in the EIS for the Regional Plan Update (RPU, December 2012), cumulative impacts of the Area Plan are addressed in light of the information in the RPU EIS. The Tahoe Metropolitan Planning Organization (TMPO) *Regional Transportation Plan: Mobility 2035 and Sustainable Communities Strategy* (RTP/SCS) was developed concurrently with the RPU and is a long-range plan to implement a transportation system in the region. The cumulative impacts of the Area Plan are also considered within the context of the impacts identified in the RTP/SCS EIR/EIS... Where new projects or proposals not previously considered in the RPU EIS or RTP/SCS EIR/EIS would substantially alter the cumulative context and analysis, these projects are addressed herein. In addition, where new or refined features of the proposed Area Plan (e.g., map revisions, land use changes, and Area Plan programs and standards) can contribute to cumulative impacts, those effects are also addressed herein." (DEIR/S, p. 19-1)

**A. Cumulative Land Use Impacts:**

**Cumulative Land Use impact 5-1: Cumulative Impacts to the regional development pattern**

The DEIR/S claims the impacts of the “limited conversion” of CFA to TAUs associated with the Regional Plan and TBAP were determined to be approximately equivalent with respect to certain environmental impacts.<sup>312</sup> TRPA’s RPU amendments allowing the conversion of CFA to TAUs (cited previously) included only a cursory “checklist” review of the environmental impacts of the amendment. No EIS or even EA analysis was completed to analyze the full suite of potential impacts that could result, nor was the public provided the opportunity to review and consider the comprehensive impacts from these changes. Although the DEIR/S claims this conversion program is subject to a “finite” number of allocations,<sup>313</sup> the potential increases in development (associated with each allocation) from these conversions go above and beyond the development increases evaluated by the RPU EIS. As noted in our comments on the proposal, there were numerous technical deficiencies and unsupported assumptions used in the ‘analysis’ of this change. The impacts of TAU morphing were also not considered in the amendment. This deficiency is magnified by the TBAP’s reliance on the same conversion formula to allow even more conversions to TAUs.<sup>314</sup>

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The TBAP EIR/S must analyze all environmental impacts of the CFA to TAU conversion, including the full extent of commodities that this would apply to, whether such commodities would come from conversions of new or existing units, pooled units, transfers/conversions, and where such units would be subject to commodity and bonus unit limits.

**Cumulative Land Use Impact 5-2: Cumulative impacts resulting from land use classification changes, including expansion or intensification of non-conforming uses**

The DEIR/S concludes less-than-significant cumulative impacts to land use classifications for two reasons.

12-94

<sup>312</sup> “New development and redevelopment proceeding from the Regional Plan and Area Plan alternatives would be limited to the TRPA established allocation limits and land use designations, as modified by the limited conversion of CFA to TAUs for Alternatives 1 and 3, the ratio of which was determined to be approximately equivalent with respect to certain environmental impacts (e.g., traffic generation).” (DEIR/S, p. 19-4)

<sup>313</sup> “The limited conversion of CFA to TAUs for Alternative 1 (400 additional TAUs and 181,600 fewer square feet of CFA) and Alternative 3 (200 additional TAUs and 90,800 fewer square feet of CFA) would still occur under a system of finite allocations, and in accordance with a plan that emphasizes concentration of development in Town centers.” (DEIR/S, p. 19-4)

<sup>314</sup> “Limited Conversion of CFA to TAUs: The Area Plan would establish a pilot program for the limited conversion of CFA to TAUs for existing development (held by property owners) and for the CFA supply held by Placer County. (Note: TRPA Code Section 50.10.1 currently permits the opposite conversion, TAUs to CFA.) Limitations on the program include:

1. The conversion ratio shall be 450 square feet of CFA = 1 TAU;” (DEIR/S, p. 3-17)

- 1) The DEIR/S states that cumulative development outside of the Basin would not contribute to this effect (p. 19-5). However, as described in our comments on the proposed MVWPSP,<sup>315</sup> out-of-Basin development has the potential to change land use in the Basin. Approval and construction of the MVWPSP will provide the infrastructure that will support the proposed in-Basin Brockway Campground, as well as make it more likely that findings related to “being near existing development” would be made for the Brockway Campground, allowing increased development.
- 2) The DEIR/S concludes that future proposed land use changes would be reviewed as RPU amendments and will therefore be subject to environmental review. However, just as the TBAP now claims TRPA analyzed the impacts of the CFA to TAU conversions, review of future RPU amendments may simply “tier off” of previous environmental documents and/or perform minimal reviews through “environmental checklists.”

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The TBAP should require that any future proposed land use changes be subject to complete and comprehensive environmental analysis. Provisions for Placer County to also evaluate the impacts of out-of-Basin projects on in-basin land uses and their environmental impacts should be included in the TBAP.

***B. Cumulative Population and Housing Impacts:***

**Cumulative Impact 6-1: Cumulative location, distribution, density, and growth rate of population and housing and Cumulative Impact 6-2: Population growth and housing demand:**

The DEIR/S concludes a less-than-significant impact related to population growth that would create additional demand for housing such that an adverse physical effect on the environment would occur.<sup>316</sup> The DEIR/S acknowledges the increased employment associated with regional projects such as VSVSP and MVSPSP, then dismisses the impacts that increased employment will have regarding housing based on the claims noted below.

12-95

- 1) Number and type of new jobs:

The DEIR/S speculates that employment opportunities would be limited and seasonal from the new residential component,<sup>317</sup> although the environmental

<sup>315</sup> <http://friendswestshore.org/wordpress/wp-content/uploads/2015/12/FOWSTASC-MVWPSP-DEIR-Comments-12.20.2015.pdf>; <http://friendswestshore.org/wordpress/wp-content/uploads/2016/06/FOWSTASC-MVWPSP-FEIR-Comments-6.6.2016-for-6.9.pdf>  
<http://friendswestshore.org/wordpress/wp-content/uploads/2016/07/FOWSTASC-MVWPSP-comments-for-PCPC-7.7.16.pdf>

<sup>316</sup> “Cumulative projects would not induce substantial population growth, directly or indirectly, that would create additional demand for housing such that an adverse physical effect on the environment would occur. This would be a less-than-significant cumulative impact.” (DEIR/S, p. 19-7)

<sup>317</sup> “Because the residential component of these projects includes a substantial number of second homes, and employment opportunities would be limited in number and potentially seasonal, the cumulative projects would not have a substantial effect on the distribution of population, employment, and housing such that it could result in significant cumulative effects.” (DEIR/S, p. 19-6)

documents for the many regional projects all identify additional jobs for each project.<sup>318</sup> Also, seasonal employees still require housing, therefore the DEIR/S’s claim that there will be less demand for housing because jobs may be seasonal makes little sense.

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2) Mitigation for employee housing units:

The DEIR/S lists numerous current and future projects that will generate additional jobs<sup>319</sup> (which by their nature as recreational resorts, second homes, and commercial projects, are likely to include primarily jobs in the service/retail/recreation industry that are minimum-wage, seasonal/part-time employment such that employees will require low-income affordable housing) but also relies on Placer County Codes for mitigation, which require “*Housing development projects in Placer County... to set aside at least 15 percent of the total housing units for affordable housing (Placer County Code Section 15.65.130), and new development projects... to provide housing for 50 percent of FTE employees of the project, either through constructing new employee housing, dedication of land for needed units, or payment of an in-lieu fee to the County (Placer County General Plan Policy C.2).*” (p. 19-7). This mitigation may be done through constructing new employee housing, dedication of land for needed units, or payment of an in-lieu fee to the County. However, there are several reasons the referenced Code does not mitigate the cumulative impacts to affordable housing. First, these requirements only provide housing for a *portion* of the new employees; the cumulative impacts of multiple projects each providing housing for (or paying an in lieu fee for) only a portion of the new employees result in a larger number of employees in need of housing that is for the most part not available in the area, as evidenced by numerous recent reports and articles cited previously.<sup>320</sup> Second, in-lieu fee payments or dedication of land does not guarantee that adequate affordable housing is available for employees *when their jobs begin*. There is often a delay between the collection of mitigation fees (and project construction) and the use of those mitigation fees to construct affordable housing, just as there would be substantial lag time between dedicating land for this use and actually constructing the housing on the land. The TBAP must fully address the critical needs for employee housing that the Plan creates and allows.

12-96

<sup>318</sup>

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

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

<sup>319</sup> “Cumulative development in the region, to the degree that it is not offset by redevelopment projects, would generate a small increase in employment both within the Tahoe Basin (e.g., VOLT AIX Commercial Project, Boulder Bay, 6731 Tahoe Timeshare, Brockway Campground, and Homewood Mountain Resort Ski Area Master Plan), and outside the Tahoe Basin (e.g., Martis Valley West Parcel Specific Plan [MVWSP], Martis Camp, Northstar Mountain Master Plan, Northstar Highlands Phase II, Joerger Ranch Specific Plan, Tahoe Expedition Academy, Village at Squaw Valley Specific Plan).” (DEIR/S, p. 19-7)

<sup>320</sup> In addition, in 2013 there was just one rental housing complex in the North Shore (Kings Beach Housing Now [previously referred to as “Domus”]) and it had a waiting list of 150 households, and a majority of demand for subsidized housing was coming from area employees. <http://www.trpa.org/wp-content/uploads/Tahoe-Regional-Housing-Needs-Report-May-14-2014.pdf>

3) Housing demand impacts to the Basin from regional projects:

In addition, as noted in the VSVSP EIR, a significant number of those employees live in the Lake Tahoe Basin. It is reasonable to assume that employees for regional projects in the Truckee/Northstar/Squaw Valley area will also seek housing in the Lake Tahoe Basin.

12-97

4) Secondary units

The RPU strategy for providing additional affordable housing included and amendment allowing second units to be constructed on parcels that are less than 1 acre in size in order to encourage more affordable housing.<sup>321</sup> However, the TBAP proposes to change this requirement so such second units are not deed-restricted for affordable housing, and instead can be used as market-rate housing.<sup>322</sup> As a result, the TBAP’s proposal further decreases the availability of affordable housing in the Basin and fails to comply with TRPA’s approach to ensuring more affordable housing. Thus, the TBAP, along with regional projects, will add more low-paying jobs which will increase the demand for affordable housing, yet proposes to reduce regulations aimed to provide affordable housing. This will no doubt exacerbate existing problems with locating affordable housing and increase pressure for such housing, which will potentially result in additional environmental impacts in the future (though the construction of additional housing and/or increase VMT and congestion associated with employees commuting from outside the region).

12-98

*TBAP – cumulative impacts:*

All together, these regional and local projects result in a cumulatively considerable widening gap between housing needs and the availability of affordable housing, and increase the demand for additional affordable housing. Notably, the TBAP bases conclusions on the “in-basin” impacts (claiming the number of new jobs will roughly equal the number of available housing units *in the Tahoe Basin*),<sup>323</sup> although this chapter is supposed to evaluate the *cumulative impacts of regional* projects. The RPU also did not examine the demand for housing that would be created by regional projects outside of the Lake Tahoe Basin.<sup>324</sup>

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<sup>321</sup> <http://www.trpa.org/wp-content/uploads/Tahoe-Regional-Housing-Needs-Report-May-14-2014.pdf>

<sup>322</sup> “In addition to allowing residential uses in mixed-use areas, Alternative 1 would expand upon TRPA Code Section 21.3.2 to allow market-rate secondary dwelling units on certain residential parcels less than one acre in size within the Plan area.” (DEIR/S, p. 5-23)

<sup>323</sup> “Implementation of Area Plan Alternatives 1 and 3 would result in a balance of jobs and housing, where the number of jobs would roughly equal the number of available housing units in the Tahoe Basin.” (DEIR/S, p. 9-7)

<sup>324</sup> “As described in the RPU EIS, growth in the Tahoe Basin, including the Plan area would be modest, the jobs-to-population ratio would remain relatively constant, and the cumulative projects in the Tahoe Basin would be limited by the established allocation limits and land use designations described in Chapter 5, “Land Use,” and location of development, as identified in the Area Plan Land Use Map (see Exhibit 5-1).” (DEIR/S, p. 19-6)

Further, the TBAP does not identify the ongoing market for vacation rentals that is being created by converting existing housing into short-stay rentals, thereby removing even more potential low-and moderate income housing for low-wage employees.

*TCL – cumulative impacts:*

The same problems exist in regard to the TCL evaluation, as the Lodge will result in an increase of approximately 29 FTE compared to baseline conditions, yet will only be required to mitigate a portion of the housing for the new employees (as it will be subject to Placer County’s requirements).<sup>325</sup> The DEIR/S does not identify how or where the other half of the new employees will be housed.

In conclusion, the DEIR/S has not evaluated this impact nor provided adequate mitigation. Not only will this create social and economic impacts in the area, but it will also result in more driving, thereby creating additional VMT and associated environmental and public health and safety impacts.

**C. Cumulative Scenic and Night Sky Impacts**

**Cumulative Impact 9-1: Cumulative effects on scenic or visual quality, Cumulative Impact 9-2: Cumulative effects on community character, and Cumulative Impact 9-3: Cumulative effects from light and glare**

The DEIR/S concludes there will be no cumulatively considerable impacts on scenic or visual quality, community character, or light and glare from the TBAP or TCL based on the application of existing TRPA regulations to projects both within and outside of the TBAP boundaries (p. 19-13). Notably TRPA regulations would only apply to projects within the Tahoe Basin, thus not all projects adjacent to the TBAP boundaries would be governed by TRPA’s Code. However, the DEIR/S includes no scenic or light pollution analysis of the combined impacts of the increased heights allowed in Town Centers both within the TBAP and outside of it (e.g. Incline Village and North Stateline) from public vistas where buildings in both Centers would be visible (e.g. areas of the Tahoe Rim Trail, mountaintops, and on Lake Tahoe), nor did the RPU analyze this impact. In addition, impacts from light and glare will be visible from far greater distances than daytime scenic impacts, as recently acknowledged by Placer County.<sup>326</sup> The TBAP also includes no additional policies to address the cumulative impacts that may occur from developments such as the MVWPSP (although the DEIR/S states there are no scenic or night sky impacts from this project, extensive public comments from FOWS, TASC, and

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<sup>325</sup> “The Tahoe City Lodge would not directly result in any permanent housing, and would generate approximately 66 full-time equivalent (FTE) employees, an increase of approximately 29 FTE as compared to baseline conditions. The project would conform to the Area Plan, and thus to the Regional Plan. Because the Area Plan, in combination with other cumulative development would result in a less-than-significant cumulative effect on population, employment, and housing, it follows that the contribution of the Lodge project would not be cumulatively considerable.” (DEIR/S, p. 19-6)

<sup>326</sup> “As shown in these profiles, only at a substantial distance is the project site visible from portions of the Tahoe Rim Trail. For example, the site can be seen from General Creek, Marlette Peak, and South Camp Peak, but these viewpoints are over 19, 11, and 17 miles, respectively, from the MVWPSP site.” (MVWPSP, Final EIR, p. 3-13) [attached]

others have identified significant problems with the applicable analyses in the MVWSP EIR as well as cumulative impacts associated with the MVWSP and Brockway Campground [cited previously]). The TBAP also lacks any analysis of how projects in areas adjacent to the TBAP may affect community character (for example, changes at North Stateline just outside of the TBAP will impact community character on the California side, which is within the TBAP boundaries).

The TBAP EIR/S must analyze the potential cumulative scenic and night sky impacts from increased heights in the Town Centers in combination with existing buildings (e.g. North Stateline), proposed buildings (e.g. Boulder Bay), potential increased heights in other Centers (i.e. Incline Village), and projects outside of the Tahoe Basin that may be visible from in-Basin viewpoints. It is important for the DEIR/S to disclose the increased night light that occurs from taller buildings, with more lighted windows at higher elevations than existed previously. For example, the comparison between the existing and proposed TC Lodge buildings with up to four story-high lighting will change the amount of light in Tahoe City from an area that is relatively dim under current existing conditions.

In addition, the TBAP should include provisions to prevent cumulative impacts from out-of-Basin projects that may result from projects within the TBAP. For example, where the MVWSP project relies on tree cover to mitigate scenic and night sky impacts from the Basin, the TBAP should include policies to prevent in-Basin projects from removing those trees. The EIR/S must also assess the potential impacts to community character from development in areas adjacent to the TBAP boundaries.

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***D. Cumulative Transportation Impacts:***

The following impacts have not been adequate analyzed and as a result, directly impact the analysis of cumulative transportation impacts. Further, the technical deficiencies identified previously in the transportation analysis, which is noted as ‘reflective of cumulative transportation conditions’<sup>327</sup> also infect the analysis of cumulative impacts. While some of these deficiencies are called out below, not all are repeated here. In addition, the failure to examine potential increased growth impairs multiple impact assessments; according to the TRPA, “Projections show the number of annual visits increasing by up to 20% in the next 20 years.”<sup>328</sup> This is a significant impact to LOS and VMT (and all affected natural and public health and safety resources) that TRPA and Placer County must anticipate and sufficiently plan for.

**Reliance on deficient traffic analyses of regional projects:**

The DEIR/S notes that the cumulative analysis considers additional traffic from regional projects.<sup>329</sup> However, as noted previously, the DEIR/S relies on the

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<sup>327</sup> “... the transportation analysis in Chapter 10 is reflective of cumulative transportation conditions in the Tahoe Basin.” (DEIR/S, p. 19-14)

<sup>328</sup> <http://www.linkingtahoe.com/input/>

<sup>329</sup> “The analysis in Chapter 10 also reflects some, but not all, of the cumulative growth that could occur outside of the Tahoe Basin. The cumulative analysis below considers additional traffic increases that could occur as the result of growth outside of the Tahoe Basin, including Martis Valley, the Squaw Valley/Alpine Meadows area, and Truckee.” (DEIR/S, p. 19-14)

transportation analyses in other environmental documents for these projects which contain significant technical errors causing a potential underestimate of impacts, as identified in comments submitted by FOWS, TASC, the League to Save Lake Tahoe, Sierra Watch, Mountain Area Preservation and other organizations and citizens. As a result of relying on those estimates, the TBAP DEIR/S also underestimates the potential cumulative impacts of the TBAP.

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**Traffic increases due to economic recovery:**

As noted in our previous comments, there were significant technical deficiencies in the RPU and RTP environmental analyses which resulted in the underestimate of traffic impacts in the Basin. One glaring example is the failure to consider the traffic increases that would occur as the economy recovered (discussed previously). In 2015 and 2016, traffic increases in the Basin have been significant,<sup>330</sup> yet no new large development projects were constructed during this time. An air quality expert reviewing the 2011 TER also recommended the RPU/RTP include an “air cushion” to account for economic recovery. Our comments on the draft RPU EIS suggested a potential increase in traffic around 7% could occur just from economic recovery (p. 222). By selecting 2014 as the “base year”<sup>331</sup> and then only analyzing increases associated with the TBAP, these cumulative impacts are again ignored by the analysis. Further, the DEIR/S’ conclusion that existing conditions are reflected by the analysis<sup>332</sup> is not supported by the record, since past and present projects have resulted in the existing infrastructure that currently exists in the Basin and this infrastructure has the potential to draw more traffic (and observations over the past two years indicate it is already drawing more traffic to the Basin again). While TRPA and Placer County may argue that the selection of 2014 was appropriate given the nature of environmental documents, this does not relieve the agencies or TCL applicant of the responsibility to address the impacts of reasonably foreseeable traffic increases on the Basin’s roadways. In fact, had the analysis included the traffic impacts that would occur from economic recovery (and/or accounted for the maximum traffic that has occurred on Tahoe’s roadways in the long term – that is, prior to the 2005 traffic year erroneously used to represent the “long term” analysis as discussed in our transportation comments), the traffic increases we have seen in 2015 and 2016 would have already been incorporated into the cumulative transportation analysis, thus providing a sufficient estimate of maximum potential traffic and opportunity to identify mitigation of said impacts.

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**Future increases from approved, but not-yet-built projects:**

Several already-approved projects that will generate additional traffic have not been built yet (e.g. Boulder Bay, Homewood Village Resort). As model estimates rely on traffic counts, the impacts from these developments have not yet been incorporated

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<sup>330</sup> <http://southtahoenow.com/story/02/12/2016/information-and-education-key-eliminating-south-lake-tahoe-traffic-jams>; <http://southtahoenow.com/story/03/13/2016/slow-moving-exodus-south-lake-tahoe>

<sup>331</sup> “The available traffic counts on SR 28 for 2005 through 2014 (the most recent year available) throughout the Plan area were reviewed, and the results are illustrated in Appendix G.” (DEIR/S, p. 10-5)

<sup>332</sup> “The cumulative effects of past and present projects on the environment are reflected by the existing conditions in the Plan area and Tahoe City Lodge site.” (DEIR/S, p. 19-4)

into the cumulative impact analysis nor considered in light of the existing traffic levels.

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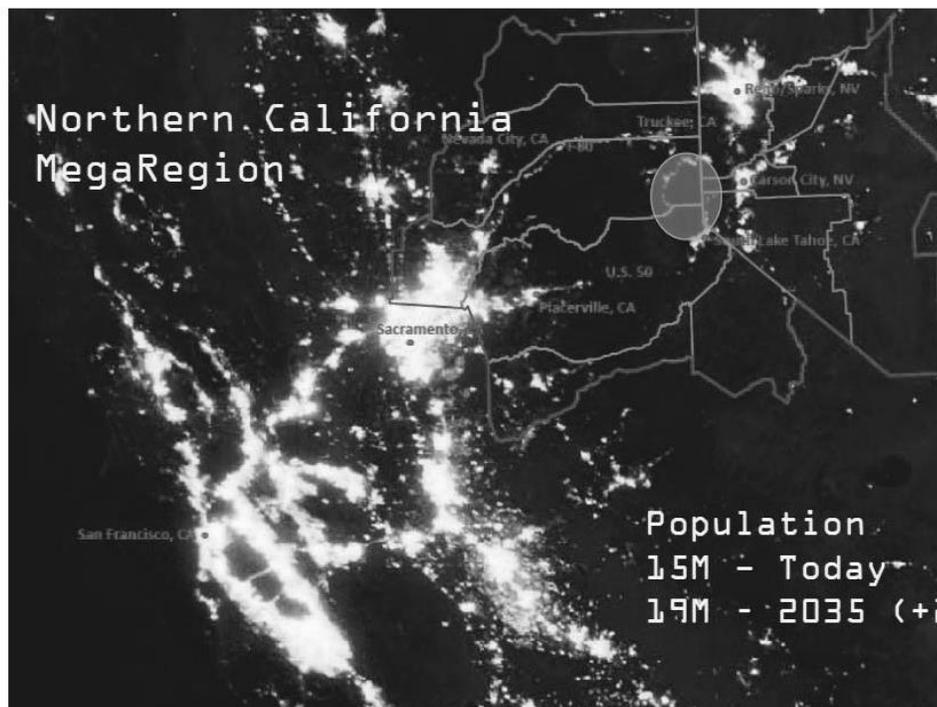
**Increases from transfers/conversions of uses (e.g. TAU morphing):**

The analyses also failed to consider the increased traffic associated with the transfers and conversion of uses. The morphing of TAUs (discussed previously) is a clear example of how traffic impacts from one small unit can be substantially increased, yet not considered in the cumulative traffic analysis.

12-104

**External growth impacts on day trips into the Basin:**

As millions more people move to adjacent areas in Northern California and Nevada more will drive into the Tahoe Basin.<sup>333</sup> For example, TMPO staff reported an anticipated increase of four million people over the next twenty years:



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<http://www.trpa.org/wp-content/uploads/Presentation-Agenda-Item-No.-VII.D-North-Lake-Tahoe-Transportation-Update-TRPA.pdf>

The RPU EIS assumed that 60% of the motorists entering the Tahoe Region were visitors,<sup>334</sup> and more recently, TRPA estimates a 20% increase in visitor trips over

<sup>333</sup> <http://www.sierrasun.com/news/opinion/23112620-113/trpa-opinion-working-hard-to-protect-lake-tahoes>

<sup>334</sup> RPU EIS, Appendix E, p. E.7-14.

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the next 20 years.<sup>335</sup> This will clearly increase the impacts on the Basin’s roadways. However, the proposed mitigation is not sufficient to address plan-related traffic increases, let alone deal with the cumulative impacts of traffic – which the DEIR/S inexplicably claims will be mitigated through the same inadequate mitigation measures discussed for mitigation of the TBAP.<sup>336</sup> In addition, day visitors are less likely to utilize transit when there is little incentive to do so and/or little disincentive to driving their own vehicle, especially as they already have their personal vehicles and are likely carrying luggage, recreational equipment, children, pets, etc. This is reflected in the response to the recent TART survey where only 13% of respondents were area visitors and only 11% were overnight visitors, suggesting perhaps 2% of the passengers may have been day visitors.<sup>337</sup> Although TRPA may have no legal authority to limit the number of people entering the Basin, TRPA is responsible for ensuring thresholds are met. Significant changes will be necessary to address the impacts from millions of additional potential day trips into the Basin. The DEIR/S mentions one method to address this – toll roads or basin user fees<sup>338</sup> which the RPU Final EIS noted “*could be imposed in a variety of different ways that comply with Compact restrictions—for instance, as a congestion toll within the Region, or as a parking fee. This would provide a cost disincentive to driving and a cost incentive to utilizing the intercept lots and shuttles*” (Volume 1, p. 3-462) – but then dismisses this option due to difficulty with implementation, although the RPU EIS confirmed this option could be legally implemented.<sup>339</sup> The RPU DEIS also included intercept lots at basin entry points coupled with transit shuttles in the Alternative 2 analyzed in that document.<sup>340</sup> That it may be difficult to implement is no excuse for dismissing mitigation options. TRPA clearly stated the legal basis by which the agency could implement these options in the RPU FEIS, as noted previously. The Compact does not prescribe TRPA meet threshold standards only when doing so is ‘easy.’ These impacts must be addressed, whether through these suggestion mitigation measures and/or other appropriate measures. The RPU does not include mitigation for, and future project-level reviews will certainly not include mitigation for, increased day use traffic; the area plan is the appropriate time and place to include measures to handle these increases in traffic. Otherwise, status quo will continue and our roadways will become even more congested, our environment more polluted, and our health and safety more threatened.

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<sup>335</sup> <http://www.linkingtahoe.com/input/>

<sup>336</sup> “Implementation of Mitigation Measure 10-5 would establish a funding mechanism that would facilitate increased transit service during peak periods. This increased transit service would accommodate typical peak-period transit loads that would occur with Area Plan Alternatives 1, 2, and 3 under cumulative future conditions.” (DEIR/S, p. 19-18).

<sup>337</sup> TART 2016, p. 30.

<sup>338</sup> “In addition to the financial resources that would be required to operate additional transit vehicles throughout the peak season, generating the necessary increase in ridership even if the service could be provided would require substantial auto use restrictions (such as roadway tolls or substantial parking fees), which may not be possible due to the mix of private and public parking opportunities in the Plan area. Thus, this potential mitigation would be infeasible.” (DEIR/S, p. 10-32)

<sup>339</sup> “Any road user fees would be required to comply with federal regulations and Compact restrictions, and therefore would not represent an illegal element of Transportation Strategy Package B (and Alternative 2).” (See full response to I129-6 in the Final RPU EIS, Volume 1, p. 3-462 to 3-463)

<sup>340</sup> “This strategy package corresponds with Regional Plan Update Alternative 2. It includes more aggressive strategies to encourage alternatives to automobile travel, including intercept lots at basin entry points coupled with transit shuttles and road user fees.” (RPU DEIS, p. 3.3-31)

**Cumulative Impact 10-1: Roadway LOS under 2035 cumulative scenarios;**  
**Cumulative Impact 10-3: Intersection LOS under future cumulative scenarios;**  
**and Cumulative Impact 10-5: Cumulative transit service and operations**

See previous comments regarding DEIR/S analysis of LOS and transit-related impacts.

**Cumulative Impact 10-2: Impact on local residential streets under 2035 cumulative scenarios:**

To mitigate potential cumulative impacts to traffic increases on Fairway Drive, Placer County proposes to conduct traffic counts on Fairway Drive between Bunker Drive and Grove Street for a two-week period in August “at least every 5 years.” (p. 19-17). As noted in our previous comments, the EIR/S must first examine the actual capacity of this roadway given local conditions, including snow removal needs, to assess an appropriate significance threshold. Second, to prevent cumulative impacts, roadway counts should be collected at least annually. The DEIR/S provides no explanation for why counts would only be required every five years. As is clear in the long term traffic trends, and has been widely observed over the past two years, traffic levels can significantly increase on just an annual basis. Every five years is not sufficient enough to prevent potential cumulative impacts to Fairway Drive.

12-106

**Cumulative Impact 10-4: Cumulative vehicle miles traveled**

See previous comments regarding DEIR/S analysis of VMT. In addition, as noted above, the potential increases in traffic associated with economic recovery and other factors (in other words, VMT increases that may occur regardless of whether new development is constructed), are also significant. For example, the DEIR/S notes that current VMT is approximately 4.6% below the level that would violate the regional VMT standard.<sup>341</sup> However, the TBAP and TCL, combined with the cumulative impacts of economic recovery/increases on existing infrastructure (potentially 7% or greater), the VSVSP, and the MVWPSP, could easily violate the regional VMT standard – even without the consideration of any other regional projects. Further, based on the significant increase in traffic, it’s possible that the regional VMT standard is not restrictive enough to avoid unacceptable future local impacts within the TBAP boundaries and/or Town Centers over the next few years. Protecting public health and safety as well as Tahoe’s environment may require a more restricted standard.

12-107

In addition, the baseline VMT (for 2014) do not include the VMT increases associated with approved but not-yet-built projects, such as Boulder Bay and Homewood Village Resort.

<sup>341</sup> See “Table 10-12 Region-Wide Daily Summer VMT Under Build-Out by Alternative.” (DEIR/S, p. 10-39): Difference between baseline value (1,937,070) and VMT threshold standard (2,030,938) is approximately 4.6%.

**E. Cumulative Geology, Soils, Land Capability, and Coverage Impacts:**

See previous comments regarding DEIR/S analysis of coverage impacts.

**F. Cumulative Hydrology and Water Quality Impacts:**

**Cumulative Impact 15-1: Cumulative adverse impacts to water quality; Cumulative Impact 15-2: Potential for increase in stormwater runoff or alteration of drainage patterns; and Cumulative Impact 15-3: Cumulative risks from exposure to flood hazards**

As noted in our comments, the insufficiency of the 20-year storm design combined with failures associated with relying on BMPs results in the likelihood that stormwater systems designed per the TBAP requirements will not adequately treat stormwater. This will result in more polluted water runoff coming from impervious surfaces (which are increased by the TBAP) and flooding, threatening lake water quality and clarity, altering drainage patterns, and increasing the risk from flood exposure. From a cumulative perspective, the combination of even small volumes of untreated stormwater running from numerous individual projects could be significant when considered together. Therefore, the same flaws that permeate the TBAP and TCL analyses also affect the cumulative analysis.

12-108

**G. Cumulative Water Supply/Demand:**

The EIR/S must consider the potential for the TROA to be amended as climate change and drought threatens our water supply.<sup>342</sup> For example, as groundwater is further depleted and precipitation patterns change, it is reasonable to expect that the volume and/or timing of water provided by the Truckee River will decrease, resulting in the potential for future amendments to the TROA agreement. As noted previously, the TROA FEIS did not consider the long term impacts of the historical drought we are currently experiencing in the west, nor long-term changes associated with climate change. In fact, a recent study of the Truckee River Basin (notably seven years after the final TROA EIS was certified) identified concerns with climate-related impacts on water supply (Truckee Basin Study Basin Study Report December 2015<sup>343</sup>):

12-109

“The Truckee River has never had surplus water: each drop from its headwaters at Lake Tahoe to its terminus at Pyramid Lake serves important human uses and ecological functions. As a result, even small changes in future conditions (e.g., increases in demand or changes in climate) are perceptible and potentially contentious... Climate change, drought uncertainties, and source water

<sup>342</sup> E.g. “The report identifies climate change as a growing risk to Western water management and cites warmer temperatures, changes to precipitation, snowpack and the timing and quality of streamflow runoff across major river basins as threats to water sustainability. Water supply, quality and operations; hydropower; groundwater resources; flood control; recreation; and fish, wildlife and other ecological resources in the Western states remain at risk.” (U.S. Dept. of the Interior: <https://www.doi.gov/pressreleases/interior-department-releases-report-underscoring-impacts-climate-change-western-water>)

<sup>343</sup> <http://www.usbr.gov/watersmart/bsp/docs/finalreport/truckee/tbsbasinstudy.pdf>

contamination were identified as the largest threats to water supply quantity and quality... The climate of the Truckee Basin is characterized by cycles of flood and drought, with precipitation and runoff varying widely from year to year. Runoff patterns and variability have driven streamflow, lake levels, evaporation, and groundwater recharge, all of which underpin the current water management. Thus, the availability of water to meet demand in the Truckee Basin is largely related to annual weather conditions and overall climate. While the ecosystems and infrastructure of the Truckee Basin are well suited to the historical variability in water supply, climate changes may create new challenges for either or both." (p. 3-1) [Emphasis added]

"Increases or decreases in average annual precipitation would directly influence the availability of water supplies by changing the amount of water running off into the Basin's lakes, rivers, and streams, as well as the amount of water recharging groundwater resources." (p. 3-29)

"Surface runoff of precipitation is the primary source of water supply in the Truckee Basin; changes in the quantity of precipitation would have a direct influence on water supply availability." (p. 3-51)

Even with the increased precipitation that occurs in some climate ensembles, snowmelt and runoff will occur earlier and potentially result in less water available in reservoirs during the spring and summer. Temperature increases could also cause more precipitation to fall as rain and cause snowpack to melt sooner and faster. Under these conditions, the Basin's current storage capacity and operations may not be suited to manage the water supply. (p. 3-56)

The TBAP must address the potential cumulative impacts on demand throughout the Lake Tahoe and Truckee Watersheds.

Finally, the EIR/S must consider the water demand associated with the change from use of second homes to primary residences or more frequently used visitor rentals throughout the region, which could be substantial given the current high vacancy rate.<sup>344</sup> Our NOP comments<sup>345</sup> noted the need to evaluate this change within the Tahoe Basin (which was not addressed by the DEIR/S); the proliferation of second homes in the Truckee/Tahoe region requires this same analysis be performed for the entire region to assess cumulative water demand. The temptation to drain more water from Lake Tahoe will be great if the drought goes on. It will take clear-headed decisions for Lake Tahoe to survive as a National Treasure.

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12-110

<sup>344</sup> "However, as of 2010, approximately 51 percent of all housing units in the Basin are vacant or used seasonally (as vacation homes) and owner or renter-occupied housing accounts for approximately 49 percent of Regional housing (see Section 6.3.3, "Housing")." (DEIR/S, p. 6-13);

"In 2010, 62.2 percent of vacant housing units in the unincorporated county were for seasonal, recreational, or occasional use (Placer County 2013c:13-14)." (DEIR/S, p. 6-9)

<sup>345</sup> *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. The EIR/S must assess the ability to provide sufficient water to support existing and new uses under each alternative, in light of existing and anticipated water supply conditions and drought. Water demand associated with new developments in each alternative must also be assessed (e.g. what is the water demand from adding more tourists accommodations compared to adding multi-family residential or commercial uses in the same location). This assessment must also evaluate the increased water demand that would result if existing infrastructure were filled to capacity; in other words, if existing second homes in the Basin became full-time residences, and all existing tourist accommodations and vacation rentals were occupied. The analysis also needs to address how water demand from new and expanded uses may impact existing wells in the Basin, and identify who will be responsible for paying for upgraded/increased water supply facilities.* (Excerpt from NOP Comments provided as example; full comments on p. 50-54)

***H. Cumulative impacts to emergency evacuations and response:***

**Cumulative Impact 18-3: Cumulative interference with implementation of an emergency response plan or emergency evacuation plan and Cumulative Impact 18-4: Cumulative exposure of people or structures to wildland fire hazards**

See previous comments regarding DEIR/S analysis of impacts to emergency evacuations and response. In addition, the cumulative impacts from regional projects must be assessed, including but not limited to the VSVSP, MVWPSP, Northstar area projects, other Truckee projects, and the population increases in Northern California and Nevada that will result in even more people in the Tahoe Basin.

*Deferral to project-level review of cumulative impacts and mitigation:*

The DEIR/S acknowledges that the construction and operation of future projects could prevent or impede evacuation or result in physical interference with an evacuation plan,<sup>346</sup> yet these impacts are then dismissed as “less-than-significant” because future projects would be required to mitigate any adverse impacts.<sup>347</sup> As noted in our comments on Impacts 18-3 and 18-4, the DEIR/S has not only failed to analyze and disclose the extent of the TBAP and TCL impacts to these issues, but also dismisses these impacts based on irrelevant information, speculation and opinion, and side-stepping around the issue by discussing other measures that do not directly address the threat of interfering with emergency access and evacuations and placing more people in high fire danger areas. Further, as this is a cumulative, regional problem, project-level mitigation is not the sufficient time to plan for evacuations and emergency access. Not only are impacts to evaluation and emergency access inherently a cumulative problem, but solutions and plans will require planning at the regional and areawide (TBAP) level.

12-111

*Reliance on other measures to lessen impacts:*

The DEIR/S acknowledges that development in the area has increased the risk to life and property when fires to occur, as well as increased the potential for fires to be ignited,<sup>348</sup> and that cumulative developments will continue this trend. However, these impacts are then dismissed through speculation that the extension of water service, roadways, and fire clearance measures, the application of

12-112

<sup>346</sup> “While conditions on local roadways and highways during an emergency evacuation could be congested, construction and operation of future projects implemented in accordance with the Area Plan plus cumulative development could prevent or impede evacuation, or result in physical interference with an evacuation plan such that evacuation occurs more slowly.” (DEIR/S, p. 19-32)

<sup>347</sup> “The cumulative projects listed above would be subject to project-level analysis for potential interference of an emergency response plan or evacuation plan and would be required to mitigate any adverse effects. Such mitigation could include off-street parking, staging, and materials storage during construction; signage; designated points of ingress and egress for construction vehicles and equipment; traffic control personnel; emergency preparedness and evacuation plans, and other measures. The cumulative impact with regard to emergency evacuation would be less than significant.” (DEIR/S, p. 19-32)

<sup>348</sup> “Additionally, past development in the forested landscape has increased the risk to life and property when fires do occur, and increased the potential for ignition of wildland fires through increased human presence and activity.” (DEIR/S, p. 19-32)

Community Wildfire Protection Plans (CWPPs), and the collection of fees in State Responsibility Areas (SRAs) will mitigate these impacts to less-than-significant<sup>349</sup> (p. 19-32 and 19-33). First, we note that having water service and roadways does not make an area less prone to fire than when the same area is a natural forest; in fact, development in these areas increases fire danger as noted previously. The application of CWPPs will help improve defensible space and other measures to better protect homes in the event of a fire, however people will still need to be evacuated when large fires are ignited. Finally, the collection of fees is a funding issue that is unrelated to the ability of roads to safely evacuate people and provide emergency access. We are unaware of any past fires in developed areas that were fought any less aggressively due to a lack of funds in any given coffer. While such measures may help better prepare us to attack fires and improve our ability to protect our homes, they will not free up roadway space on our main highways so that people may evacuate faster, nor prevent areas from never having to be evacuated in the first place. Thus, such measures do not provide mitigation for the impacts to evacuation and emergency access.

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*Inappropriate dismissal of ignition potential:*

While the DEIR/S acknowledges that increased human presence leads to increased threats of wildfire ignitions, it then claims that because the TBAP concentrates new development in already urbanized areas, this impact is less-than-significant. However, this fails to address the fact that human presence does not come solely from homes; people recreate in forests where campfires, sparks from off-road vehicles, and other human activities often start fires. Notably the Angora Fire was started by an abandoned campfire. Therefore, even if the TBAP were to prevent any additional development on undeveloped land (which it does not), more humans in the developed areas will mean more people in the forest, translating to *increased* fire ignitions.

**23. Lack of adequate monitoring**

In order to restore the lake and the nearshore, TRPA and Placer County priorities must include a rigorous monitoring program that is scientifically sound, as determined by qualified, objective experts in the field, and sufficient to understand what is happening in the whole ecosystem, so that high priority management actions will ensure its protection. Priorities should include specifically designating adequate funding to focus and support this critical monitoring program. Monitoring must be implemented prior to allowing substantial new developments, and as noted throughout these comments, new and redevelopment project approvals must be tied to field monitoring to assure assumed benefits are being realized.

12-113

<sup>349</sup> “The combination of these cumulative projects, including projects that would manage fuels and reduce wildland fire risk, would result in a less-than-significant cumulative impact related to exposure of people and structures to wildland fires.” (DEIR/S, p. 19-33)

## 24. Reliance on requirements which do not fully mitigate

The DEIR/S includes numerous mitigation measures that are already required for all new projects. Examples include, but are not limited to, Mitigation Measure 14-2d: Use approved design standards for BMPs (DEIR/S, p. 23-14), Mitigation Measure 14-2e: Comply with grading season prohibitions (DEIR/S, p. 23-14), Mitigation Measures 15-1b: Verification of SWPPP submittal (DEIR/S, p. 23-17), Mitigation Measures 15-1c: Design, install, and maintain water quality BMPs which meet industry and TRPA standards (DEIR/S, p. 23-17), and Mitigation Measures 15-1d: Demonstrate TRPA permit approval prior to approval of Placer County Improvement Plan (DEIR/S, p. 23-18). In general these regulations simply *lessen* an impact – there is still a net increase in impacts. For example, relying on BMPs to mitigate development does not mitigate the lost soil associated with covering natural land, nor does it fully mitigate all of the runoff that will result from the development (even assuming the BMPs were correctly installed and maintained in perpetuity) where that runoff would not otherwise have occurred had the project not been built. In addition, submitting SWPPPs and demonstrating permit approvals do not physically mitigate the impacts of the project. In the case of redevelopment, the RPU and TBAP rely on the idea that redeveloped areas will install BMPs, creating a net benefit to water quality. However, BMPs are already required for existing developed properties, and have been for decades. A recent letter by the California Attorney General’s Office on the VSVSP EIR notes that Placer County cannot deem GHG emissions mitigated by simply relying on state fuel efficiency standards as the project will still generate *additional* GHG emissions.<sup>350</sup> Following this same argument, Placer County and TRPA cannot deem impacts mitigated by regulations that are already in place where additional impacts will be generated by the TBAP and TCL.

12-114

<sup>350</sup> “Second, as noted above, where the EIR relies on a statewide goal, it must provide substantial evidence connecting that goal to project-specific reductions, based on local conditions and the characteristics of the project. (*Center for Biological Diversity, supra*, 62 Cal.4th at p. 226.) Applied in the mitigation context, this means that the EIR must show how the Advanced Clean Cars regulations or the Low Carbon Fuel Standard results in meaningful mitigation of the specific impacts caused by the Project. The FEIR cannot presume - and it provides no evidence to show-that no adverse impacts would occur from the Project’s GHG emissions when regulated under these programs. Even if the additional emissions are less than they would be if they were not regulated by fuel efficiency standards (i.e., relative to a “maximum possible” emissions scenario), they are still absolute, *additional* GHG emissions. For example, while fuel efficiency is regulated under the Low Carbon Fuel Standard, vehicle miles traveled (VMT) is not. Even if all the vehicles associated with the Project were energy efficient, the additional trips created by the Project would generate substantial GHG emissions. VMT’s alone account for 15,382 MT C02e/year in the full build-out scenario. The EIR cannot assume that those emissions are simply being displaced from elsewhere; it is more likely that those emissions - regulated or otherwise -would not exist *but for* the Project, the stated intent of which is to draw visitors from around the world for short-term visits. This is a significant impact that must be mitigated.” (Comments on VSVSP EIR, 8/9/2016, p. 13). <http://friendsofsv.org/wp-content/uploads/2016/08/Attorney-General-Letter-regarding-Squaw-Valley-Village-Proposal.pdf>

FOWS & TASC Comments on 2016 Placer County TBAP DEIR

8/15/2016

**25. Attachments**

-  1 SierraSun Aff Hsng
-  2 May-27-2015-GB pckt 4 pages
-  3 StateLake Clarity chapter
-  4 December-16-2015-GB packet re HRA
-  5 HMR VMT 11\_Traffic\_FEIR\_EIS-5
-  6 FOWS-comments-on-CFA-TAU-for-RPIC-5.27.2015
-  7 September-23-2015-GB Yeates vehicles
-  8 Community Meeting Online – Linking Tahoe
-  9 Sweeping plan for transportation improvements would benefit entire county
-  10 Federal funds boost to help improve North Lake Tahoe area public transit
-  11 3.1 RTC MasterResponses
-  12 comment\_CHP-3
-  13 Office of Planning and Research - Alternative Transportation Metrics (SB 743)
-  14 Planning commissioners vote 5-2 for denial of Martis Valley West \_ SierraSun
-  15 SR267\_TCCR\_Signed
-  16 Attorney-General-Letter-regarding-Squaw-Valley-Village-Proposal
-  17 Slow moving exodus from South Lake Tahoe \_ South Lake Tahoe - SouthTahoeNow
-  18 - The Washington Post waze
-  19 PlacerCountyNTMPManual-1
-  20 FOWS-TASC-comments-to-APC-requesting-Rirgeline-Cnde-DRAFT-?
-  21 FOWS-comments-to-RPIC-with-attachments-10.26.2015
-  22 SLRT-on-the-UTR-2014-1
-  23 2015 SOF-PARM\_FINAL-3
-  24 SOTL EXEC Summ p.
-  25 2016sotl\_v2-sm
-  25b 2016sotl\_v2-sm
-  26 June-24-2015-Governing-Board-Packet
-  27 HRA discussion RPIC
-  28 2-14 HMR Report Summary v12 final MPH 2007-02-13
-  29 Research and Resources - Integrated Environmental Restoration Services
-  30 BBay Appendix\_AB\_Supplemental\_WQ\_Study
-  31 CEPcomplete1
-  32 CRPT-114srpt256-1
-  33 March-23-24-2016-Governing-Board-Packet
-  34 PlanningforWaterWiseDevelopment-1
-  35 PlacerCounty\_2016LHMP\_Chapter 4 Risk Assessment
-  36 TruckeeNorthTahoeWorkforceHousingStudy\_FINAL\_08-01-16-complete\_small
-  37 PlacerCounty\_2016LHMP\_Chapter 4 Risk Assessment
-  38 PlacerCounty\_2016LHMP\_Chapter 4 Risk Assessment
-  39 comment\_lahontan
-  40 Dettinger\_Ingram\_sciam13
-  41 ARKStorm Impacts at Tahoe at TERC Jan 31 \_ Tahoe Arts and Mountain Culture
-  42 ARKStorm\_Summit\_Handout\_Final
-  43 Tahoe-Regional-Housing-Needs-Report-May-14-2014
-  44 Tiny houses won't solve our affordable housing problem — High Country News
-  45 Gondola Vista
-  46 December-16-2015-Governing-Board-Packet-1
-  47 MVVWSP 03 Cmtns Resps
-  48 traffic education
-  49 Slow moving exodus from South Lake Tahoe \_ South Lake Tahoe - SouthTahoeNow
-  50 Presentation-Agenda-Item-No.-VILD-North-Lake-Tahoe-Transportation-Update-TRPA
-  51 Interior Department Releases Report Underscoring Impacts of Climate Change on Western Water Resources \_ U.S

**Letter  
12**

**Friends of the West Shore and Tahoe Area Sierra Club Group**  
August 15, 2016

- 12-1 The comment provides introductory remarks and expresses the opinion that the Tahoe Basin Area Plan and Tahoe City Lodge should have been analyzed separately, presumably in separate environmental documents.
- 12-2 The comment expresses dissatisfaction at the Draft EIR/EIS analysis of local impacts. The comment is a summary of more detailed comments included in the submittal.
- 12-3 This is an introductory summary of more detailed traffic comments included in the submittal. See Master Response 1, VMT and LOS Analysis, in Section 3.1 of this Final EIR/EIS.
- 12-4 The comment summarizes concern regarding emergency evacuation. See Master Response 6, Emergency Response and Evacuation, in Section 3.1 of this Final EIR/EIS.
- The comment states that the Tahoe City Lodge would result in increased congestion. This statement is an over-simplification of the analysis. The Draft EIR/EIS (Chapter 10) includes information on trips that are expected to be generated by the Tahoe City Lodge project. Trip-generation rates for the project are summarized in Tables 10-7 through 10-10 for the proposal and its alternatives. As these tables and the accompanying text show, the project and alternatives would, with the exception of Alternative 4, result in a reduction in daily trips as compared to existing conditions. The timing of those trips would shift, such that in some instances there would be an increase in trips during peak hours.
- 12-5 The comment summarizes concerns pertaining to TRPA thresholds, traffic, public health and safety, and significance criteria used in the Draft EIR/EIS. The comment is prefatory to more detailed comments included in the submittal.
- 12-6 The comment refers to previous comments submitted on the NOP, which express that the EIR/EIS should analyze the maximum potential development that could result in the Plan area. The Draft EIR/EIS includes an analysis of all Area Plan policies that could result in new development or redevelopment within the Plan area and their potential effects on the environment. These policies were considered in concert with existing regulatory protections and standards. The example offered by the comment, conversion of motel rooms to tourist units, is an action that would be permissible under existing conditions (with appropriate environmental review and permitting), under the TRPA Regional Plan. No revisions to the analysis are necessary.
- 12-7 The comment expresses the opinion that the analysis overstates the potential environmental benefits of transferring development from outside areas into town centers due to the large amount of existing banked land coverage. By using banked land coverage to fulfill TRPA's land coverage requirements, a project's coverage impacts could be mitigated by site restoration and coverage banking that occurred prior to the construction of the project or the permanent preservation of an otherwise developable parcel. Although the banking of land coverage may happen separately from its purchase and transfer, the environmental benefits of restoring or preserving the sending parcels are still achieved.
- The comment further requests a site-specific analysis of the comparative benefits of transferred coverage. The comment seems to suggest that it may be more beneficial to leave existing development in sensitive environments, rather than create the disturbance needed to remove the development and restore the site. While this may be the case in some situations, as a general rule removing existing development from sensitive habitats will

restore ecological functions and prevent the continued degradation of the site. This is especially true within the Tahoe Basin where developable land is limited and usually located within a short distance of Lake Tahoe. In most cases, the existing development that would be removed would be deteriorating structures from the 1970s that were built without stormwater BMPs or other environmental protection features. The transferred land coverage from these sites would be used to develop modern structures that are fully compliant with TRPA's development and water quality protection standards. Land coverage transfers are also likely to result in the restoration of sensitive lands due to the limited supply of banked 1b coverage. In fact, between 2010 and 2015, land coverage transfers accounted for nearly 80 percent of the coverage removed from LCD 1b (TRPA 2016, p ES-7). Moreover, site-specific analyses of the comparative benefits of coverage transfers are neither possible nor required, and exceed the level of detail needed for a planning document. TRPA may instead rely on existing science that indicates that restored lands provide improved ecological function when compared to existing development. Individual projects will undergo site-specific analysis related to land coverage (as demonstrated with the Tahoe City Lodge project) at such time as they are proposed.

- 12-8 The comment pertains to the scope of the transportation analysis, the consistency with the Regional Plan Update, and the impacts of growth from outside the Tahoe Region, and calls for stronger measures to address traffic issues. The Draft EIR/EIS contains a thorough evaluation of project-related and cumulative traffic impacts, including VMT. See also Master Response 1, VMT and LOS Analysis, in Section 3.1 of this Final EIR/EIS.
- 12-9 The comment cites sources of traffic growth that would accompany future development allowed under any of the alternatives, and expresses dismay that the Area Plan does not include measures that could reduce day-visitor traffic such as increased parking fees, road user fees, and increased transit capacity prior to increases in demand. The comment is correct that future development under any of the alternatives would increase traffic volumes, including overnight visitors making both regional ingress/egress trips as well as trips within the Tahoe Basin. The Draft EIR/EIS contains a thorough evaluation of project-related and cumulative traffic impacts. The measures proposed in the comment are discussed in additional detail below:
- ▲ Community-wide paid parking programs can result in substantial reductions in auto use, typically ranging from 10 to 30 percent (Victoria Transport Policy Institute, 2016). The specific quantitative impacts for the Plan area would depend greatly on the parking fee levels, the means of implementing the fees, the areas and types of facilities subject to the fees, and the level of enforcement. One key factor is that much of the existing parking supply in the key town centers is on private lands, where imposition of parking fees would be legally questionable. As an example, the *North Tahoe Parking Study* (LSC, 2015) indicates that only 31 percent of existing parking in the Tahoe City area is under public control. Paid parking also can result in environmental impacts, such as drivers choosing to avoid the paid parking area by parking along nearby unpaved local road shoulders. It can also result in economic impacts if commercial properties within the paid parking area are put at an economic disadvantage to competitors. For these reasons, increased parking fees are considered infeasible.
  - ▲ A road user fee (such as a tolling program at Tahoe Basin entry points) would have substantial economic impacts (as commercial entities would be at a competitive disadvantage compared with competing nearby entities not within the toll area), environmental impacts (associated with the physical footprint of tolling facilities, for example) and social equity impacts (depending on the specifics of resident versus visitor tolling rates, among other factors). It should also be noted that Article IV (f) 8 of the Tahoe Regional Planning Compact specifically prohibits the Tahoe Transportation District

from “imposing ... a tax or charge that is assessed against people or vehicles as they enter or leave the region.” (US Congress, 1980). It would also have ramifications for other portions of the Tahoe Region beyond the Area Plan area. For these reasons, this is not considered to be feasible.

- ▲ Expansion of public transit services as a traffic mitigation strategy is addressed in Mitigation Measure 10-1b.

See also Master Response 1, VMT and LOS, in Section 3.1 of this Final EIR/EIS.

- 12-10 The comment pertains to the Regional Plan Update (RPU) EIS transportation analysis. It correctly notes that the transportation analysis in the Draft EIR/EIS was based in part on the model and methodologies used in the RPU EIS analysis. The footnotes cite text from the Draft EIR/EIS, specific pages of the RPU Final EIS, and comments submitted on the RPU EIS analysis.
- The comment refers to court decisions concerning the RPU. TRPA approved the RPU in 2012. The authors of the comment filed a lawsuit in Federal Court seeking to overturn TRPA’s decision to approve the RPU. The lawsuit alleged that the RPU EIS was deficient in various respects. The alleged deficiencies raised in the litigation did not pertain to the methodology used to estimate traffic. Thus, in the event the authors prevail in the litigation, the Court’s ruling would not address the methodology used to estimate traffic. At trial, the Federal District Court ruled in favor of TRPA, and rejected the authors’ claims. The authors appeal. The appeal is currently pending at the Ninth District Court of Appeal. (*Sierra Club v. Tahoe Regional Planning Agency*, Nos. 14-15998, 14-16513.)
- The comment is not sufficiently detailed to provide a further response. Moreover, TRPA incorporates by reference its responses to FOWS comments set forth in the RPU EIS.
- 12-11 The comment takes issue with the traffic analysis because it relies, in part, on the traffic analysis contained in the RPU EIS and 2012 Regional Transportation Plan EIR/EIS as its starting point, which it alleges is inadequate. The comment is not sufficiently detailed to provide a response. Moreover, TRPA incorporates by reference its responses to comment 12-11 regarding the status of FOWS comments set forth in the RPU EIS.
- 12-12 The comment asks for analysis of VMT on a local level, instead of only at the regional level. The environmental document does provide forecasts of traffic volumes on key roadways in various local areas within the Placer County portion of the Tahoe Basin, which are reflective of changes in VMT. VMT is a regional, inherently cumulative analysis. TRPA’s VMT threshold standard applies Basin-wide. Neither TRPA nor the county has adopted a VMT threshold that applies at the local, sub-Basin level. The comment suggests that emissions from vehicle use in the project area in proximity to Lake Tahoe are likely to result in impacts on nearshore water quality, air quality, and noise. The EIR/EIS provides information regarding the impact of the Area Plan on VMT. As shown in Table 10-2, implementation of Area Plan Alternatives 1 and 3 would reduce VMT relative to both existing conditions and the no project alternative. VMT resulting from Alternative 2 would be essentially the same as existing conditions. See also Master Response 1, VMT and LOS, in Section 3.1 of this Final EIR/EIS.
- 12-13 The comment suggests that the Draft EIR/EIS defers impact analysis to future project-level environmental review and that impacts will be ignored in the future because of bureaucratic and financial momentum. The comment expresses doubt that future project applicants will be required to assess and mitigate for the impacts of their projects. The Draft EIR/EIS was prepared at a level of detail and with a degree of specificity commensurate with the project itself (see CEQA Guidelines Section 15146, Degree of Specificity). The Area Plan is just that—a collection of policies, implementing regulations, an updated land use diagram, and an

updated zoning district map that applies to an area that exceeds 46,000 acres. As such, impacts identified in the Draft EIR/EIS are assessed at a level of detail appropriate to the plan, and without undue speculation as to what specific projects might later be proposed pursuant to the plan. When later projects are proposed, and their details known, project-specific impacts can be assessed and site-specific mitigation developed to address those effects that cannot be known now. The Kings Beach Center design concept, referenced in the comment, is a concept, not yet proposed, but for which some detail is known, and the level of analysis reflects that level of detail. Project approval is not being sought now, and additional environmental review would be required when and if the concept is proposed. In accordance with TRPA Code and regulations, CEQA, and the State CEQA Guidelines, the Draft EIR/EIS provides sufficient information about the environmental effects of the Placer County Tahoe Basin Area Plan and Tahoe City Lodge project to allow informed decision making.

The comment cites the analyses prepared for the MVWPSP and VSVSP. Both of these projects propose development at levels that are below those that would be authorized under existing plans and zoning. The analyses of these projects describe maximum permitted development under existing plans and zoning. The amount of development authorized under existing plans and zoning, as compared to the development proposed, is a factor that decision-makers have discretion to consider in deciding whether to approve a project. The analyses also describe the level of development that is proposed, and the physical impacts of that development on the existing environment, as required by CEQA.

12-14 The comment states that while Chapter 10 of the Draft EIR/EIS concludes that the proposed Area Plan (Alternative 1) would result in a reduction in VMT, Appendices G and H of the Draft EIR/EIS indicate that VMT will increase under all alternatives. The comment is referring to cumulative VMT estimates in Appendices G and H, not to estimates of VMT that would occur from implementation of Alternative 1. The VMT estimates cited in the comment are consistent with the cumulative VMT estimates provided in the Draft EIR/EIS (pages 19-17 to 19-18). Table D of Appendix G-2 provides detailed information on the VMT calculations for each alternative. The fifth and sixth rows of Table D added 42,146 VMT to the Area Plan VMT estimate to calculate the cumulative VMT by adding “external VMT not fully reflected in TRPA model.” The VMT estimates for the Area Plan alternatives can be calculated by subtracting the 42,146 in external cumulative VMT from the cumulative region-wide VMT figures provided in the seventh row of Table D (1,973,780 [cumulative VMT] – 42,146 [external VMT] = 1,931,634 [VMT as a result of alternative 1]). This calculation indicates that Alternative 1 would result in region-wide VMT of 1,931,634, consistent with the VMT estimate presented on page 10-39 of the Draft EIR/EIS. Thus, the VMT estimates presented in Chapters 10 and 19 are consistent with the VMT calculations presented in Appendix G-2. Please also see Master Response 1, which provides additional detail on the Area Plan and cumulative VMT analysis.

12-15 The comment focuses on the distribution of Tahoe City Lodge traffic traveling along the West Shore. Since there is no available data (such as surveys of existing lodging guests) on which to base the distribution of trips associated with the Tahoe City Lodge, the distribution is based upon professional knowledge of local traffic patterns, such as the proportion of traffic volumes on SR 89 near Emerald Bay versus the volume at Fanny Bridge.

A visitor survey conducted by the North Lake Tahoe Resort Association (NLTRA) indicates that 47 percent of visitors visit Emerald Bay as part of their trip. However, this is different from the proportion of trips generated by a hotel in Tahoe City on any one day. The same survey also identified an average visitor length of stay of 4.1 nights. If approximately half of the visitors (rounding up from 47 percent) visit Emerald Bay (two one-way trips per round-trip), and each visit is 4 nights (rounding down from 4.1 nights per visit), then each room generates approximately 0.25 trips per day (0.50 Emerald Bay visits per group per visit

divided by 4 days per visit times two trips per round-trip). Per the trip rate and reduction for internal/non-auto trips used in the EIR/S, this room generates 6.94 vehicle-trips per day. Dividing 0.25 by 6.94 indicates that 3.6 percent of the trips generated by a lodging room are to or from Emerald Bay – close to the 4 percent used in the analysis.

Also, approximately 30 percent of the visitors included in the NLTRA study were surveyed at the Visitors Center. Many visitors to Tahoe are multiple-repeat visitors who have visited Tahoe many times in the past. As a premier visitor site in Tahoe, it can be expected that many visitors visit Emerald Bay on their first trip to the region. However, it is reasonable to expect that this proportion would be lower for subsequent trips to the Tahoe area. First-time visitors are also more likely to visit a Visitors Center. As a result, the NLTRA survey results may identify a higher proportion visiting Emerald Bay than for all visitors (including second-home owners and other long-time Tahoe visitors). In sum, this review indicates that the distribution identified in the environmental analysis was appropriate, and there is no need for modification to the analysis.

- 12-16 The comment reiterates that the environmental analysis does not include VMT analyses at less than a region-wide level. See response to comment 12-12. The Draft EIR/EIS does estimate the impact of the Area Plan on VMT. An analysis of VMT by sub-area was not conducted, however, as there are no applicable standards by sub-area. The comment states that the traffic model (and associated VMT forecasts) is not based on local traffic counts. This statement is incorrect. In fact, the TRPA TransCAD model was calibrated against local traffic counts.
- 12-17 The comment states that roadway capacities should be based on additional non-traffic-related factors, such as potential impacts on water quality. The comment confuses roadway capacity with the potential impact of traffic activity on other environmental factors. The physical location of a roadway (such as its adjacency to Lake Tahoe) does not affect the roadway's capacity. It is true that traffic volumes (or VMT, when volumes are multiplied by roadway length) may have differing impacts on water quality, but no local or regional standards have been defined for near-shore roadways. In addition, as shown in Table 10-2, implementation of Area Plan Alternatives 1 and 3 would reduce VMT relative to both existing conditions and the no project alternative. VMT resulting from Alternative 2 would be essentially the same as existing conditions.
- 12-18 The comment describes a summary of characteristics that make communities around the lake distinctively different, and theorizes that people within the Plan area are likely to make longer trips. The TRPA TransCAD model addresses bullets 1 through 4 of this comment: (1) the land use inputs reflect permanent versus visitor population; (2) the trip assignment process reflects the differing geographic distribution of trip attractors in the various communities of the Tahoe Basin; (3) the impacts of the TAU/CFA conversion changes are reflected in the land use inputs as described in Appendix G-1 of the Draft EIR/EIS; and (4) the model also addresses much of the effects of nearby developments outside the Tahoe Basin, as described in Appendix G-2. See also Master Response 1, VMT and LOS, in Section 3.1 of this Final EIR/EIS.
- 12-19 The comment expresses concern that the Draft EIR/EIS does not address potential impacts to Lake Tahoe's nearshore and instead focuses on mid-lake conditions. Please see the response to comment 12-60.
- 12-20 The comment cites specific Regional Plan amendments that have occurred since its adoption in 2012, and suggests that the Area Plan assess VMT distribution and related effects on TRPA thresholds considering changes that have occurred since 2012. See response to comment 12-12. VMT is a regional, Basin-wide metric; there is no standard or threshold used to determine whether localized VMT is significant. In addition, as shown in Table 10-2,

implementation of Area Plan Alternatives 1 and 3 would reduce VMT relative to both existing conditions and the no project alternative. VMT resulting from Alternative 2 would be essentially the same as existing conditions.

12-21 This comment is an extension of comment 12-20. See responses to comments 12-12 and 12-20.

12-22 The comment expresses concern about the total amount of development that could occur under policies adopted in 2012 pursuant to the Regional Plan, and the limited CFA to TAU conversion program proposed under the Area Plan. See response to comment 12-6.

12-23 The comment pertains to the specifics of the Draft EIR/EIS transportation-related mitigation measures. Regarding MM10-1a, given the typical Caltrans review/approval process, the two-year deadline for installation of a hybrid beacon at SR 28/Grove Street identified in the measure is a reasonable implementation schedule requirement. Given the time required for project approval and development, it is unlikely that sufficient development would occur such that impacts would be substantially exacerbated prior to implementation of the mitigation. That is, the entitlement process for development in the Tahoe basin typically extends for many months or years, and actual physical development does not commence until months or years after that. Thus, the beacon is almost certain to be installed long before it is needed. It would be unnecessary to prohibit all new development prior to installation.

Regarding MM10-1b (establishing a county Service Area Zone of Benefit) and MM10-1c (payment of traffic impact fees), these two elements work together to expand funding for transportation improvements. The Zone of Benefit (ZOB) would be a new, ongoing funding source for transit expansion that would largely address operating (e.g., drivers, fuel) costs, though it could also fund capital costs. The existing traffic impact fee program helps to fund transportation capital costs (including roadway, bicycle/pedestrian and transit facility improvements). It is important to note that this is a new funding strategy for transit services within the Tahoe Basin. TART's current funding for services in the Tahoe Basin consist of transit fares, sales tax revenues, state/federal funding programs, air quality mitigation fees, transient occupancy tax revenues and funding from private and public partners

As evidenced by the similar ZOBs established in Martis Valley that have been funding TART transit expansion on SR 267, a new ZOB (Mitigation Measure 10-1b) within the Tahoe Basin would provide an equitable and comprehensive means of generating permanent, reliable revenue from future developments, and would be adjusted to reflect inflation. The comment is correct that the minimum fee level is identified to address the transit expansion necessary to address the peak capacity impact, rather than overall traffic growth. See response to comment 10-10 regarding additional transit service expansion to be funded through the ZOB.

The traffic impact fee program (Mitigation Measure 10-1c) is currently identified in the *TART Systems Plan Update* to fund \$852,700 in transit capital improvements over the first five years of the plan. The fee program is updated every few years to adjust for inflation and for changes in the improvement program list of projects. The county last updated its traffic impact fee in 2014. When the county next considers updating its fee program, the *TART Systems Plan Update* (approved in April 2016) will provide information regarding the capital needs of the transit system, and which in turn will help the county determine the appropriate amount of the fee program to be included for transit capital purposes.

12-24 The comment pertains to the expansion of transit service as a means of mitigating transportation impacts. The Draft EIR/EIS identifies transit improvements and associated funding both in Mitigation Measure 10-1b (to partially mitigate roadway level of service) as well as Mitigation Measure 10-5 (to mitigate the impact on peak period transit capacity). The

comment states that the mitigation only involves the expansion of transit during peak periods. Mitigation Measure 10-1b provides for additional service, which would expand seating capacity during typical peak period passenger loads. The additional service expansion would also be provided during non-peak hours as route headways would not vary during operating hours, resulting in excess capacity in non-peak times. The TART Systems Plan *Update* (2016) includes increased frequency (headways) and span of service (hours of operation) during both peak and non-peak times using other funding sources in addition to funds generated by development. See response to comment 10-10 regarding additional transit service expansion to be funded through the ZOB.

12-25

The comment requests that an analysis of existing and future improvement costs identified in the county's Capital Improvement Program (CIP) be completed as part of the Draft EIR/EIS. The traffic impact analysis associated with an approved Placer County Tahoe Basin Area Plan serves as the basis for determining the infrastructure and mobility projects, which would be identified for future development funding in the CIP. An updated CIP project list and costs would be determined based on industry construction cost at the time of update and would be adjusted annually based on the Engineering News Record reported Construction Cost Index (CCI) from April to April. Furthermore, development projects are required to pay Traffic Mitigation Fees to the county and TRPA (through the air quality fee program) on the basis of new trip generation. Fees collected partially or fully fund improvements identified in the Tahoe Region Capital Improvement Program. The types of projects funded by this program include bicycle lanes, transit improvements, park and ride facilities, Intelligent Transportation System (ITS), pedestrian facilities, and trails.

See also response to comment 12-23, above. The county Service Area Zone of Benefit (ZOB) funding mechanism is intended to generate funding both for transit capital as well as operations. In the Draft EIR/EIS, it is identified as mitigation for significant impacts to transit operations (e.g., generating ridership that exceeds existing available seating capacity). As described therein, it would be imposed on all future land uses that generate an increased demand for transit services, including residential, lodging, commercial, civic, and recreational land uses. The ZOB would be a new, ongoing funding source for transit expansion that would largely address operating (e.g., drivers, fuel) costs, though it could also fund capital costs.

12-26

The comment states that adjustments of the traffic mitigation fees to account for true infrastructure costs should be done as part of the Area Plan. As described in response to comment 12-25, the traffic impact analysis associated with an approved Area Plan update serves as the basis for determining the infrastructure and mobility projects that would be identified for future development funding in the CIP. See also response to comment 12-23.

This comment goes on to address the expansion of transit service as a means of mitigating transportation impacts. The Draft EIR/EIS identifies transit improvements and associated funding both in Mitigation Measure 10-1b (to partially mitigate roadway level of service) as well as Mitigation Measure 10-5 (to mitigate impact on peak period transit capacity). The Placer County approved *TART Systems Plan Update* (2016) identifies the expansion of the route in question from the current 60-minute headways (one bus per hour) to an expanded service of 30-minute headways (two buses per hour). This is the proposed mitigation in the Draft EIR/EIS, consistent with the TART Systems Plan Update. The Draft EIR/EIS goes further to say that additional expansion of this service to offset the projected 36-63 vehicles per hour generated would require expansion of the service to three buses per hour to accommodate a direct offset in the passenger population from vehicle passenger to transit passengers and also would require auto disincentives (such as paid parking programs) to force the shift in travel mode and/or elimination of transit fares. Simply providing the additional capacity would not result in the reduction in traffic levels. See response to comment 12-9 regarding the feasibility of paid parking. Elimination of TART fares would

increase annual transit operating subsidy needs by approximately \$574,000 per year (\$403,000 of eliminated revenues plus \$171,000 in expanded services to accommodate the increase in ridership). As there is no available adequate funding source, this is infeasible.

The comment states that the development agreement funds identified in the TART Systems Plan funding structure of \$119,700 do not reflect a proportional share of the project's impacts to increased traffic. The 6.4 percent is a direct calculation of the noted project's fair-share of traffic into and out of the Tahoe Basin and has therefore been determined by the county to be adequate.

Lastly, the comment makes a valid statement related to the promotion of transit incentives. The county is committed to provide continued support for transit expansion; most recently through the TART Systems Plan as well as the recently signed "Joint Statement of Regional Transit Principles" agreement with TRPA. Currently, the county provides Transit Occupancy Tax (TOT) funding to support the Truckee North Tahoe Transportation Management Association (TMA) which provides publications, outreach, marking, promotion and advocacy for transit in the Tahoe Region.

- 12-27 The comment suggests that the Area Plan does not meet the goals and policies of the Regional Plan. This statement is incorrect. It is a stated objective of the Area Plan to implement the Regional Plan, and it was crafted so as to achieve Regional Plan goals and policies. Moreover, in accordance with Chapter 13 of the TRPA Code of Ordinances, the Area Plan will require review by TRPA to ensure conformance with the Regional Plan consistency. This will include review by the Advisory Planning Commission, Regional Plan Implementation Committee, and Governing Board through a public process.
- 12-28 The comment refers to the difference in VMT baseline numbers used over time, and requests that 2015 and 2016 data be used as the basis for the VMT analysis. See Master Response 1, VMT and LOS.
- 12-29 This comment pertains to the various region-wide VMT estimates identified in various documents, and cautions decision makers about approving projects that would result in substantial increases in VMT. See Master Response 1, VMT and LOS.
- 12-30 The comment indicates that the traffic analyses should be based on the highest traffic volumes ever observed in the Tahoe Region, regardless of how long ago these volumes occurred. The comment is correct that traffic volumes prior to 2005 (in particular, around 1990) were higher than those since 2005. However, there is no requirement pursuant to CEQA, TRPA Code, or other regulations to evaluate the highest traffic volumes ever observed, or the volume that could be accommodated by the roadway capacity. There have been many changes in land use, demographics, and regional travel patterns since 1990 that would assume that future volumes would return to these levels a matter of conjecture. Instead, the analysis was prepared pursuant to CEQA Guidelines Section 15125(a) as it pertains to baseline or existing conditions as they exist at the time the Area Plan is proposed. The traffic baseline, or existing conditions, reflects the physical environmental conditions at time the NOP was published (June 2015).
- 12-31 The comment is prefatory to more detailed comments that follow regarding Level of Service (LOS) and vehicle congestion.
- 12-32 The comment cites anecdotal information regarding traffic conditions in 2015 and 2016 to question the validity of the traffic analysis. To allow timely progress of environmental analysis, it is necessary to establish an existing condition, or baseline condition, based on the data available at the time of issuance of the NOP. The environmental analysis was based

on the most recent traffic counts available at the time of NOP, per CEQA requirements, and thus no revisions are warranted.

- 12-33 This comment expresses concern regarding the Area Plan policy to relax LOS standards in the town centers, the potential rate of development, the Regional Plan Update, funding for transit enhancements and the differences between Caltrans and TRPA/Placer County LOS standards. Regarding the change in LOS standards and the findings of the Draft EIR/EIS that the impact is significant and unavoidable, the EIR/EIS uses as standard of significance, LOS standards that are currently in effect, as described on page 10-15 of the Draft EIR/EIS. As described in the Draft EIR/EIS, Placer County proposes to modify LOS standards through policy T-P-6 which, “in combination with proposed multi-modal improvements, is intended to promote increased use of non-automobile transportation modes” (Draft EIR/EIS page 10-17). Because roadway and intersections within the Plan area already operate at unacceptable LOS, attainment of the existing LOS standards may require an increase roadway capacity (e.g., additional travel lanes, intersection widening, signalization). However, while there are those who disagree with the change in policy, Placer County and TRPA have concluded that increases in roadway capacity would be inconsistent with the Regional Transportation Plan and Regional Plan because they would also serve as an incentive for visitors and residents to use private automobiles instead of using alternative travel modes. The comment suggests that implementation of Policy T-P-6 would result in release of development allocations—referring to TRPA Code stemming from Mitigation Measure 3.3-1 of the RPU EIS—sooner than would otherwise occur. This is not necessarily the case. Under the Code, TRPA will release allocations in four-year cycles in conjunction with future updates of the Regional Plan and RTP. Two years after each release, monitoring and response actions (focused on enhanced non-motorized and public transportation projects) will be implemented to ensure compliance with standards. Furthermore, even with the revised Area Plan standard, the RPU EIS evaluated the impacts of buildout, that is construction of all development allowed under the marketable rights program, so the comment’s assertion that this condition was not evaluated in the RPU EIS is incorrect. See also Master Response 1, VMT and LOS.

Regarding transit funding, as discussed in the response to comment 12-27, the memo in Appendix G-2 is no longer current, as the environmental document now includes Mitigation Measure 10-1b that establishes a new funding source specifically for expansion of transit services. Finally, the fact that Caltrans defines an LOS standard for its facilities pertaining to the need for roadway improvements does not preclude establishment of different standards for land use decisions by TRPA or Placer County.

- 12-34 The comment pertains to the appropriate LOS standard for SR 267. TRPA has not established a defined classification for various roadway segments. The TRPA classifications are for “urban developed area roads,” “rural developed area roads” (both of which have a LOS standard of D), and “rural recreational/scenic roads” (with a LOS standard of C). Urban roadways can also have up to 4 hours of LOS E without exceeding standards. The specific section of SR 267 evaluated in the environmental document was from the SR 28 intersection to a point 0.5 miles to the north, the section with the highest volumes within the Tahoe Basin. This segment has closely-spaced intersections and is bordered by development, and is therefore appropriately considered to be urban. It is common practice in the Tahoe Basin to apply TRPA standards to traffic evaluations of land use proposals rather than Caltrans standards, as TRPA has land use decision-making authority.
- 12-35 The comment questions the information used in the analysis regarding the capacity of SR 28 in Kings Beach. The capacity of SR 28 in Kings Beach used in the Draft EIR/EIS is based on the existing three-lane cross-section with roundabouts (as has recently been constructed). Therefore, there is no need to revise the analysis.

- 12-36 The comment indicates that traffic counts used in the analysis should only reflect those conducted on Fridays. While regional summer total daily traffic volumes are highest on Fridays, the peak-hour volumes in Tahoe City are very similar over the course of the week, as they are capacity constrained. The counts conducted on Tuesdays were compared with nearby counts conducted on Fridays (notably the counts conducted as part of the Fanny Bridge realignment environmental document) and it was determined that there was no need for adjustment for day of week.
- 12-37 The comment requests that an analysis of existing and future improvement costs be identified in the county's Capital Improvement Program (CIP) in tandem with the Area Plan and Draft EIR/EIS, to address the roadway LOS impacts of the Tahoe City Lodge. This comment identifies an error in the Draft EIR/EIS.

In response to this comment, the last paragraph on page 10-16 of the Draft EIR/EIS is revised as follows:

Tahoe City Lodge Alternatives 1 and 3 would not add traffic volumes in a direction or location that would exacerbate an existing LOS deficiency or degrade an existing acceptable LOS. ~~Tahoe City Lodge Alternatives 1 and 3 would still be subject to payment of traffic mitigation fees prior to issuance of any building permits, and this would reduce the project's impact on roadway LOS to~~ Therefore. This impact is less-than-significant for these alternatives. Tahoe City Lodge Alternative 2 would create a reduction in traffic volumes, resulting in a **beneficial** impact to roadway LOS. Under Tahoe City Lodge Alternative 4, the additional traffic would exacerbate the existing LOS deficiency in the eastbound direction on SR 28 in Tahoe City and degrade the existing acceptable LOS in the westbound direction to an unacceptable level during the peak period. Because mitigation measures cannot be required for a no-project alternative, Tahoe City Lodge Alternative 4 would have a **significant and unavoidable** impact on roadway LOS

Per the Errata, the document is revised to identify less-than-significant impacts for Lodge Alternatives 1, 2 and 3, while Lodge Alternative 4 is significant and unavoidable as the impact is significant and mitigation measures cannot be required for a no-project alternative. The mitigation requires for the "action" Lodge alternatives are therefore not dependent on the CIP.

The traffic impact analysis associated with an approved Area Plan update serves as the basis for determining the infrastructure and mobility projects that will be identified for development funding in the CIP. Project costs would be determined based on industry construction cost at the time of update and would be adjusted annually based on the Engineering News Record reported Construction Cost Index (CCI) from April to April. The Tahoe City Lodge would be required to pay Traffic Mitigation Fees to partially fund CIP projects in the Tahoe Region and associated fees would be calculated based on trip generation identified in the Draft EIR/EIS.

- 12-38 The comment concerns the trip generation estimates for the Tahoe City Lodge property. The estimate of existing site land use trip generation (shown in the top portion of Table 10-7) was based on an inventory of existing occupied space and associated uses, and standard traffic engineering methodologies – i.e., trip generation rates in light of those existing uses. Only currently occupied building spaces were included. The comment regarding existing parking conditions is moot, as the evaluation of with-project parking conditions is based solely on proposed land uses.

The comment is correct in stating that a large proportion of regional access trips (visitor trips between their home and the Tahoe Region) are via private automobile. However, visitor

regional access trips are a relatively small proportion of all trips generated by a lodging property. First, some lodging trips are generated by employees and service vehicles. As visitors using the Tahoe City Lodge would be, by definition, overnight visitors, a relatively small proportion of all trips would be regional access trips. Applying the average length-of-stay of 4.1 days (per the NLTRA survey discussed in response to comment 12-15), at the trip rate used in the Draft EIR/EIS, the total vehicle-trips generated by a hotel room over this length of time (including regional access trips) is 33.5 one-way vehicle trips. As two of these one-way vehicle trips would be visitor regional access trips over this period, they constitute only 6 percent of total potential trips. Given the convenience of the Tahoe City Lodge site to shopping, dining, and visitor attractions within a convenient walk/bike distance (as well as other factors such as employee and visitor potential to use transit service), a 15 percent reduction applied to all vehicle trips is a reasonable assumption.

12-39 The comment pertains to the use of VMT forecasts included in the EIRs for proposals outside the Tahoe Basin, and suggests that for this reason the VMT and LOS impacts of the project are likely understated. There is no evidence to suggest that VMT estimates of regional, out-of-Basin projects are understated.

12-40 This comment pertains to the evaluation of traffic diverting onto Fairway Drive. The commenter makes a valid point that the Fanny Bridge highway realignment would result in a reduction of travel time for westbound SR 28 heading to the West Shore for drivers using Fairway Drive as an alternate route to congestion on SR 28 (by avoiding the need to make a left turn from Fairway Drive onto SR 89), which results in a change to the text on page 10-33 of the Draft EIR/EIS. This change is presented in Chapter 2, "Corrections and Revisions to the Draft EIR/EIS," and below. The correction does not alter the conclusions of the Draft EIR/EIS with respect to the significance of any environmental impact. However, as discussed in the Draft EIR/EIS, even if all future growth in traffic volume under existing-plus-project conditions were to use the Fairway Drive connection, the standard of significance would not be met. This standard of significance, however, would be exceeded under cumulative conditions. The Draft EIR/EIS identifies this considerable contribution to a significant cumulative effect and includes Cumulative Mitigation Measure 10-2 (for Area Plan Alternatives 1 through 3) to address this impact.

The second bullet on page 10-33 of the Draft EIR/EIS is deleted as follows.

- ▲ In the westbound direction, drivers do not have an opportunity to divert away from SR 28 until they reach Jackpine Street. From this point, the diversion route to the point where a driver can regain the state highway system (SR 89/Fairway Drive intersection) is 5,720 feet, compared with a travel distance of 4,230 feet along the state highways. The fact that the alternate route is more than a 0.25 mile longer tends to reduce the attractiveness of Fairway Drive as a means to avoid SR 28 congestion, as does the relatively narrow roadway, on-street parking, and vertical curves. Assuming an average travel speed via the Fairway Drive diversion of 25 miles per hour (including delays for turning movements and stop signs), using this route in the westbound direction would save a driver time once the average speed on SR 28/89 between Jackpine Street and Fairway Drive falls below 19 miles per hour. Since there are many periods during peak summer when this occurs, it can be concluded that there is a potential for diversion.
- ~~▲ The westbound traffic on SR 28 is comprised of traffic bound for SR 89 North, SR 89 South, as well as to Tahoe City destinations. As the westbound diversion route is west of the SR 28/SR 89 intersection (and traveling to SR 89 South would require a difficult left turn movement onto SR 89), the potential for westbound diversions is limited to drivers heading to SR 89 North (Squaw Valley/Alpine Meadows, Truckee, or beyond). Based on turning movement counts,~~

~~approximately 37 percent of the westbound traffic on SR 28 approaching Jackpine Street is bound for SR 89 North (while the largest proportion is bound to SR 89 South). This trip pattern also tends to limit the potential for diversion traffic.~~

- ▲ In the eastbound direction, drivers traveling eastbound on SR 89 (in the “southbound” direction) have the opportunity to turn left onto Fairway Drive, exiting back onto SR 28 eastbound at either Grove Street or Jackpine Street. Drivers with enough awareness of the local roadway system, however, can also be expected to be aware of the long delays that would be faced waiting to regain access to the highway at peak times. The potential for diversion in the eastbound direction is very low.

12-41 The comment questions the standard used to assess the significance of impacts on residential streets. In accordance with Placer County standards, the Draft EIR/EIS used 2,500 vehicles per day as the significance criterion. This value is far below the actual physical capacity of Fairway Drive, and rather than a measure of traffic conditions, it is an indicator of the level of traffic that is considered to significantly affect the livability of a residential street (considering factors such as vehicle noise).

12-42 The comment pertains to parking, both for the Area Plan and for the Tahoe City Lodge. Regarding Area Plan parking impacts, the actual parking demand and supply would depend on specific project projects, their design, and future land uses at a finer level of specificity than can be identified in the Area Plan (as specific types of commercial land uses, for example, have differing levels of parking demand), future shared parking arrangements, the degree to which future developers take advantage of in-lieu fee programs, and other factors. As a result, it would be speculative to identify a specific number of future parking spaces that would be needed or supplied. What can be concluded at a plan level of analysis is that the parking standards that would be adopted as part of the Area Plan would result in a lower number of additional future parking spaces in town centers associated with new development than would occur if the new parking standards are not adopted.

Regarding shared parking, it is true that with a higher proportion of lodging guests/employees leaving their cars on-site during the day, fewer spaces would be available for golf course uses. However, the shared parking analysis assumes a high number of guest vehicles on site at all times, with a low of 77 percent of spaces still occupied in the 12:00 to 2:00 p.m. period. In other words, at any one time, just over three quarters of the parking demand generated by the lodge is assumed to be on the site, occupying the parking spaces. This is a much higher proportion than that seen at typical hotels, and appropriately reflects guests leaving their vehicles at the lodge while walking/cycling or riding transit to their daytime activities. The shared parking supply would accommodate both lodging demand as well as golf demand at all times.

The base parking rates of 1.0 space per 1-bedroom lodging unit and 1.25 spaces per 2-bedroom lodging unit is consistent with rates used in other similar lodging projects in the Tahoe Region (including Embassy Suites and Homewood Mountain Resort), as well as those observed in other mountain resort communities. While some rooms may be used by groups arriving in more than one car, this is balanced by travel groups arriving in a single vehicle that choose to rent more than one room (such as two couples traveling together).

The 20 percent reduction in parking requirements for lodging projects within town centers has been included in the Area Plan as a means of encouraging a shift to non-auto travel to/from the Tahoe Region (in part, in response to stakeholder concerns). It is consistent with the 20 percent reduction that has long been available under the North Tahoe Community Plans (Appendix B, Section 12.A.5.g).

The specific limitations on clubhouse events were defined by evaluating the shared parking availability by time of day, and golf course data on daily activity. As the attendees of a special event that have reservations at the Tahoe City Lodge is known in advance, the need for additional parking management strategies is also something that is known in advance.

The Tahoe City Public Utility District (TCPUD) has recently approved the seasonal construction of a small ice rink adjacent to the golf course clubhouse. This additional winter activity necessitates the evaluation of shared parking with the Tahoe City Lodge under winter conditions. TCPUD prepared the *Tahoe City Winter Sports Park Seasonal Ice Rink Initial Study/Mitigated Negative Declaration* (May 2016), which included hour-by-hour forecasts of parking needs for all winter uses on the golf course (including the ice rink). These forecasts were used to identify the total shared parking demand of these winter uses along with the Tahoe City Lodge project (assuming 100 percent occupancy, consistent with the summer shared parking analysis). As shown in table 3.3-1, the shared parking demand for Alternative 1 was found to reach a maximum of 132 total parked vehicles in the 8:00 p.m. hour, which is 1 more vehicle than the peak summer parking demand. Specifically, at this time 118 spaces would be required for the Tahoe City Lodge, and 14 spaces for the winter uses on the golf course.

**Table 3.3-1 Winter Hourly Shared Parking Analysis - Tahoe City Lodge Alternative 1, Winter Sports Park, Ice Rink**

Land Use	6.00 a.m.	7.00 a.m.	8.00 a.m.	9.00 a.m.	10.00 a.m.	11.00 a.m.	12.00 p.m.	1.00 p.m.	2.00 p.m.	3.00 p.m.	4.00 p.m.	5.00 p.m.	6.00 p.m.	7.00 p.m.	8.00 p.m.	9.00 p.m.	10.00 p.m.	11.00 p.m.	12.00 a.m.	
<b>Percent of Peak Parking Demand by Hour</b>																				
Hotel	-	89	93	98	89	81	81	77	77	81	81	84	86	89	88	92	97	95	100	98
Restaurant	-	16	33	52	73	92	92	100	87	70	45	50	65	74	74	70	38	31	23	14
Bar	-	0	3	5	9	11	24	54	58	50	50	50	66	92	96	100	92	92	89	50
<b>Parking Demand by Hour</b>																				
Hotel	104	92	97	102	93	85	<b>85</b>	80	80	85	85	88	89	92	91	96	101	99	104	101
Restaurant	20	3	6	10	14	18	<b>18</b>	20	17	14	9	10	13	15	15	14	7	6	4	3
Rooftop Bar	8	0	0	0	1	1	<b>2</b>	4	5	4	4	4	5	7	8	8	7	7	7	4
<i>Subtotal: Tahoe City Lodge</i>		95	103	113	108	104	105	104	102	103	98	101	107	114	114	118	116	113	116	108
Clubhouse Bar & Grill	5	2	2	3	4	4	5	5	5	5	4	3	3	4	3	1	0	0	0	0
Winter Sports Park	8	0	1	2	3	3	<b>3</b>	5	6	7	8	1	0	0	0	0	0	0	0	0
Ice Rink	11	0	0	0	0	1	<b>2</b>	5	9	11	10	6	8	8	10	11	9	8	1	0
Meeting Space	0	0	0	0	0	0	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>156</b>	<b>97</b>	<b>106</b>	<b>118</b>	<b>115</b>	<b>112</b>	<b>115</b>	<b>119</b>	<b>122</b>	<b>126</b>	<b>120</b>	<b>111</b>	<b>118</b>	<b>125</b>	<b>128</b>	<b>132</b>	<b>126</b>	<b>121</b>	<b>117</b>	<b>108</b>

**Max Demand**

Source: LSC Transportation Consultants, Inc., except Winter Sports Park and Ice Rink figures provided by *Tahoe City Winter Sports Park Seasonal Ice Rink Initial Study/MND* (TCPUD, May 2016)

Also since preparation of the Draft EIR/EIS, the Tahoe City Lodge project applicant has prepared revised parking plans, indicating the provision of 132 parking spaces. See Chapter 2, Section 2.1.1, Description of Tahoe City Lodge Changes. Consistent with the Draft EIR/EIS findings, with this revision to the parking provided the impact on parking conditions would remain less than significant for Alternative 1.

Regarding auto disincentive strategies to reduce Lodge parking demand, please see response to comment 12-9, as well as Master Response 1, VMT and LOS. As adequate parking supply to accommodate peak parking demand in all seasons is provided, such strategies are not necessary to achieve parking standards of significance.

12-43 The comment notes the importance of views of the natural environment, acknowledges that redevelopment can result in scenic improvements, and notes that new development on undeveloped lands could result in scenic degradation. These comments are consistent with the analysis in the Draft EIR/EIS. The comment also states that the Draft EIR/EIS did not analyze the effects of light and glare from larger buildings. This statement is incorrect. See response to comment 12-48, below, which addresses this topic.

12-44 The comment asserts that the Draft EIR/EIS must include additional local-scale analysis of scenic effects of taller and denser buildings in town centers, including specific examples of how taller and denser buildings would affect local views. The comment also inquires as to how a new view corridor standard in the proposed Area Plan would be applied. Finally, the comment claims that the proposed Area Plan Implementing Regulations Section 3.09 would not ensure protection of scenic resources because it includes language such as “minimize” and “to the extent practicable”, and does not explain how the provision would ensure “no net loss” of scenic resources identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory.

With respect to the comment’s claim that the EIR/EIS must provide additional local analysis of scenic effects including specific examples of how taller or denser buildings would affect views, the Draft EIR/EIS provides analysis of the Area Plan’s scenic effects within the Plan area on pages 9-15 through 9-48. The Draft EIR/EIS includes the disclosure of and an evaluation of the scenic effects of specific proposed Area Plan provisions including: the proposed Tahoe City Town Center boundary revision (Draft EIR/EIS pages 9-16 and 9-17); proposed building heights and setbacks (Draft EIR/EIS pages 9-17 to 9-21); proposed density and coverage standards (Draft EIR/EIS page 9-21); proposed provisions related to non-contiguous project areas (Draft EIR/EIS page 9-21); proposals related to secondary residential units (Draft EIR/EIS pages 9-21 to 9-22 ); proposed provisions related to the conversion of CFA to TAUs (Draft EIR/EIS page 9-22); proposed building and site design standards (Draft EIR/EIS pages 9-41 to 9-42); and proposed lighting standards (Draft EIR/EIS pages 9-47 to 9-48). This analysis provides an evaluation of the effects of the provisions of the Area Plan alternatives within the areas where those provisions would apply (i.e., the Tahoe City and Kings Beach Town Centers, or the broader Plan area). As described on page 9-13 of the Draft EIR/EIS, “with the exception of the Tahoe City Lodge project, assessed separately herein, no specific projects or developments are proposed or would be approved as a result of this Area Plan. Therefore, the analysis evaluates the effects of implementing the development standards, and design standards and guidelines that would apply under each alternative.”

The specific location, design, and other characteristics of individual possible future projects cannot be known at this time because they rely on a number of unknown factors including the future desires and financial conditions of numerous individual property owners. As a result, specific renderings or examples of future development would be highly speculative and would not provide meaningful information to evaluate the effects of the Area Plan alternatives.

In addition to not being feasible, specific examples or project-scale simulations of individual possible future projects is not necessary to evaluate the Area Plan alternatives. As described on page 9-13 of the Draft EIR/EIS “any new development or redevelopment project would be subject to project-specific environmental review requirements, as well as a project/site review for consistency with the required development standards, design standards, and design guidelines.” The evaluation of the proposed Tahoe City Lodge project provides an example of the type of project-level scenic analysis that would be required for future projects within the Plan area. This analysis is included on pages 9-24 to 9-48, and evaluates the

localized effects of the specific height, density, design, and location of the proposed project. The analysis includes visual simulations of the proposed buildings (Draft EIR/EIS Exhibits 9-10 to 9-22), and an evaluation of the project's effect relative to the specific TRPA-established scenic travel route ratings and scenic resources within and adjacent to the project area, including the effects on ridgeline views (Draft EIR/EIS page 9-28) and views to Lake Tahoe (Draft EIR/EIS page 9-33). Thus, the Draft EIR/EIS appropriately analyzes the scenic effects of the proposed Area Plan commensurate with the action proposed and the level of detail available; and the localized and site-specific effects of individual future projects would be appropriately analyzed if and when those projects are proposed.

With regard to the new view corridor requirements in the proposed Area Plan, Implementing Regulations Section 2.09.1 includes scenic regulations related to building height within the core areas of the Tahoe City and Kings Beach Town Centers (i.e., areas where building heights of up to four stories would be allowed). The proposed standard requires that “[t]hree- or four-story buildings in town centers shall meet findings listed in Section 37.7.16 of the TRPA Code of Ordinances; and 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.”

The findings listed in Section 37.7.16 of the TRPA Code are included in the Draft EIR/EIS on page 9-20. The requirement to maintain at least 35 percent of a project site as an open view corridor to Lake Tahoe is a new requirement that does not currently apply to projects within the Plan area. It would require that new or redeveloped four-story buildings located between SR 28 or SR 89 and Lake Tahoe maintain 35 percent of the site as open view corridors to Lake Tahoe. If existing development does not already maintain 35 percent of the site as an open view corridor to the lake, then a redevelopment project would be required to increase the width of existing open view corridors by at least ten percent of the project area (e.g., a 100-foot-wide project site would increase the width of open view corridors by 10 feet).

As the Draft EIR/EIS explains on page 9-20, “in some cases this would expand views to the lake because it would require that redevelopment projects provide larger view corridors than they are currently required to provide.” The comment expresses concern that even with the new view corridor requirement, substantial new development (rather than redevelopment) could occur, which would still block lake views. This concern is based on an assumption that substantial new development would occur between the major highways and Lake Tahoe within core areas of town centers on parcels that are currently undeveloped. However, as described in the Draft EIR/EIS on page 9-5 “Today, less than two percent of the land within the Plan area is vacant and privately owned (Placer County 2013b:3-9). Thus, while some new development will occur, most new projects involve redevelopment of previously developed sites.” More specifically, a GIS analysis of buildable, but as yet undeveloped parcels within the town centers found that there are no undeveloped buildable parcels between Lake Tahoe and the major highways in the Tahoe City Town Center, and only six undeveloped and buildable parcels between the lake and major highway in the Kings Beach Town Center. Therefore, the concerns regarding substantial development of undeveloped areas between the highway and Lake Tahoe in the Tahoe City and Kings Beach Town Centers are unfounded. In addition, any future project in that area would require separate environmental analysis consistent with CEQA and TRPA provisions, including an analysis of whether the project would “block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area” (TRPA Initial Environmental Checklist question 18.c). If a future project substantially blocked or modified existing views to Lake Tahoe, project design changes or mitigation would be required, and the project could not be approved if it were to result in degradation of the applicable Scenic Threshold standards articulated in TRPA Code Section 4.4.1.A.

Regarding the comment's claim that the proposed Area Plan Implementing Regulations Section 3.09 would not ensure protection of scenic resources, that sections includes detailed building and site design standards and guidelines, the scenic effects of which are analyzed in the Draft EIR/EIS under Impact 9-2. It appears the comment is referring, instead, to Section 2.09 of the Implementing Regulations, which is discussed above. The findings required by this section of the ordinance are listed in the Draft EIR/EIS on page 9-20. As described above, these standards are one element of a comprehensive review of future projects that could occur within the Plan area. Future projects would also be evaluated against applicable design standards and guidelines, CEQA and TRPA environmental criteria, and future projects could not be approved if they would degrade adopted scenic threshold standards.

With respect to the comment's question as to how no net loss of TRPA designated scenic resources is determined, TRPA designated scenic resources are evaluated using a standardized and objective approach described on Draft EIR/EIS page 9-13 as follows: "The method is based on visual characteristics of the landscape (TRPA 2010). The condition of these characteristics, when considered as a group and expressed as a numerical rating, represents the relative level of excellence in scenic quality that the visual landscape exhibits. Assessing the condition of the characteristics under pre- and post-project scenarios provides an understanding of the status of scenic quality and the visual effect of a proposed action." For additional detail on the TRPA scenic resource evaluation approach, see also Draft EIR/EIS pages 9-2 to 9-3, and Chapter 9 of the 2011 Threshold Evaluation Report.

As described above, the Draft EIR/EIS assesses the scenic effects of the proposed Area Plan at a level of detail commensurate with the level of detail of the Plan itself; the localized and site-specific effects of individual future projects will be analyzed if and when those projects are proposed.

12-45

The comment suggests that Mitigation Measure 9-1 would not effectively mitigate the scenic effects of non-contiguous project areas on surrounding mountains, ridgelines, and the night sky. The comment requests that the mitigation measure specify that projects using non-contiguous project areas comply with the scenic regulations in the proposed Area Plan.

The Draft EIR/EIS evaluates the scenic effects of the provision that would allow projects to propose the use of non-contiguous project areas on page 9-21. The analysis found that "...the allowance for non-contiguous project areas, would have negligible effects on scenic quality because the visual mass, development standards, and scenic regulations within each town center would not change" (Draft EIR/EIS page 9-21). The analysis found that in one specific scenario, the provision could allow for visible mass that would otherwise be allowable on the mountain side of the major highways to be placed between major highways and Lake Tahoe, which would be a potentially significant impact. Mitigation Measure 9-1 was developed to address this specific impact. Because the proposed provision would not result in potentially significant impacts to surrounding mountains, ridgelines, or the night sky, mitigation was not necessary. Mitigation Measure 9-1 was not intended to address these topics.

As described in Section 1.03 (Applicability) of the proposed Area Plan Implementing Regulations, the ordinances "apply to all land uses, development, and projects occurring within the Placer County Tahoe Basin Area Plan area," which would include projects that propose to use non-contiguous project areas. It is not necessary for the mitigation measure to restate that these ordinances are applicable to projects that use a non-contiguous project area, because these ordinances apply to all projects within the Plan area.

12-46

The comment suggests that the EIR/EIS could provide visual simulations of localized scenic impacts of "hypothetical scenarios" regarding the location and character of future

development within each town center based on an analysis of available vacant land, coverage, and properties that are candidates for redevelopment.

The Draft EIR/EIS provides analysis of the scenic effects of Area Plan alternatives on pages 9-15 through 9-48. The Draft EIR/EIS evaluates the scenic effects of specific proposed Area Plan provisions, including: the Tahoe City Town Center boundary revision (Draft EIR/EIS pages 9-16 and 9-17), building heights and setbacks (Draft EIR/EIS pages 9-17 to 9-21), density and coverage standards (Draft EIR/EIS page 9-21), non-contiguous project areas (Draft EIR/EIS page 9-21), secondary residential units (Draft EIR/EIS pages 9-21 to 9-22), conversion of CFA to TAUs (Draft EIR/EIS page 9-22), building and site design standards (Draft EIR/EIS pages 9-41 to 9-42), and lighting standards (Draft EIR/EIS pages 9-47 to 9-48). The analysis evaluates the effects of these provisions of the Area Plan alternatives in the areas where each would apply (i.e., the Tahoe City and Kings Beach Town Centers, or the Plan area). As described on page 9-13 of the Draft EIR/EIS “with the exception of the Tahoe City Lodge project, assessed separately herein, no specific projects or developments are proposed or would be approved as a result of this Area Plan. Therefore, the analysis evaluates the effects of implementing the development standards, and design standards and guidelines that would apply under each alternative.”

The specific location, design, and other detailed characteristics of individual possible future projects cannot be known at this time, and would be dependent on a wide range of factors including the future desires and financial conditions of numerous individual property owners. As a result, specific visual simulations and an evaluation of the design and massing of possible future, yet-to-be-determined redevelopment would be highly speculative and would not provide meaningful information to assist in the consideration of the Area Plan alternatives.

Additionally, an analysis of the scenic effects of individual projects that may or may not be proposed in the future is not necessary as part of the evaluation of the Area Plan alternatives. As described on page 9-13 of the Draft EIR/EIS “any new development or redevelopment project would be subject to project-specific environmental review requirements, as well as a project/site review for consistency with the required development standards, design standards, and design guidelines.” The evaluation of the proposed Tahoe City Lodge project provides an example of the type of project-level scenic analysis that would be required for future projects within the Plan area. This analysis is included on pages 9-24 to 9-48 of the Draft EIR/EIS, and it evaluates the localized effects of the specific height, density, design, and location of the proposed project. The analysis includes visual simulations of the specific proposed buildings (Draft EIR/EIS Exhibits 9-10 to 9-22), and evaluation of the project’s effect relative to the specific TRPA-established scenic travel route ratings and affected scenic resources, including all designated scenic resources within and adjacent to the project area. The project level analysis evaluates the effects on specific ridgeline views (Draft EIR/EIS page 9-28) and views from Lake Tahoe (Draft EIR/EIS page 9-33). A similar project-level analysis would be required for future projects proposed within the Plan area. This project level analysis would allow for a comprehensive evaluation of the localized scenic effects of future projects when the details of those future projects are known. Thus, the Draft EIR/EIS appropriately analyzes the scenic effects of the proposed Area Plan commensurate with the action proposed and the level of detail available; the localized and site-specific effects of individual future projects would be analyzed if and when those projects are proposed.

12-47

The comment refers to the analysis of the Area Plan’s effects on community character in Impact 9-2 of the Draft EIR/EIS, and implies that the design standards and guidelines in the proposed Area Plan should be evaluated for consistency with the existing design standards and guidelines in the applicable plan area statements (PASs) and community plans. It also

inquires as to what criteria are used to determine if Area Plan provisions would substantially detract from community character.

The objectives of the proposed Area Plan are described on pages 3-3 to 3-6 of the Draft EIR/EIS. These include "...update the community plans, PASSs, general plans, and parking and design standards of the Placer County portion of the Tahoe Basin...". Thus, the Area Plan is intended to update the design standards included in the existing PASSs and community plans, rather than be consistent with these existing standards. The community character analysis appropriately evaluates the consistency of proposed design standards with the applicable standards in TRPA Code Chapter 13, the TRPA Scenic Quality Improvement Program (SQIP), and TRPA Design Review Guidelines, which govern the design standards that can be proposed within an Area Plan.

As described on page 4-4 of the Draft EIR/EIS, each section "provides the criteria used in this document to define the level at which an impact would be considered significant." The significance criteria that apply to the scenic analysis are listed on page 9-15 of the Draft EIR/EIS, and the specific significance criterion that applies to Impact 9-2 is whether the project would "be inconsistent with the TRPA SQIP, TRPA Design Review Guidelines, or applicable height and design standards." The Draft EIR/EIS evaluation of community character determined that "because [Area Plan] Alternatives 1 through 3 would not be inconsistent with the SQIP, TRPA Design Review Guidelines, or applicable height and design standards, this would be a less-than-significant effect."

12-48

The comment expresses concern about light pollution from development in town centers, specifically light associated with taller buildings, and the comment requests a detailed, local-level assessment of the lighting effects of new and redeveloped buildings that could be proposed within the town centers in the future.

The Draft EIR/DEIS analyzes the effects of the Area Plan alternatives on light and glare on pages 9-47 to 9-48. The proposed Area Plan would allow buildings with heights of up to 4 to 14 feet taller than are currently allowed within portions of the Tahoe City and Kings Beach Town Centers (see Draft EIR/EIS page 9-17). However, as described in the Draft EIR/EIS on page 9-5 "Today, less than two percent of the land within the Plan area is vacant and privately owned (Placer County 2013b:3-9). Thus, while some new development will occur, most new projects involve redevelopment of previously developed sites." More specifically, within the Tahoe City Town Center there are zero vacant and developable parcels, and within the Kings Beach Town Center there are 17 vacant and potentially developable parcels, although several of these are owned by the Tahoe Conservancy or other conservation agencies, and they would not be developed. Thus, future projects proposed within the Plan area, would largely result in the replacement of existing development with redeveloped buildings, rather than the addition of new development where none exists.

Most of the existing buildings within the town centers were developed prior to adoption of the 1987 TRPA Regional Plan (Placer County 2013b:3-16 to 3-17). As such, most of the existing buildings were not required to comply with exterior lighting standards. While some redevelopment could result in buildings that are 4 to 14 feet taller than currently allowed, these buildings would replace existing buildings that have non-compliant lighting. Any redeveloped building would be required to comply with all applicable lighting standards in Section 3.09.D of the proposed Area Plan Implementing Regulations (pages 288 to 290). These standards include the substantive provisions of the existing lighting standards and add a series of new requirements that would reduce the potential for light pollution from new or redeveloped buildings. New standards would prohibit certain exterior fixture types, including drop-down lenses and mercury vapor lights, which have a greater potential to create excessive or off-site lighting impacts. They would also include new standards that require that all exterior luminaires meet the most recently adopted criteria of the Illuminating

Engineering Society of North America (IESNA) for “Full Cut Off” luminaires, which would prohibit lighting fixtures that would allow any light to project beyond a 90-degree angle. Other new standards would prohibit uses that would create significant, direct glare visible beyond the boundaries of the lot where the use is located. In addition, the new standards would reduce light trespass by prohibiting lighting that would cast light exceeding 1 foot-candle onto public streets or light exceeding 0.5 foot-candle onto residential areas.

The Draft EIR/EIS appropriately assesses the effects of the Area Plan alternatives on light and glare. Because the Area Plan alternatives would primarily result in replacement of existing light sources with new light sources that would comply with a series of standards that would reduce light pollution (including standards that require adherence to quantifiable performance standards), the Draft EIR/EIS determines that the proposed Area Plan and Alternatives 2 and 3 would result in a beneficial effect on light and glare. See also responses to comments 12-44 and 12-46, which describe why analysis of the site-specific effects of potential future projects that could be proposed within the Plan area is neither feasible nor necessary.

12-49 The comment expresses an opinion that the proposed Area Plan should include additional policies or standards to protect views of ridgelines. The Area Plan does not contemplate ridgeline development. In any case, this comment refers to the content of the proposed Area Plan and does not raise issues related to the completeness or adequacy of the Draft EIR/EIS.

The comment cites the proposed Brockway Campground as an example of ridgeline protection policies that are inadequate. The Brockway Campground is not located in the Plan area. In addition, the Brockway Campground applicant and the U.S. Forest Service have entered into an agreement that would enable the USFS to acquire the site. If USFS acquires the site, the campground proposal will not go forward. For this reason, the entitlement process for that proposal has been suspended.

12-50 The comment provides introductory remarks relative to the value of TRPA’s land coverage program as it relates to protecting soil health. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.

12-51 The comment expresses concern that that the Draft EIR/EIS did not evaluate soil loss or changes in land coverage at the local level. A discussion of the potential for soil loss is included in Impact 14-2, including a detailed analysis of soil disturbance for the Tahoe City Lodge Project. As described on page 14-23 of the Draft EIR/EIS, the Area Plan would not alter land coverage limits in areas outside of the Tahoe City and Kings Beach Town Centers. Analysis of land coverage changes within the town centers (e.g., localized effects) is provided in Table 14-7 and discussed in Impact 14-1. The comment also requests a summary of land coverage changes within each TRPA delineated subwatershed (as shown on Figure 15-1). Because changes to land coverage regulations would be limited to town centers, the lower portion of five of the thirty-one subwatersheds within the Plan area could be affected. However, these subwatersheds are generalized based on topography and do not accurately reflect the hydrology of urban areas where the runoff generated by land coverage is controlled by storm drainage systems. Therefore, the analysis found that it would be more appropriate to consider changes in land coverage within the hydrologic catchments used for the Pollutant Load Reduction Model (PLRM), differentiating between catchments draining to the Truckee River and to Lake Tahoe. These changes are described in detail under Impact 15-2. This analysis specifically responds to the NOP comments cited by the commenter, which requested that coverage amounts be considered separately for development and conservation/recreation areas. See also the response to comment 12-61.

- 12-52 The comment disagrees with the RPU EIS measures that address the water quality impacts of additional land coverage within town centers. The RPU Final EIS responded as follows (TRPA 2014, p 3-31):
- The Draft EIS [TRPA RPU DEIS] also evaluates the potential localized water quality impacts of further concentrating coverage, which could affect tributary or nearshore conditions. The minimum surface area that would be necessary to site infiltration BMPs that meet current regulatory requirements is calculated in Impact 3.8-4, Stormwater Runoff and Pollutant Loads. The analysis demonstrates that parcels targeted for concentrated development (i.e., non-sensitive lands in community centers) could accommodate the required infiltration BMPs under the proposed Regional Plan Update alternatives. This analysis considers existing water quality regulations, including coverage limitations and BMP implementation and maintenance requirements, and demonstrates that these requirements would continue to protect water quality at the individual project scale under the Regional Plan Update alternatives. Therefore, the Draft EIS appropriately and reasonably determines that policies that result in additional concentrated development would not have a significant impact on water quality within the designated community centers.
- 12-53 The comment expresses concern that the Area Plan does not include enough SEZ restoration measures outside of those included in the TRPA RPU. Please see Master Response 2, SEZ Restoration, in Section 3.1 of this Final EIR/EIS.
- 12-54 The comment expresses concern that the Draft EIR/EIS does not include sufficient information to quantify impacts to SEZs. The Draft EIR/EIS evaluates potential impacts to SEZs from implementation of the Area Plan as well as from construction of the Tahoe City Lodge project. The analysis does not speculate on the location of future projects in relation to SEZ or the potential for the acreage of SEZ within the Plan area to change based on more accurate location-specific soil mapping. The Area Plan would not alter or revise the extensive suite of SEZ protection measures included in the TRPA Code, and many SEZ areas are also protected by the U.S. Army Corps of Engineers (USACE) and Lahontan Regional Water Quality Control Board (LRWQCB) as wetland or riparian habitats. Because TRPA, USACE, and LRWQCB regulations protect SEZs and associated habitats and require mitigation for any permanent disturbance of these areas (TRPA requires a minimum mitigation ratio of 1.5:1), the analysis in Impact 7-1 appropriately finds that the Area Plan and Tahoe City Lodge would have a less-than-significant impact on SEZ lands and would align with the TRPA SEZ threshold.
- 12-55 The comment notes that removal of development from SEZ areas within close proximity to Lake Tahoe would result in water quality benefits. The comment also restates comments from the RPU EIS noting that transferring land coverage from isolated areas further from Lake Tahoe to town centers reduces the opportunity for stormwater runoff to be naturally infiltrated. This concern was addressed in the RPU FEIS which found that even if policies that incentivize concentrated development achieved the maximum allowable coverage in all centers, the result would be a decrease in pollutant loading from centers as a result of implementing required water quality regulations (TRPA 2014, p 3-31). This finding has been confirmed by the PLRM modeling completed for this and other area plans.
- In addition, the comment expresses concern that areas shown as SEZ on older, regional scale maps could be reclassified as non-SEZ areas by parcel level soil mapping. As discussed on page 14-18 of the Draft EIR/EIS, the Bailey land capability maps are used as a starting point for determining land capability, but the actual capability of any given parcel is determined through the land capability verification or challenge process. It should be expected that project level soil analysis will differ to some extent from regional mapping. This

- does not reflect a loss of actual SEZ acreage, but an improvement in the understanding of site-specific conditions. Finally, the comment expresses concern that the Area Plan policies pertaining to SEZ restoration are inadequate. For discussion on this matter, please see Master Response 2, SEZ Restoration, in Section 3.1 of this Final EIR/EIS.
- 12-56 The comment requests that the Area Plan expand requirements for SEZ restoration within town centers. Please see Master Response 2, SEZ Restoration, in Section 3.1 of this Final EIR/EIS.
- 12-57 The comment expresses concern regarding the adequacy of Area Plan policies pertaining to SEZ restoration in town centers. Please see Master Response 2, SEZ Restoration, in Section 3.1 of this Final EIR/EIS.
- 12-58 The comment expresses concern that the Draft EIR/EIS did not consider the condition of SEZs throughout the Plan area and therefore did not evaluate the Area Plan's ability to meet the TRPA SEZ threshold standard. Please see response to comment 12-54.
- 12-59 The comment again expresses the opinion that the Area Plan does not do enough to ensure restoration of SEZs. Please see Master Response 2, SEZ Restoration, in Section 3.1 of this Final EIR/EIS.
- 12-60 The comment expresses concern that the Draft EIR/EIS does not specifically evaluate potential impacts to Lake Tahoe's nearshore environment, and instead focuses on mid-lake clarity and the Lake Tahoe TMDL. The scientific and regulatory community in the Tahoe Basin is actively working to understand the causes of changes in the nearshore environment and to adapt regulatory tools to address identified problems (LRWQCB 2014). Generally, the pollutant sources that affect nearshore areas are the same as those affecting mid-lake clarity, which are targeted in the Lake Tahoe TMDL (DRI 2013). However, since most external pollutant loading must pass through the nearshore before reaching open water areas, the nearshore may be affected earlier and to a greater extent (DRI 2013). Both the Lake Tahoe Nearshore Evaluation and Monitoring Framework (DRI 2013) and the Lake Tahoe Nearshore Water Quality Protection Plan (LRWQCB 2014) credit the sediment and nutrient capture efforts resulting from the Lake Tahoe TMDL (including stormwater BMPs) with protecting the nearshore environment. Therefore, the Draft EIR/EIS analysis appropriately focuses on the potential impacts of concentrating development, including localized increases in pollutant loading and stormwater runoff, which affect both the nearshore and mid-lake environments.
- 12-61 The comment suggests that the Draft EIR/EIS does not include analysis of local impacts to water quality and instead relies solely on the findings of the RPU EIS. While the Draft EIR/EIS references the findings of the RPU EIS relative to increased coverage within town centers (refer to the response to comment 12-52 of this Final EIR/EIS), it also conducts a parcel-by-parcel analysis of potential land coverage changes resulting from implementation of the Area Plan and the water quality implications of these changes using PLRM. This analysis thoroughly reviews local conditions at the parcel level and within the affected local drainage catchments, which, as described in response to comment 12-51, provides a more accurate reflection of local hydrology than using the TRPA-delineated subwatersheds. The PLRM analysis uses local conditions and parcel specific data including soil type, pavement conditions, existing and proposed impervious area, existing and proposed land use, and BMP implementation, and estimates the potential changes in sediment and nutrient loading resulting from implementation of the Area Plan. A discussion of this analysis and the potential impacts of the Area Plan can be found in Impact 15-2 of the Draft EIR/EIS.
- 12-62 The comment expresses concern regarding the TRPA RPU Final EIS. The policies and provisions of the Regional Plan Update are not the subject of the Placer County Area Plan and Tahoe City Lodge EIR/EIS. This comment does not raise environmental issues or

concerns regarding the adequacy, accuracy, or completeness of the subject environmental document.

- 12-63 The comment criticizes TRPA's coverage transfer program and suggests that the Draft EIR/EIS is flawed because it tiers from an analysis that the commenter finds insufficient. The comment also states that the Draft EIR/EIS relies on reductions in land coverage from areas outside of town centers to mitigate water quality impacts created by increased coverage within town centers. This is incorrect. Coverage and water quality impacts are addressed separately in the Draft EIR/EIS. Land coverage is a TRPA program with significance criteria specifically related to compliance with TRPA regulations. The water quality analysis considers the potential increase in land coverage within town centers as well as changes in land use, coupled with existing water quality regulations and BMP implementation and maintenance requirements. Additionally, the PLRM analysis completed for the Area Plan evaluates the maximum allowable land coverage for each parcel and does not consider the potential for a reduction of coverage on sending parcels when quantifying water quality impacts. For information regarding the status of the "RPU lawsuit," please see response to comment 12-10.
- 12-64 The comment states that there is no scientific literature suggesting that only coverage within 300 feet of the nearshore affects Lake Tahoe. The Draft EIR/EIS analysis addresses all potential changes to land coverage within the Plan area, not just potential changes within 300 feet. The RPU included a limitation on coverage within 300' of Lake Tahoe to provide a margin of safety with respect reducing the risk of increased coverage adjacent to the lake.
- 12-65 The comment expresses concern that the Draft EIR/EIS does not analyze coverage and water quality impacts at a local level. Please see responses to comments 12-51 and 12-61.
- 12-66 The overall comment questions the adequacy of certain modeling assumptions used in the supporting water quality analysis (NHC 2016) developed using PLRM. Additionally, the comment questions certain components of the modeling structure of PLRM. The specific comments are responded to separately below.

#### Coverage Impacts on Water Quality

The comment questions the adequacy of the site-specific coverage analysis reported in the *Placer County Tahoe Basin Area Plan: Town Center Water Quality Analysis Technical Report* (NHC 2016). Additionally, the comment requests that the water quality analysis include a fate and transport analysis of pollutants in nearshore receiving waters based on the site specific conditions of the nearshore.

The PLRM was specifically developed to assess pollutant generation and stormwater runoff from coverage based on the total amount and configuration of coverage, identified as "directly connected impervious area" (DCIA) in PLRM. As stated in the NHC technical report (NHC 2016, page 7, paragraph 1), "PLRM evaluates surface runoff and pollutant loads at the drainage catchment scale." The town center drainage catchments used in the PLRM modeling analysis include the entire urban area within the proposed town center boundaries as shown in Figures 1, 2, and 3 (NHC 2016). Site-specific hydrologic and land use parameters considered to influence pollutant loading and used in the stormwater quality analysis are noted in the NHC technical report (NHC 2016, page 7, paragraph 1) and include: precipitation, land use, impervious area (coverage), soil type, road conditions for pollutant generation, road shoulder conditions for pollutant generation, runoff connectivity (DCIA of road and parcel land uses), and BMP implementation. The location and impacts of the coverage are analyzed by urban land use by calculating the amount of coverage, using the Lake Tahoe TMDL Land Use Layer, and estimating the connectivity (DCIA) of coverage to drainage systems and drainage outfalls.

PLRM reports stormwater runoff and pollutant loading at the outfall of urban drainage catchments. Pollutant loading from a proposed action can be compared to pollutant loading from a baseline condition to assess the water quality impact of the proposed action. For cases in which pollutant loading is reduced or unchanged, the environmental impact of the proposed action on water quality can be adequately assessed without the need for further study, such as the use of water quality receiving model.

#### PLRM Assumptions on BMP Installation and Maintenance

The comment questions the adequacy of the PLRM structure for representation of BMPs, where PLRM assumes BMPs are properly installed and maintained to continue to function as modeled.

PLRM was not developed to assess the potential impacts of incorrectly installed BMPs or inadequate BMP maintenance. The modeling results rely on other ongoing Tahoe Basin programs and regulations to ensure continued BMP effectiveness over time. Examples of BMP maintenance programs include the Lake Clarity Crediting Program BMP maintenance requirements associated with the Lake Tahoe TMDL (LRWQCB and NDEP 2015) and TRPA Code Section 60.4. Regulatory entities are responsible for ensuring that BMPs are properly designed and installed (e.g., 2012 TRPA Code Section 60.4). The Lake Tahoe TMDL provides additional incentives and enforcement mechanisms to ensure that BMPs are properly installed and maintained. As further discussed in the response to comment 12-67, Placer County is engaged in a multi-pronged monitoring effort to ensure stormwater BMPs are appropriately maintained and remain effective.

#### 20-Year 1-Hour Tahoe Basin BMP Design Criterion

The comment contends that the 20-year stormwater design criteria used in the Tahoe Basin, and in PLRM, for sizing BMPs is inadequate for current and future conditions under climate change. However, no specific information or analysis is cited to substantiate this claim.

*The Effects of Climate Change On Lake Tahoe In The 21st Century: Meteorology, Hydrology, Loading And Lake Response* (Coats et al. 2010) assessed the implications of climate change for the design of BMPs in the Lake Tahoe Basin, including the adequacy of the 20-year 1-hour design criterion. The report concluded that load reductions consistent with current national stormwater management practice would still be achievable using the 20-year 1-hour design criterion under the downscaled Tahoe Basin climate change scenarios analyzed (Coats et al. 2010, page 70).

#### PLRM Hydrologic Modeling Approach

The comment contends that PLRM model forecasts are based on annual average precipitation.

PLRM does not use average annual precipitation data for hydrologic modeling purposes. PLRM uses a long-term continuous hydrologic simulation. Hourly inputs of precipitation and temperature are derived for localized meteorological grid files with data extending from Water Year 1989 through Water Year 2006. Precipitation at each localized meteorological grid cell is extrapolated from SnoTel data in the Tahoe Basin using the methodology derived from PRISM, which is a spatial precipitation model developed at Oregon State University. Temperature data is based on extrapolated SnoTel data using a temperature lapse rate. The precipitation data combined with the temperature data are used to simulate snow hydrology over the long-term simulation.

Details on the hydrologic methodologies PLRM employs can be reviewed in the 2015 PLRM Model Development Document (Section 3—Meteorological Extrapolation). The model development document can be downloaded from the following link: <https://www.enviroaccounting.com/TahoeTMDL/FileResource/GetFileResourceForProgram/9b99f866-a107-4273-98ec-628dc8505de8>).

- 12-67 The comment questions the effectiveness of water quality BMPs and requests that the Area Plan include additional requirements to ensure that BMPs are maintained after installation. All TRPA permitted projects are required to include a BMP inspection and monitoring plan, as well as maintain a log of BMP inspection and maintenance. Currently, the Placer County Tahoe Engineering Division conducts inspections of BMPs at commercial and industrial facilities to address maintenance and housekeeping practices (Placer County 2015). Placer County also completes annual inspections of all public drainage facilities (including the Tahoe City Wetlands project which collects runoff from much of the Tahoe City Town Center). In addition, the county's municipal NPDES permit requires that Placer County conduct monitoring of BMP effectiveness and outfall water quality conditions (Placer County 2015). To satisfy these requirements, the county is participating in a collaborative monitoring group made up of all Lake Tahoe jurisdictions, known as the Regional Stormwater Monitoring Program (RSWMP). The RSWMP is focused on monitoring long-term stormwater outfall sites for status and trends. The municipal NPDES permit also requires adaptive management if monitoring indicates that BMPs are not effective in meeting TMDL pollutant load reduction requirements. Each jurisdiction must demonstrate annually that the BMPs registered under its NPDES permit are maintained and are functioning as intended to receive credits under the Lake Tahoe Clarity Crediting Program. TRPA uses the crediting program as a metric during performance reviews to determine the release of development commodities such as residential building allocations and commercial flood area. Therefore, failure to maintain important BMPs could result in the loss of TRPA regulated commodities.
- 12-68 The comment contends that the 20-year stormwater design criteria used in the Tahoe Basin and included in the 2012 TRPA Code (Section 60.4) for sizing BMPs is inadequate for current and future conditions, although no specific information or analysis is cited to substantiate this claim. Additionally, the comment contends that local factors were not examined in the stormwater analysis supporting the EIR/EIS conclusions. See response to comment 12-66.
- 12-69 The comment expresses concern that the Area Plan does not prohibit future increases in development and does not include field measurements that prove that TMDL projects are functioning as modeled. The Area Plan is consistent with the development limitations established by the TRPA Regional Plan. Any changes to these limitations would require a Regional Plan amendment and the necessary environmental documentation to ensure that any future changes align with the TRPA Goals and Policies and Environmental Threshold standards. With regard to monitoring of TMDL implementation measures, as discussed in the response to comment 12-67, Placer County is participating in a long-term monitoring program of stormwater outfalls to evaluate the effectiveness of BMPs in meeting TMDL requirements.
- 12-70 The comment questions the use of permanent stormwater BMPs to address the potential water quality impacts of the Tahoe City Lodge. Please see response to comment 12-67.
- 12-71 The comment requests the use of field measurement of pollutant loading to verify the effectiveness of BMPs and other water quality projects as required by the Lake Tahoe TMDL. Please see the response to comment 12-67 related to long-term monitoring of stormwater outfalls to measure BMP effectiveness and TMDL compliance.
- 12-72 The comment requests reexamination of TRPA and CEQA significance criteria related to water quality. As described in the responses to comments 12-7, 12-51, 12-52, 12-60, 12-61, 12-

63, 12-66, 12-67, and 12-68, the Draft EIR/EIS carefully evaluates the potential for the Area Plan and the Tahoe City Lodge to create water quality impacts relative to these significance criteria. These findings were again reviewed in preparation of this Final EIR/EIS and determined to be appropriate.

- 12-73 This comment provides a summary of comments 12-60 through 12-72 and argues that the Draft EIR/EIS is inadequate for the reasons cited in each comment. Please see responses to comments 12-60 through 12-72, which address these issues.
- 12-74 The comment requests that a discussion of TRPA's Air Quality threshold standard relative to atmospheric deposition of nitrogen be inserted into Section 5.2.2. This section provides an overview of TRPA threshold standards relative to land use planning. A discussion the TRPA nitrate deposition threshold can be found in Section 11.2.2 of the Draft EIR/EIS. Additionally, Impact 11-7 specifically addresses atmospheric deposition of nitrogen and phosphorus.
- 12-75 The comment summarizes background information about the causes of wildfire, factors that increase potential for wildfire, fire hazard severity zones in the Area Plan, and access and evacuating the communities in the Area Plan. The commenter disagrees with the Draft EIR/EIS conclusion that interference with implementation of an emergency response plan or emergency evacuation plan (Impact 18-3) and exposure of people or structures to wildland fire hazards (Impact 18-4) would be less than significant. The commenter also asserts that the Draft EIR/EIS does not provide an emergency response plan or emergency evacuation plan and includes no provisions for preparing these plans.
- The Draft EIR/EIS characterizes the existing wildland fire hazards and factors that contribute to increases in wildfire threat, including the presence of urban development and, thus, people in the Area Plan on page 18-12 in Chapter 18, "Hazards, Hazardous Materials, and Risk of Upset," of the Draft EIR/EIS. As described in Impact 18-4 on page 18-28, the Area Plan would not increase the number of residents in high or very high fire hazard areas over that previously considered by the RPU EIS and RPT/SCS EIR/EIS and, "with implementation of the Area Plan, most of the future development would be directed to town centers and mixed-use areas." Also described in Impact 18-4 on page 18-28, because new development subsequent to the Area Plan would implement regulations addressing fire protection concerns by the NTFPD, defensible space requirements, and Area Plan and Regional Plan policies, and fuels reduction efforts in the Area Plan would continue, "the potential exposure to high or very high fire hazards for additional visitors not previously considered in the RPU EIS and RTP/SCS EIR/EIS would be reduced." The comment offers no additional evidence that the analysis presented in the EIR/EIS is inadequate; therefore, no further response can be provided.
- With respect to addressing impacts from the Area Plan on emergency response and evacuation, see Master Response 6, Emergency Access and Evacuation, in Section 3.1 of this Final EIR/EIS.
- 12-76 The comment takes issue with the Draft EIR/EIS statement that the Area Plan would not alter or revise the existing Placer Operational Area East Side Emergency Evacuation Plan, Placer County Local Hazard Mitigation Plan, or Lake Tahoe Geographic Response Plan (LTGRP) because none of these documents address roadway capacity, the East Side Emergency Evacuation Plan does not include the Tahoe Basin, and the LTGRP only address hazardous chemicals. With respect to applicability of these plans to emergency response and evacuation, see Master Response 6, Emergency Access and Evacuation, in Section 3.1 of this Final EIR/EIS.
- 12-77 The comment disagrees with the conclusion in the Draft EIR/EIS that the addition of Tahoe City Lodge visitors would not substantially increase existing congestion; asserts that

congestion generated by the Area Plan, Tahoe City Lodge, and LOS policy revisions would impede emergency access and evacuation; and disagrees that redirecting future development to walkable areas would reduce vehicle congestion, in spite of traffic impact conclusions to the contrary. The comment also asserts that the Draft EIR/EIS does not consider impacts of visitor traffic during weekdays. With respect to the traffic impacts on emergency evacuation, see Master Response 6, Emergency Access and Evacuation, in Section 3.1 of this Final EIR/EIS.

12-78 The comment disagrees with the EIR/EIS conclusion that, because there would be limits on future development and the addition of visitors would not substantially increase congestion, the Area Plan would not interfere with emergency response and evacuation plans. With respect to the traffic impacts on emergency evacuation, see Master Response 6, Emergency Access and Evacuation, in Section 3.1 of this Final EIR/EIS.

The comment equates the LOS analysis in EIR/EIS Chapter 10 with the analysis of hazards in EIR/EIS Chapter 18. The transportation analysis focuses on typical roadway operations, not on roadway operations under emergency conditions. LOS analysis should not be equated with how area roadways will operate during an emergency.

12-79 The comment expresses concern about the impacts of the Area Plan on evacuation and emergency response. See Master Response 6, Emergency Access and Evaluation Evacuation, in Section 3.1 of this Final EIR/EIS. Reducing fuel loads and increasing defensible space reduce the speed and/or severity of fire events, which in turn reduces the need for emergency evacuations.

12-80 The Draft EIR/EIS concludes that, based on statements by emergency responders that they can adequately serve the Tahoe City Lodge project and that the project will be required to meet fire safety requirements prior to permit approval, the project would not interfere with emergency response or evacuation. The commenter disagrees. See Master Response 6, Emergency Access and Evacuation, in Section 3.1 of this Final EIR/EIS.

12-81 The comment states that the Draft EIR/EIS does not analyze the capacity of roads to adequately accommodate timely evacuation, backup plans in the event a road becomes impassable, or performance standards to ensure that additional people and vehicles from new or redeveloped projects do not impede evacuation plans. See Master Response 6, Emergency Access and Evacuation, in Section 3.1 of this Final EIR/EIS.

12-82 The comment suggests that adopting the Area Plan would place people in danger and impede safe evacuation. See Master Response 6, Emergency Access and Evacuation, in Section 3.1 of this Final EIR/EIS.

12-83 This comment expresses concern that the Draft EIR/EIS does not adequately address the potential impacts of large flood events, which may increase in frequency due to climate change. The Draft EIR/EIS identifies both the 100-year and 500-year floodplain limits as illustrated in Exhibits 15-2, 15-3, and 15-4, and discussed in Impact 15-4. The Area Plan would make no changes to the existing TRPA and Placer County prohibitions on construction in the 100-year floodplain or alteration of base flood elevations. Additionally, the Federal Emergency Management Administration (FEMA) which administers the National Flood Insurance Program is working to incorporate climate change projections into its flood mapping (FEMA 2013). As a result, Placer County's continued regulation and implementation of the 100-year floodplain policies and FEMA regulated special flood hazard zones will account for changes in calculation of future floodwater elevation.

12-84 This comment expresses concern regarding seiche impacts and the ability of Plan area communities to evacuate in the event of an emergency. A seiche is a large, oscillating wave

in an enclosed body of water triggered by an earthquake or underwater landslide. As described in the Draft EIR/EIS, programmatically, the threat of seiche is addressed through the Placer County Local Hazard Mitigation Plan which includes public outreach and education regarding seiche hazards, and seiche warning systems to address current and future development (Draft EIR/EIS Impact 14-3, page 14-34). The project level analysis of the Tahoe City Lodge found that the county level mitigation plan alone may not sufficiently address the threat of seiche and required the preparation of a site-specific emergency response and evacuation plan for the Tahoe City Lodge (Draft EIR/EIS Mitigation Measure 14-3b, page 14-36). The comment also questions the feasibility of evacuating Plan area communities due to roadway congestion. For a discussion of emergency response and evacuation with the Plan area, see Master Response 6, Emergency Access and Evaluation, in Section 3.1 of this Final EIR/EIS.

12-85

The comment expresses concern about the level of GHG emissions associated with development under the Area Plan and the impact of climate change on Lake Tahoe. The commenter asserts that “allowing any increase in GHG emissions contributes to further climate-fueled harm to Lake Tahoe.” The analysis of GHG emissions is presented under Impact 12-1, which begins on page 12-15 of the Draft EIR/EIS. Here it is explained that the Area Plan would result in a net decrease in long-term operational GHG emissions from existing 2015 conditions and lower emissions than would have occurred under the Regional Plan Update (RPU) under all four Area Plan alternatives. In other words, the Area Plan would result in land uses that are more GHG efficient than the existing land uses.

The commenter also points out that automobile use is one of the largest sources of GHG emissions. The level of mobile-source emissions associated with the Area Plan is evaluated in Impact 12-1, which begins on page 12-28 of the Draft EIR/EIS. The analysis shows that the Area Plan would meet and exceed the Senate Bill 375 targets for reducing GHG emissions from light-duty passenger vehicles in the area overseen by the Tahoe Metropolitan Planning Organization.

The comment suggests that the Area Plan fails to reduce emissions from vehicles and boats. The comment does not provide sufficient information to allow a detailed response. See response to comment 12-92 for additional discussion about emissions from boats operating on Lake Tahoe.

The comment expresses concern about the Draft EIR/EIS analysis of impacts of climate change on the project. This analysis is provided under Impact 12-3, which begins on page 12-31 of the Draft EIR/EIS. The comment specifically mentions the effects climate change would have on stormwater runoff, precipitation patterns, flooding, wildfire threats, and water supply. Refer to the responses to comments 12-86 and 12-109 regarding water supply. Refer to response to comment 12-112 regarding wildfire risk.

12-86

The comment states the less-than-significant water supply impact for the Area Plan and Tahoe City Lodge is based on tiering from the water supply analysis for the RPU and relies on future project-level reviews. This statement is incorrect. As described below, conclusions of the water supply analysis do not rely on tiering from the RPU EIS. The Draft EIR/EIS summarizes comments received on the NOP, including those related to the implications of climate change on water supply (page 16-1) and the reader is referred to the analysis of effects of climate change on water supply in Chapter 12, “Greenhouse Gas Emissions and Climate Change.” The Draft EIR/EIS assesses the effects of drought on water supply, stating, “While the impacts of climate change on Lake Tahoe and the groundwater resources that supply water to the Plan area cannot be known with specificity, it is important to acknowledge that a changing climate is likely to result in the need for additional conservation measures and judicious use of water supplies into the future” (Draft EIR/EIS, page 12-33, Impact 12-3). As described on page 12-33, because there are strategies in place that plan

for changes in water supply reliability (e.g., Urban Water Management Plans) and because development under the Area Plan “would be subject to all applicable local regulations, codes, and programs that would reduce the extent and severity of climate change-related impacts to the project by providing methods for adapting to these changes,” the extent and severity of potential climate change-related effects would be reduced.

The comment asserts that the RPU EIS did not analyze the increased water demand that could occur if the Tahoe Basin’s second homes became primary homes, the development potential from transfers, and conversions of units associated with recent RPU amendments that allow conversion of CFA and TAUs. The comment notes that the EIR/EIS recognizes the increase in water demand from converting CFA to TAUs, but only considers the new conversions allowed by the Area Plan and does not include the increase in demand associated with the TRPA 2015 RPU amendment regarding CFA to TAU conversions. The water demand analysis for the Area Plan included in Impact 16-1 (pages 16-18 through 16-21) does assess the potential for full-time occupancy of all residential units, including second homes, throughout the year and likely double counts some water use since the water demand is calculated for the increase in population and residential units (see Footnote 2 in Table 16-3). The water demand associated with the number of TAUs and amount of CFA that could be developed as part of the Area Plan’s program for limited conversion of CFA to TAUs (see pages 3-17 and 3-18 of the Draft EIR/EIS) accounts for maximum conversion of CFA to TAU that would be allowed by the Area Plan. As identified in Footnote 1 of Table 16-3 on page 16-20, the increase in CFA and TAUs are derived from Table 6-8 on page 6-12 that shows buildout of the Area Plan with conversion of CFA up to 400 TAUs for the proposed Area Plan. Even if there is another CFA to TAU conversion program in the Basin, the Area Plan CFA to TAU conversion program identifies on page 3-18 that “[n]o more than 400 additional TAUs may be established in Placer County *through this pilot program and other programs combined* [emphasis added].” Therefore, it is beyond the scope of this EIR/EIS to assess any as yet unknown programs in the Tahoe Basin that would allow for the conversion of CFA to TAUs.

The comment states that the Draft EIR/EIS relies on future project-level reviews to address water supply. Impact 16-1 references water supply analysis conducted in the RPU EIS, but also conducts new analysis of the increase in water demand from additional population, housing units, tourist accommodation units, and commercial floor area that would occur under buildout of the Area Plan over existing conditions (see Table 16-3 on page 16-20 in the Draft EIR/EIS). As shown in Table 16-3, Alternative 1 (proposed Area Plan) would result in the greatest increase in annual and daily water demand, compared to the other three alternatives, with 797 acre-feet per year (afy) and 250,076 gallons per day (gpd). As stated on page 16-19, NTPUD expects to accommodate additional water demand in 2030 equal to 1,747 afy over existing conditions and TCPUD expects to accommodate additional water demand in 2030 equal to 74 afy over existing conditions. The Draft EIR/EIS describes the service area for TCPUD has largely built out and that most new development would be through redevelopment. Additionally, TCPUD has an additional 981 afy of unused surface water rights and NTPUD has an additional 5,873 afy of unused surface and groundwater rights. For these reasons, as described on page 16-19 in the Draft EIR/EIS, there are “ample water supplies to accommodate buildout of any of the Area Plan alternatives.” Additionally, as required by Section 32.4 of the TRPA Code of Ordinances, future individual projects under the Area Plan would be required to demonstrate with a will serve letter from the applicable water purveyor that there would be adequate water supply for domestic consumption and fire protection associated with the individual future project. For these reasons, the Draft EIR/EIS adequately assesses water supply impacts from buildout of the Area Plan.

12-87

The comment provides information related to workers commuting to jobs in the Tahoe Basin and the associated transportation and other environmental impacts. Impact 6-2 identifies

that there would be a jobs-to-housing imbalance associated with implementation of Alternatives 2 and 4 such that workers employed in the Tahoe Basin would likely commute from surrounding areas. As described on page 6-21 of the Draft EIR/EIS, the employee numbers associated with these alternatives are “outputs of the TransCAD model used for the VMT analysis, the total VMT generated by implementation of Area Plan Alternative 2 includes the VMT associated with out-of-Basin employees commuting to and from their job sites,” and the associated transportation, transit, air quality, and noise impacts of workers commuting into the Tahoe Basin is assessed in the Draft EIR/EIS. The comment offers no specific information or evidence that the analysis presented in the EIR/EIS is inadequate; therefore, no further response can be provided.

The comment suggests that policies in the Area Plan would lead to more low-wage jobs in the Tahoe Region and increase the demand for affordable housing. The commenter disagrees with the statement in the Draft EIR/EIS that evaluating the types of new jobs generated by the Area Plan is difficult due to economic shifts for the reason that since Tahoe’s economy is based on seasonal tourism and recreation, which favor low-wage, part-time jobs, and that RPU and Area Plan policies favor redevelopment that focuses on tourism and recreation. The commenter states that the Area Plan fails to ensure that supply of affordable housing will be sufficient to meet the demand and the EIR/EIS concludes this would be a less-than-significant impact. See Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.

- 12-88 The comment states that because the Area Plan allows secondary housing units to be market rate there is no guarantee that such units would provide housing for moderate or low-income households. The comment states that unless the secondary housing units are deed-restricted, they cannot be considered to provide affordable housing. See Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.
- 12-89 The comment provides information related to affordable housing proposed as part of the Gondola Vista project in South Lake Tahoe. The comment suggests that the Area Plan should limit new development that creates lower income jobs until affordable housing is guaranteed. With respect to providing affordable housing, see Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.
- 12-90 The comment expresses concern that because current Placer County programs only require a portion of affordable housing needed to support new development, new development continues to create new low- and moderate-income jobs without providing housing to support them. Additionally, there is a delay between payment of mitigation fees and construction of affordable housing. See Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.
- 12-91 The comment requests that the Area Plan identify potential locations for low and very low income housing. This comment refers to the content of the proposed Area Plan and does not raise issues related to the completeness or adequacy of the Draft EIR/EIS.

The comment states that the Area Plan fails to ensure adequate affordable housing and amends an RPU policy to reduce the amount of deed-restricted affordable housing. The commenter expresses concern that, in general, environmental protections are waived or weakened in order to accommodate affordable housing, such as through a provision that allows new units without requiring residential allocations. For these reasons, the commenter asserts that there is no evidence to support the assertion of less-than-significant impacts for Impacts 6-1 and 6-2. The commenter only provides general information that the analysis presented in the EIR/EIS is inadequate; however, with respect to general concerns about providing affordable housing, see Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.

- 12-92 The comment suggests that the analysis of long-term operational emissions of reactive organic gases (ROG), oxides of nitrogen (NO<sub>x</sub>), respirable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>) under Impact 11-3 and the analysis of atmospheric deposition of NO<sub>x</sub> and phosphorus under Impact 11-7 do not account for emissions from increased levels of boating on Lake Tahoe. There is no evidence to suggest that adoption of the Area Plan would result in increased boating activity. The air quality analysis in the Placer County Tahoe Basin Area Plan and Tahoe City Lodge Draft EIR/EIS focuses on the contribution of air pollutant emissions from development that would occur under the Area Plan in the Plan area. The mass emission-based significance criteria are used for the analysis under Impact 11-3, which begins on page 11-23 of the Draft EIR/EIS, to determine whether implementation of the Area Plan would result in a contribution of emissions to the Lake Tahoe Air Basin (air basin) that would conflict with or obstruct implementation of the applicable air quality plan and/or violate any air quality standard or contribute substantially to an existing or projected air quality violation. A mass emissions threshold is used because these are pollutants of air basin-wide concern. Emissions associated with projects located outside the Plan area were, or will be, quantified and evaluated in their respective environmental review documents.
- As noted above, the comment suggests that adoption of the Area Plan would result in more boating activity and boat-generated emissions. The comment refers to a statement by TRPA's Executive Director that "there will be a drive for increased demand for recreation in the Basin," but the comment provides no evidence to suggest that there would be an increase in power boat activity due to the implementation of the Area Plan or any other land use development projects in and near the Tahoe Basin. Implementation of the Area Plan and development of the Tahoe City Lodge would not result in an increase in development of shoreline features, new boat ramps, new mooring buoys, new piers, or a new marina, or increased boating activity at marinas and boat ramps.
- The comment requests that the Final EIR/EIS address the potential cumulative increases in emissions from regional development. Cumulative impacts to air quality are discussed under Cumulative Impacts 11-1 through 11-7 on pages 19-18 through 19-21 of the Draft EIR EIR/EIS.
- 12-93 This comment requests additional analysis of environmental impacts of the Area Plan program that would allow the limited conversion of CFA to TAUs. As described in Impact 5-1 on page 5-14 of the Draft EIR/EIS, the conversion of CFA to TAUs would be limited in number and would only occur in the Plan area. This policy would allow a limited number of development rights to shift from one commodity area to another, but all development would be subject to zoning restrictions, land coverage restrictions, scenic requirements, water quality protections, and all other provisions of the TRPA Code. In addition, the proposed policy would align with Section 50.10.1 of the TRPA Code, which currently permits the opposite conversion of TAU's to CFA.
- 12-94 This comment requests that any future land use changes be subject to environmental review, and that that analysis include the potential effects of projects outside of the Tahoe Basin on land uses within the Tahoe Basin. As described in Cumulative Impact 5-2 on page 19-5 of the Draft EIR/EIS, any potential change in land use would require an amendment to the TRPA Regional Plan and the associated independent environmental analysis. In addition, all new development within the Plan area would be required to demonstrate consistency with the TRPA Regional Plan land use designations. This would occur regardless of development occurring outside of the Tahoe Basin.
- 12-95 The comment reiterates the findings of the Draft EIR/EIS with regard to cumulative population growth and related housing. The comment makes the point that seasonal employees still require housing, and suggests that the EIR concludes that there will be less demand for housing. This is not true. The excerpted text referenced in Footnote 317 pertains

to Impact 6-1, which speaks to the location, distribution, density, and growth rate of population and housing, not housing demand. The Draft EIR/EIS concludes that development within the Tahoe Basin would proceed in accordance with the RPU and Area Plan, and reasonably foreseeable projects outside the Tahoe Basin would have a moderate effect on patterns of population, employment, and housing. It would generate additional seasonal and year-round employment that would draw workers from Truckee and communities in the Plan area. Because the residential component of the cumulative projects would include a substantial number of second homes (meaning many of their owners would not be seeking employment in the Tahoe Region), employment opportunities would be limited in number and potentially seasonal (meaning they would be less stable for the long term), there would not be a significant, cumulative effect on the distribution of population, employment, or housing.

- 12-96 The comment pertains to mitigation for employee housing units, suggesting that in-lieu fees do not guarantee that adequate affordable housing is available for employees when their employment begins. See Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.
- 12-97 The comment suggests that a significant number of employees of regional projects in the Truckee/Northstar/Squaw Valley area would seek housing in the Tahoe Basin. In fact, conclusions as to where employees of cumulative projects would seek housing highly speculative. As described in response to comment 12-96, Placer County Code requires housing projects to set aside a proportion of units for affordable housing, and for development projects to provide housing for 50 percent of FTE employees of the project through housing construction, dedication of land, or payment of an in-lieu fee. Remaining demand would be met through existing housing stock. With regard to housing in the Tahoe Basin, development is limited by TRPA's growth management system, as modified by the policies of the Area Plan.
- 12-98 The comment states that by allowing secondary units to serve as market rate housing, this would decrease the availability of affordable housing. See Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.
- 12-99 The comment suggests that the gap between housing needs generated by the cumulative projects and the availability of affordable housing is cumulatively considerable. The comment does not provide evidence for this conclusion, nor evidence to refute the conclusions of the Draft EIR/EIS. The comment excerpts text (footnote 323) that it claims should evaluate the cumulative impacts of the regional projects rather than those of the project. In accordance with CEQA Guidelines Section 15130, the Draft EIR/EIS assesses cumulative impacts (impacts of the project plus those causing related impacts), then offers analysis as to whether the project's contribution is cumulatively considerable. The referenced footnote excerpts text from the latter analysis, that is, whether the project contribution is considerable.
- The comment notes that the Area Plan does not identify the ongoing market for vacation rentals and its effect in removing potential low- and moderate-income housing for low-wage employees. The comment neither offers evidence for the claim, nor suggests how this would influence the conclusions of the EIR/EIS. The Area Plan and Tahoe City Lodge projects would include future development of residential, commercial, and tourist uses, and based on the analysis in the Draft EIR/EIS, would not have a cumulatively considerable effect on housing demand.
- The comment suggests that, because Placer County requirements require provision of housing for 50 percent of the FTE employees of the Tahoe City Lodge, and the Draft EIR/EIS does not identify how or where the other half will be housed, that the Draft EIR/EIS has not

evaluated the impact. It is reasonable to assume that 15 FTE employees of the Tahoe City Lodge, once constructed, would find housing available from the existing housing stock. In any case, this level of housing demand would not result in a significant effect on the environment.

12-100

The comment asserts that the EIR/EIS should include an analysis of the cumulative effects of the Area Plan alternatives on views from the Tahoe Rim Trail, and that it should include an analysis of the combined visual effects of development outside of the Plan area, including north Stateline, Incline Village, and Martis Valley.

The Draft EIR/EIS analyzes the cumulative effects on scenic resources on pages 19-13 to 19-14. The proposed Area Plan would allow buildings with heights of up to 4 to 14 feet taller than are currently allowed within portions of the Tahoe City and Kings Beach Town Centers (see Draft EIR/EIS page 9-17). As described in the Draft EIR/EIS on page 9-5, "Today, less than two percent of the land within the Plan area is vacant and privately owned (Placer County 2013b:3-9). Thus, while some new development will occur, most new projects involve redevelopment of previously developed sites". More specifically, within the Tahoe City Town Center there are zero vacant and developable parcels, and within the Kings Beach Town Center there are 17 vacant and potentially developable parcels, although several of these are owned by the Tahoe Conservancy or other conservation agencies, and they would not be developed. While the proposed Area Plan would allow for redevelopment that would result in building heights that or 4 to 14 feet greater than would otherwise be allowed, this redevelopment would occur only within the core areas of Tahoe City and Kings Beach, the areas that include the most intensive existing development within the Plan area.

The Tahoe Rim Trail is a hiking trail that circles the Tahoe Basin near the top of ridgelines surrounding the Tahoe Basin. The closest location on the Tahoe Rim Trail that could offer a vista overlooking Tahoe City is at a location where the trail is near the top of the ridge just north of Ward Creek, approximately three miles southwest of Tahoe City. The closest location on the Tahoe Rim Trail that could offer a vista overlooking Kings Beach is along the ridge of Mt. Baldy, approximately 3.25 miles northeast of Kings Beach. At these distances, the additional 4 to 14 feet of building height allowed by the proposed Area Plan, would not be visually perceptible within the already developed areas of Tahoe City and Kings Beach.

With respect to the comment's suggestion that the EIR/EIS must analyze the cumulative scenic effects of projects outside of the Tahoe Basin, or more distant projects within the Tahoe Basin, the Draft EIR/EIS explains the rationale for the geographic scope of the cumulative scenic analysis as follows: "Because the Tahoe Basin is geographically and topographically separated from the Martis Valley, Olympic Valley, Truckee, and other areas in which reasonably foreseeable future projects could be constructed, it is also visually isolated so that in-Basin and out-of-Basin projects do not readily combine to create cumulative effects. The nearest, and largest of the out-of-Basin cumulative projects include Village at Squaw Valley Specific Plan, physically distant and visually isolated from the Plan area; and Martis Valley West Parcel Specific Plan (MVWPSP), adjacent to, but just outside the Tahoe Basin boundary, east of SR 267. Visual analyses and simulations conducted for the MVWPSP conclude that the project is not visible from scenic resources in the Tahoe Basin. Brockway Campground is proposed within the Tahoe Basin boundary, adjacent to the MVWPSP, near the Brockway Summit off of SR 267. This project would be required to comply with TRPA standards and the Area Plan provisions, including policy SR-P-9, which prohibits buildings from projecting above the forest canopy, ridgelines, or otherwise detracting from the viewshed. For these reasons, the cumulative scenic impacts of the Area Plan alternatives would result from development within the Tahoe Basin, and would be unaffected by out-of-Basin projects." (Draft EIR/EIS page 19-13). A similar rationale would apply to the cumulative effects of more distant projects within the Tahoe Basin. North Stateline is separated from the

- nearest Town Center in the Plan area (Kings Beach Town Center) by an approximately 600-foot forested ridge that completely blocks views of Kings Beach from North Stateline, such that views of North Stateline and Kings Beach would not be within the same viewshed. Incline Village is approximately three miles farther east and would also not be within the same viewshed as the Plan area. Thus, the Plan area is visually separated, so that projects in North Stateline, Incline Village, or more distant locations in the Tahoe Basin do not readily combine to create cumulative effects. The comment provides no evidence or explanation to suggest that the geographic scope of the cumulative analysis of scenic resources in the Draft EIR/EIS is inadequate.
- 12-101 This comment reiterates previous comments that the Area Plan analysis is based on disputed results of other environmental analyses. See response to comment 12-39.
- 12-102 The comment argues that future economic growth could expand traffic activity, which should be considered in the analysis. See response to comment 12-28. Increasing the “existing” traffic volumes to reflect potential future traffic growth associated with economic expansion would require conjecture as to whether additional economic expansion will occur, as well as whether there are other factors (such as societal factors) that may impact traffic volumes in the future. Applying a “cushion” to the region-wide VMT threshold would require the CEQA analysts to develop new policy, which is not an appropriate role.
- 12-103 The commenter is concerned that recently approved projects (such as Homewood Mountain Resort) are not reflected in the analysis. While the model is calibrated against recent traffic counts, the future land uses used to identify future traffic volumes and VMT impacts reflect currently-approved-but-not-yet-constructed project such as Homewood Mountain Resort and Boulder Bay.
- 12-104 The comment states that the cumulative traffic analysis in the Draft EIR/EIS failed to consider the increased traffic associated with the transfers and conversion of uses. See Master Response 1, VMT and LOS, in Section 3.1 of this Final EIR/EIS.
- 12-105 The comment pertains to the traffic implications of population growth throughout northern California and Nevada. The commenter is incorrect in stating that the environmental document claims the traffic growth will be mitigated; the fact that impacts such as Impact 10-1 are found to be significant and unavoidable indicates that the measures identified will not be sufficient for full mitigation. In addition, the fact that Tahoe traffic volumes/VMT have declined since 1981 while the total population of California and Nevada has climbed by 66 percent (US Census figures) indicates that a potential lack of correlation between drive-area population and Tahoe traffic levels.
- 12-106 The comment expresses the opinion that a more frequent review of traffic volumes along Fairway Drive is warranted, and that a specific standard of acceptable roadway capacity should be defined. See response to comment 12-41. Note that the five-year standard is identified as a minimum frequency. The county has adopted a Neighborhood Traffic Management Program (NTMP) that allows residents to trigger evaluation on a more frequent basis and implement solutions to through traffic issues. The request for a more specific standard to be applied to the local streets is noted and will be considered during project review.
- 12-107 This is an additional comment regarding region-wide VMT. See Master Response 1, VMT and LOS, in Section 3.1 of this Final EIR/EIS.
- 12-108 This comment expresses concern regarding the ability of water quality BMPs to adequately treat stormwater runoff. Please see the response to comment 12-67 of this Final EIR/EIS.

- 12-109 The comment asserts that the EIR/EIS must consider the potential for the TROA to be amended as climate change and drought threatens water supply. Conducting such analysis as part of this EIR/EIS based on any potential for the TROA to be amended would be speculative, especially since, after years of litigation and discussion, the TROA was officially implemented on December 1, 2015 (see page 16-2 of the Draft EIR/EIS).
- The comment provides information related to the contents of the TROA EIS related to drought and climate change-related effects on water supply. The commenter also provides information related to climate-related impacts on water supply included in the recently released Truckee Basin Study, Basin Study Report (December 2015). The commenter asserts that the Area Plan must address the potential cumulative impacts on demand throughout the Lake Tahoe and Truckee watersheds. The cumulative water demand impact for the Area Plan is assessed on pages 19-26 through 19-27 in the Draft EIR/EIS. The analysis states, “[a]t the time of preparation of the RPU EIS, water demand in the Tahoe Basin was approximately 28,079 afy, and the estimated additional demand generated by development of remaining commodities allocations, Basin-wide, would be 1,725 afy (TRPA 2012a:3.13-12 – 3.13-13). Because development has been relatively limited since that time, existing water demand in the Tahoe Basin is similar to that presented in the RPU EIS, and projected Basin-wide demand under the Regional Plan would be accommodated by the TROA allocation.” Furthermore, TCPUD and NTPUD have adequate water from existing and planned surface and groundwater sources, well within their existing surface and groundwater rights, in order to serve full buildout of the Area Plan (see response to comment 12-86). As described on page 19-26, “Water demand for projects outside the Tahoe Basin is met through surface water allocations and groundwater that does not intersect with Plan area water supplies provided through NTPUD and TCPUD.” Furthermore, Cumulative Impact 16-1 concludes on page 19-27 that cumulative water demand would be less than significant because individual projects, including the Tahoe City Lodge, would be required to comply with applicable codes and regulations and to acquire will-serve letters from water purveyors, thereby verifying adequate water supplies.”
- As described on page 19-21 of the Draft EIR/EIS, “[g]reenhouse gas emissions are inherently cumulative in nature and are discussed in Impact 12-1 in Chapter 12, “Greenhouse Gas Emissions and Climate Change.” With respect to drought and climate change effects on water supply, see also response to comment 12-86.
- 12-110 The comment states that the EIR/EIS must consider the water demand associated with the change from use of second homes to primary residences or more frequent use, which the commenter also provided as a comment on the NOP. The commenter goes on to assert that analysis of more frequent use of second homes needs to be extended to the Truckee/Tahoe Region in order to assess cumulative water demand. With respect to analysis of water demand from more second homes being used more frequently, or as primary residences, see also response to comment 12-86. As described in Cumulative Impact 16-1 on page 19-26, “surface water from Lake Tahoe and the Truckee River for project areas downstream from the Tahoe Basin are subject to TROA allocations for those areas,” and, thus, “water demand from projects outside the Tahoe Basin would not combine with the proposed project to create cumulative water supply impacts.” Therefore, the cumulative water demand analysis in this EIR/EIS is not required to determine the water demand associated with more frequent use of second homes needs to be extended to the Truckee/Tahoe Region.
- 12-111 In reference to Cumulative Impact 18-3 and Cumulative Impact 18-4, the commenter states that the cumulative impacts from regional projects must be assessed, including the Village at Squaw Valley Specific Plan (VSVSP), Martis Valley West Parcel Specific Plan, Northstar area projects, other Truckee area projects, and the population increases in Northern California and Nevada. The commenter asserts that the Draft EIR/EIS has failed to analyze and

disclose impacts of the Area Plan and Tahoe City Lodge on emergency access and evacuation and dismisses these impacts based on irrelevant information. The commenter also asserts that project-level mitigation is not sufficient to address evacuations and emergency access because these are cumulative, regional problems. As described on page 19-32 through 19-33 of the Draft EIR/EIS, the cumulative analysis of cumulative exposure of people or structures to wildland fire hazards considers the contribution of a number of projects, including those identified in the comment, in combination with the proposed project. The comment offers no specific information or evidence that the analysis presented in the EIR/EIS is inadequate; therefore, no further response can be provided.

With respect to cumulative emergency response and evacuation impacts, see Master Response 6, Emergency Access and Evacuation, in Section 3.1 of this Final EIR/EIS.

12-112

The comment disagrees that extension of water service, roadways, fire clearance measures, application of the Community Wildfire Protection Plans (CWPPs), and collection of fees in the State Responsibility Areas (SRAs) will mitigate the cumulative impact related to exposure of people or structures to wildland fire hazards. The commenter asserts that concentrating development in already urbanized areas, as acknowledged in the EIR/EIS, does not address the potential for fire ignition associated with the increased presence of more people recreating in the forest. The analysis in Cumulative Impact 18-4 recognizes the potential for ignition of wildland fires associated with increased human presence and activity on page 19-33 of the Draft EIR/EIS. The analysis goes on to state that, in addition to directing new development in urbanized areas and outside of the wildland-urban interface, the potential exposure to wildfire hazards would be further reduced through continued implementation of fire fuels reduction projects and existing fire protection regulations that would ensure new development includes fire resistant building materials, defensible space, fire-safe landscaping, adequate water supply, and emergency access. Additionally, as identified on page 19-33, future individual projects implemented pursuant to the Area Plan would be required to assess, and mitigate if necessary, their potential impacts on exposure of people or structures to wildland fire hazards. The commenter does not provide evidence that the combination of directing new development into existing urbanized areas, adhering to regulations described above, and implementing fuels reduction projects, would not decrease the potential risk for exposure of people or structures to wildland fire hazards.

The commenter recognizes that implementation of the Community Wildfire Protection Plan will help improve defensible space and provide better protection for homes, but evacuation would still be required. The commenter argues that although the measures mentioned in the impact analysis would better prepare us for attacking fires and protecting homes, these measures do not improve evacuation times or prevent areas from ever having to be evacuated. With respect to evacuation impacts, see Master Response 6, Emergency Access and Evacuation, in Section 3.1 of this Final EIR/EIS.

12-113

The comment proposes that Placer County and TRPA develop a monitoring framework for nearshore water quality. In 2013, the Desert Research Institute (DRI), University of California at Davis (UC Davis), and University of Nevada at Reno (UNR) released the Lake Tahoe Nearshore Evaluation and Monitoring Framework Report, which provided a general summary of existing nearshore conditions and processes. In response to this report, LRWQCB developed the Lake Tahoe Nearshore Water Quality Protection Plan, which outlines the water board's strategy for establishing and maintaining nearshore water protection policies and for adapting current regulation to address nearshore issues (LRWQCB 2014). Currently, long term nearshore monitoring is being funded by the LRWQCB, TRPA, the U.S. Geological Survey, and UC Davis at seven sites around Lake Tahoe (TERC 2016).

12-114

The comment notes that the Draft EIR/EIS includes many mitigation measures that are requirements of the Placer County permitting process. The Placer County Engineering and

Surveying Division (ESD) requires the inclusion of standard permit conditions as mitigation measures in all Placer County EIRs to verify completion and monitor performance. The comment also states that mitigation measures will not fully alleviate all impacts of any given project. This statement is acknowledged. Mitigation measures are required to *reduce* the impact on a given resource to a less-than-significant level, as determined by a set of significance criteria, which may or may not reduce *all* identified impacts.



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Date: August 15, 2016  
To: Ms. Crystal Jacobsen, Ms. Lucia Maloney, and Ms. Nanette  
From: The League to Save Lake Tahoe  
Re: **Comments on Draft Environmental Impact Report/Statement for Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project**

Dear Ms. Jacobsen, Ms. Maloney, and Ms. Hansel:

The League to Save Lake Tahoe (the League) appreciates the opportunity to provide comments on the Draft Environmental Impact Report/Statement (DEIR/S) for the Placer County Tahoe Basin Area Plan (the Area Plan) and Tahoe City Lodge Project (the Lodge Project). The public process for this Area Plan is a testament to stakeholder collaboration. The League has worked closely with Placer County and Tahoe Regional Planning Agency (TRPA) staff to implement environmental targets throughout this planning process. The League incorporates in Attachment D an analysis conducted by Mr. Greg Riessen, P.E. relating to traffic impacts (consultant to the League). While the League ultimately hopes to support this Area Plan, serious concerns relating to the TRPA vehicle miles traveled (VMT) threshold must be resolved in the final environmental review. Fine sediment from the urban landscape, mainly coming from roads caused by intensive use by vehicles, is the number one cause of loss of clarity and impacts to lake water quality. The League recommends that proper mitigation for traffic increase be included in the Area Plan and that TRPA consider halting issuance of any new development

13-1

entitlements until this threshold is critically assessed. The associated comment letter contextualizes these and other issues related to the DEIR/S:

- **Placer County has worked diligently over the past four and a half years to create a draft Area Plan for its entire jurisdiction within the Lake Tahoe Basin which incorporates input from community stakeholder teams. The League has participated as a stakeholder and engaged in thorough conversations with Placer County and TRPA relating to environmental issues within the Area Plan. This Area Plan has seen several renditions with hours of not only input from stakeholders, but negotiations with TRPA Governing Board members through Regional Plan Implementation Committee (RPIC) meetings. The results have provided opportunity for both economic redevelopment incentives and environmental restoration. These efforts must be highlighted to demonstrate the amount of collaboration expended so that the below concerns do not hinder this progress.**
- **The Area Plan cannot be used as mitigation for near-Basin project VMT impacts. It appears Placer County is relying on any progress on existing traffic problems through the stakeholder and community input for this Area Plan to solve increased traffic demand created by the Village at Squaw Valley Specific Plan (Squaw), Martis Valley West Specific Plan (Martis Valley), and Brockway campground projects.**
- **The DEIR/S fails to properly analyze the cumulative effects of Squaw and Martis Valley on VMT. The current VMT Threshold (from the Area Plan DEIR/S) is 2,030,938 VMT per day (on the peak day), and the current status is 1,937,070 VMT, the addition of 37,582 VMT from Squaw and Martis Valley projects will bring the status to 1,974,652 VMT. This would mean the *entire* Lake Tahoe Region would be within 0.97% of attainment, meaning there is only 3% before the region is out of attainment. This does not include the Brockway campground project, which could very well bring the region out of attainment. An accurate assessment of cumulative impacts for Squaw and Martis Valley must be conducted using consistent VMT calculations.**
- **The VMT analysis in general is inadequate. The VMT threshold and associated baseline are arbitrary. The standard of “significance” in Area Plan DEIR/S for VMT threshold is arbitrary. League requests information on current and existing conditions for VMT in Lake Tahoe.**
- **Inconsistencies and inadequacies in terms of VMT need to be resolved in preparation for the 2016 threshold update. Information needed to resolve the inadequacies include, but are not limited to:**
  - **The 2015 traffic counts used in the DEIR/S that have not yet been provided to the public.**
  - **A true assessment of what constitutes a trip length for VMT analysis.**
  - **Resolution between the 2012 Regional Plan Update (RPU) VMT counts and the Area Plan VMT counts and baseline establishment as highlighted in Attachment D.**

13-1  
cont

- **This Area Plan has failed to mitigate traffic impacts relating to VMT and ignored suggestions from the Regional Transportation Plan (RTP) and Tahoe City Mobility Plan (Mobility Plan). The League has provided additional mitigation detailed in Attachment D that include:**
  - **Additional local transit.**
  - **Consideration of road tolls and parking fees.**
  - **Elimination of parking minimums and impositions of parking maximums, for all land uses.**
  - **Moratorium on new non-residential parking spaces. Any new commercial parking space would require removal of an existing commercial parking spaces.**
  - **Require “unbundling” of residential parking spaces within apartment buildings.**
  - **Require “unbundling” of non-residential parking spaces.**
  - **Institute a parking tax on all pay to park lots.**
  - **Install parking meters for on-street parking along CA SR 28.**
- **Greenhouse Gas Emission (GHG) calculations must be reassessed when VMT inconsistencies are resolved.**
- **Reconcile inconsistencies in land use zoning changes to Fairway South Tract and Greater Tahoe City Plan Area Mixed-Use Recreation and the RPU as these were not analyzed in the RPU. The changes shall either be eliminated or an appropriate environmental analysis must be conducted as the analysis cannot be tiered off of the RPU environmental review. The League again requests information in the final review as to where the RPU environmental review is being used.**

13-1  
cont

Again as stated above, the League recommends that adequate mitigation for VMTs be incorporated into the Area Plan and TRPA should consider not issuing any future entitlements to new development projects until the VMT threshold flaws are resolved. The League is confident our organization, Placer County, and TRPA can work on solutions collaboratively so that the final review is adequate and the VMT threshold is appropriately analyzed in the 2016 threshold review.

Sincerely,  
Darcie Collins, PhD  
Executive Director  
League to Save Lake Tahoe

*Enclosure: 2016.8.15 League to Save Lake Tahoe’s Comments on Draft Environmental Impact Report/Statement for Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project*





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Date: August 15, 2016  
 To: Ms. Crystal Jacobsen, Ms. Lucia Maloney, and Ms. Nanette Hansel  
 From: The League to Save Lake Tahoe

**Re: Comments on Draft Environmental Impact Report/Statement for Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project**

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Dear Ms. Jacobsen, Ms. Maloney, and Ms. Hansel:

The League to Save Lake Tahoe (the League) appreciates the opportunity to provide comments on the Draft Environmental Impact Report/Statement (DEIR/S) for the Placer County Tahoe Basin Area Plan (the Area Plan) and Tahoe City Lodge Project (the Lodge Project). The public process for this Area Plan is a testament to stakeholder collaboration. The League has worked closely with Placer County and Tahoe Regional Planning Agency (TRPA) staff to implement environmental targets throughout this planning process. While the League is very encouraged by the progress that has been made, there are still serious concerns relating to projects outside of the Basin and associated traffic impacts. These projects negatively impact the TRPA mandated Bi-State Compact (Compact) thresholds. This Area Plan should not be used as a tool to mitigate the impacts of these proposed projects. Our comments highlight not only concerns relating to traffic, but zoning changings, technical corrections, and the following that must be addressed through the final environmental impact review (FEIR/S):

- I. **The Area Plan DEIR/S is inadequate in its Vehicle Miles Traveled (VMT) analysis because of inconsistent data. There is no standard of “significance” or cumulative impact analysis of near-Basin projects. These must be corrected for an adequate**

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- environmental review. Clarification is needed on mitigation measures relating to traffic impacts.
- A. The VMT Threshold and associated baseline are arbitrary in this analysis. League requests information on current and existing conditions for VMT in Lake Tahoe Basin.
- B. Standard of “significance” in Area Plan DEIR/S for VMT Threshold is arbitrary. Standard for what is considered cumulatively considerable for Squaw, Martis Valley and Brockway is arbitrary. The VMT Threshold numbers are inconsistent making the DEIR/S inadequate.
- C. Dropping the Level of Service (LOS) to F on SR 28 is unacceptable even if RPU accounts for this. More vehicle traffic means more fine sediment and tailpipe emissions that lead to algae in the Lake. More information is needed on current proposed mitigation and the League suggests additional options. Cumulative impacts associated with Martis Valley and drop in Level of Service (LOS) at SR 267 are ignored.
- D. The DEIR/S lacks an adequate analysis or discussion of amendments to the Area Plan that were not analyzed in the RPU FEIR/S. The VMT analysis does not discuss impacts relating to non-contiguous project areas nor the conversion of Commercial Floor Area (CFA) to Tourist Accommodation Unit (TAU)s.
- II. Greenhouse Gas Emissions (GHG) and climate change analysis must be updated along with VMT calculations and are currently inadequate.
- III. Several new permissible uses need to be eliminated or require further analysis within the FEIR/S and clarification. New permissible and conditional uses added to Fairway Tract South related to the Fairway Tract Plan Area Statement (PAS) 002 in the DEIR/S location need to be clearly defined and properly assessed. Recreational uses added to the Greater Tahoe City Mixed-Use Recreation were not assessed in the RPU or in this DEIR/S. Assessment of these uses and the addition of the use of laundry and dry cleaning to the Great Tahoe City Mixed-Use Town Center must analyzed for environmental impacts. Secondary dwelling units shall not be used as vacation rental units.
  - A. The PAS 002, Fairway Tract (Fairway Tract South) permissible commercial and tourist uses need to be eliminated or assessed in the FEIR/S as these uses were not analyzed in the RPU draft or final EIR/S.
  - B. New permissible recreational uses within Greater Tahoe City Plan Area Mixed-Use Recreation were not assessed in RPU environmental reviews and must be analyzed.
  - C. Laundries and dry cleaning plants permissible use within Tahoe City Town Center were not specifically analyzed in the RPU environmental EIR/S and require an impact analysis in the FEIR/S.
  - D. Secondary dwelling units must detail that they shall not be used as vacation rentals.
- IV. Clarification needed on Lodge Project shared-parking analysis and mitigation measures.
  - A. Clarification needed on details of mitigation measures and in-lieu fees for affordable housing.
- V. Non-contiguous project area mitigation measure should consider setbacks considered in Town Centers. Non-contiguous project areas shall only be allowed on High Capability Lands.
- VI. Technical corrections needed for FEIR/S to make TRPA required findings.
- VII. Recommendations.

13-2  
cont

**Background**

The TRPA was successful in updating and passing the Regional Plan Update (RPU) in December 2012. A major component of the RPU is the concept of Area Plans. Area Plans allow local jurisdictions to create development standards based on community input, streamlined permitting, and facilitated environmental restoration. TRPA is governed through the Compact which requires the agency to achieve and maintain environmental thresholds. These thresholds correlate to the overall carrying capacity for development within Lake Tahoe. Placer County has worked diligently over the past four and a half years to create a draft Area Plan for its entire jurisdiction within the Lake Tahoe Basin. The draft Area Plan incorporates input from community teams and various stakeholders. The League has participated as a stakeholder and engaged in thorough conversations with Placer County and TRPA relating to environmental issues within the Area Plan. This Area Plan has seen several renditions with hours of not only input from stakeholders, but negotiations with TRPA Governing Board members through Regional Plan Implementation Committee (RPIC) meetings.

The Tahoe City Town Center modification and the Lodge Project have been points of significant negotiations and discussions among stakeholders and the community. As a result of these negotiations, Placer County modified the Area Plan to exclude sensitive lands and a water basin from the Tahoe City Town Center, and to include the Tahoe City clubhouse, high capability lands of the golf course, and parking lot next to the Lodge Project. Kila Tahoe LLC (the Project Proponent) is relying on this expansion to acquire the commodities required to build the Lodge Project. In exchange, the Project Proponent will carry out on-site stream environment zone (SEZ) restoration at a 1:1 ratio in relationship to the project size. The Tahoe City golf course is owned jointly by the Tahoe City Public Utility District (PUD), Placer County, and the North Tahoe Resort Association (Resort Association) (the Golf Course Partners) and managed by Tahoe City PUD. As a result of the Town Center modification negotiations, the Golf Course Partners agreed to deed restrict the remaining portion of the golf course outside of the Town Center to be zoned as recreation, conservation, and public use in perpetuity. The League acknowledges the consideration brought forth by all of the Golf Course Partners and the Tahoe City Golf Course Oversight Committee in adopting the deed restriction language. The League would also like to recognize the Project Proponent for committing to the SEZ restoration associated with the Lodge Project. This effort should be used as a model for future Town Center boundary modifications throughout the Lake Tahoe Basin.

Earlier analysis 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.<sup>1</sup> The RPU provides guidelines for the entire region and went through its own environmental review process when it was adopted in 2012. This Area Plan includes substitute standards that go outside of the parameters provided for in the RPU. These standards were not assessed in the RPU environmental review process so cannot be tiered off of that draft and final environmental review impact reports. These changes include the Tahoe City Town Center modification, the concept of allowing a project site to include non-contiguous parcels, conversion of Commercial Floor Area (CFA) to Tourist Accommodation

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<sup>1</sup> Cal. Code Regs., tit. 14, § 15063, subd. (c)(3)(D).



Units (TAUs), and allowing secondary residential units.<sup>2</sup> The League has specifically requested to reference where and when the RPU environmental review has been used. It is unclear from the DEIR/S when this has occurred. Regardless of when the RPU environmental reviews are being used or not, “Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project.”<sup>3</sup> While the DEIR/S mentions these changes, there is a general lack of assessment specifically as they relate to impacts resulting from an increase in vehicle miles traveled (VMT). Comments relating to these substitute standards are discussed in more detail later in this comment letter.

Placer County is the lead agency for three projects unrelated to this Area Plan that are currently undergoing the environmental review and public comment process: The Squaw Valley Specific Plan (Squaw), the Martis Valley West Specific Plan (Martis Valley), and the Brockway Campground (Brockway). Unlike this Area Plan, these proposed projects will have direct negative impacts to the Lake Tahoe Basin and provide no environmental benefits to the region. It is important to provide information on these three projects to frame the League’s comments relating to the transportation and cumulative impact sections of the DEIR/S. Unfortunately, it appears that Placer County is relying on any progress made through the stakeholder and community input for this Area Plan to existing traffic problems to effectively solve increased traffic demand created by the proposed Squaw, Martis Valley, and Brockway projects. The VMT impacts relating to the below projects will be detailed in the discussion relating to traffic and cumulative impacts later in these comments.

Squaw Valley Real Estate, LLC. (Squaw Project Proponents) submitted the Squaw proposal to Placer County for approvals to entitlements. The Squaw plan would upgrade the existing Squaw Valley Ski Resort by adding 1,493 bedrooms associated with hotel and resort residential uses provided in up to 850 units, up to a maximum of almost 300,000 square feet of commercial uses, a Village Core, a Mountain Adventure Camp, and a transit center with parking facilities.<sup>4</sup> The Squaw plan is massive and will result in several significant and unavoidable environmental impacts. Although the Squaw Specific Plan is located outside of the Lake Tahoe Basin, it is close enough in proximity that any impacts resulting from the substantial development will spill over into the Basin. The Squaw Project Proponents disregarded a true assessment of consequences to the Lake Tahoe Basin in both the Squaw plan draft and final EIRs.

Another near-Basin project is the Martis Valley proposal. The original Martis Valley project included essentially three planning components. The first and second components were the West Parcel located in Martis Valley within Placer County (1,052 acres) and the Lake Tahoe Basin (112.8 acres) parcel, both of which would have been the location site for development. The development project included 760 residential units and 6.6 acres of commercial property spanning both Placer County and TRPA jurisdictions. The project proponents sought a Resort Recreation designation through an Area Plan under the RPU for the Lake Tahoe Basin portion of development. The third component was the East Parcel which included a designation as conservation for over 6,000 acres of open space in Martis

13-3  
cont

<sup>2</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Proposed Project and Alternatives. p.3-18.

<sup>3</sup> Cal. Code Regs., tit. 14, § 15152, subd. (b)

<sup>4</sup> Draft Environmental Impact Report Village at Squaw Valley Specific Plan. May 2015. Prepared for Placer County by Ascent Environmental. Introduction p.1-1.

Valley.<sup>5</sup> Following negative feedback from TRPA Governing Board members and the community, Mountainside Developers (the Martis Valley Project Proponent) changed the geographical area of the original project.

The Martis Valley Project Proponent shifted the 760 residential units and 6.6 acres of commercial development from the original Placer County and Lake Tahoe Basin project site to only the Placer County jurisdiction. This is what has now created the Martis Valley Specific Plan that is moving forward for approval. The Martis Valley Specific Plan is directly adjacent to the Lake Tahoe Basin parcels that were part of the original project proposal. The revised NOP for the Martis Valley Specific Plan was released in February of 2015. The Martis Valley Project Proponents have continuously touted their gesture in removing the Lake Tahoe Basin component of the Specific Plan.<sup>6</sup> However, in July of 2015 the Martis Valley Project Proponents applied for a new TRPA permit for the Lake Tahoe Basin parcel for Brockway campground (Brockway). The Brockway campground permit will seek TRPA approval for a 550-site developed campground including tent sites, camper sites, permanent shelters, a lodge, meeting pavilions, and other permanent structures.<sup>7</sup> While the Martis Valley and Brockway projects require separate approval processes, their infrastructure and environmental impacts are inextricably intertwined. Not only have they been proposed by the same project proponents, but they probably will be merged into the original project proposal if the infrastructure for both projects is approved. The Brockway proposal will require its own independent environmental analysis under California Environmental Quality Act (CEQA) and the Compact. However, the cumulative impacts associated with the Martis Valley and Brockway projects were ignored and piecemealed in both the draft and final environmental impact reports.

13-3  
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Both the Squaw and Martis Valley projects have completed their necessary CEQA environmental review documents and are moving forward towards approval by the Placer Board of Supervisors (BOS). The project proponents for the Brockway campground are moving forward with the environmental review process through Placer County and TRPA and will have to meet the necessary CEQA and Compact requirements. While the Squaw and Martis Valley projects have completed the necessary DEIR and FEIR, the League has submitted extensive comments as to how impacts related to Lake Tahoe were ignored (*see enclosures*). The FEIRs ignored cumulative VMT impacts relating to Squaw, Martis Valley and Brockway campground. They simply concluded that there would be an increase to VMT within the Lake Tahoe Basin, but that the increase would not exceed the TRPA Compact threshold. Neither provided sufficient analysis for real impacts nor adequate mitigation measures. The Placer County Planning Commission (the Commission) agreed that the Martis Valley FEIR was inadequate because it ignored a true assessment of impacts relating to traffic, fire safety, and spillover to the Lake Tahoe Basin. They voted to deny the project and associated environmental review as proposed today. The Commission concluded they could not make the necessary CEQA requirement of adopting a Statement of Overriding Considerations to approve the project.<sup>8</sup>

<sup>5</sup> Martis Valley West Parcel Specific Plan. Preliminary Draft. May 2014. Prepared by East West Partners. 6.4 Designated Open Space. p.65.

<sup>6</sup> Placer County Planning Commission. November 19, 2015. Public Hearing on Martis Valley West Specific Plan Draft Environmental Review. Cite Meeting minutes (can look at volume II FEIR transcript)

<sup>7</sup> Brockway Campground Minor Use Permit Project Description and Site Design Maps. Submitted to TRPA July 31, 2015. Pages 4,5 of 8.

<sup>8</sup> Placer County Planning Commission Meeting. July 7, 2016. Kings Beach, CA. North Tahoe Event Center. <http://www.placer.ca.gov/~media/cdr/planning/pc/2016/july%207/jul7actions.pdf?la=en>

The Area Plan is meant to improve existing traffic problems and foster environmental restoration through appropriate redevelopment, with the outcome that buildout results in decreased VMT and environmental benefits to Lake Tahoe. While the Area Plan DEIR/S explains how the planning document will achieve these things, it fails to discuss to the very real traffic impacts that the proposed Squaw, Martis Valley, and Brockway campground will bring to Lake Tahoe, and fails to identify any appropriate measures sufficient to mitigate these impacts. Stating that the TRPA VMT threshold would not be exceeded is insufficient. The FEIR/S must include a thorough discussion relating to traffic impacts and real mitigation. The following comments relate not only to traffic, but greenhouse gas emissions, zoning concerns, details of the Lodge Project, non-contiguous project area clarifications, and technical clarifications. The League is confident our organization will be able to support adoption of the Area Plan after discussing the below comments with Placer County and TRPA to resolve these issues and to ensure appropriate mitigation measures are included in the FEIR/S.

13-3  
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**I. The Area Plan DEIR/S is inadequate in its Vehicle Miles Traveled (VMT) analysis because of inconsistent data. There is no standard of “significance” or cumulative impact analysis of near-Basin projects. These must be corrected for an adequate environmental review. Clarification is needed on mitigation measures relating to traffic impacts.**

The Area Plan DEIR/S is inadequate in its review as detailed in the comments below. The FEIR/S must be corrected before TRPA and Placer County certify the document. The analysis is governed both by CEQA and the Compact. For an EIR to be deemed adequate under CEQA the following must be true:

“An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but sufficiency of an EIR to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”<sup>9</sup>

13-4

The TRPA is governed by the Compact and the TRPA Rules of Procedure, which state:

“Before using an environmental document prepared by another person, TRPA shall subject the draft to TRPA’s own review and analysis and may require additions or modifications to the document. The document must reflect the independent judgment of TRPA. TRPA shall be responsible for scope, adequacy, and objectivity of environmental review.”<sup>10</sup>

As presented today there are too many insufficiencies within the Area Plan DIER/S as they relate to the VMT analysis, traffic impacts (drop in Level of Service), conflict with the RPU environmental review, and technical mistakes. Although the League’s traffic analysis may conflict with the traffic assessment

<sup>9</sup> Cal. Code Regs., tit. 14, § 1515.

<sup>10</sup> TRPA Code of Ordinances Rules of Procedure. Adopted November 15, 2011, Effective March 1, 2012. Environmental Impact Statements: 6.10.2. p.6-4.



included in the Area Plan DEIR/S, CEQA requires full disclosure of VMT traffic counts and all associated data used in the corresponding analysis. Specific concerns relating to inadequacy are detailed below.

13-4  
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**A. The VMT Threshold and associated baseline value are arbitrary in this analysis. The League requests information on current and existing VMT conditions in the Lake Tahoe Basin.**

The Compact requires TRPA to establish and attain thresholds designed to protect the sensitive environment of Lake Tahoe.<sup>11</sup> In total there are nine thresholds, but none of them relate specifically to traffic impacts to the Lake Tahoe Basin.<sup>12</sup> The Air Quality threshold has a VMT indicator and is the only real standard used to assess traffic impacts to the region.<sup>13</sup> TRPA released its most recent threshold report in 2012 using data from 2006-2011. The Tahoe Metropolitan Planning Agency (TMPO) is governed by the same board members as the TRPA Governing Board (with the addition of a representative from the United States Forest Service) and is responsible for transportation and transit planning within the Basin. The TMPO staff released a 2014 Transportation Monitoring Report early this year using data collected from 2012 and 2013 (the Transportation Report). The Transportation Report relies on outdated traffic counts and inconsistent modeling to calculate the underlying baseline used for the VMT threshold. The baseline TRPA used to determine the carrying capacity cap is stated below:

“Adopted Standards: TRPA: Reduce vehicle miles traveled in the Basin by 10% of the 1981 base year values (equivalent to 2,067,600 VMT).

Indicator for the VMT: Peak day VMT. The most recent vehicle miles traveled was estimated for 2010 using a sophisticated transportation model (TransCAD). Because transportation models have changed over time, VMT estimates are not comparable across years. To characterize the status and trends of the VMT in the Region (1981 to 2011), the ratio between the 2010 modeled VMT (using TransCAD model) and peak daily traffic volume (measured in the 2<sup>nd</sup> weekend in August) was used. The ratio (or constant) was calculated as follows: ratio (constant) = 2010 model VMT value/peak traffic volumes measured during the 2<sup>nd</sup> weekend in August in 2010. The resulting constant was multiplied by peak traffic volume measure during the 2<sup>nd</sup> weekend in August of each year (1981-2009) to estimate annual peak day VMT values. The constant assumes that all VMT model inputs (e.g. number of vehicle occupants, distance traveled) have remained constant between 1981-2010. A total of 20 traffic monitoring sites operated by Caltrans and NDOT were used to estimate annual peak day traffic volumes.

13-5

Status: The most recent VMT estimate (2011) was 2,036,642 VMT per day or about 1.5% better than the standard, resulting in an ‘at or somewhat better than target’ status determination. The Tahoe Region has been in compliance with the standard since 2007.

<sup>11</sup> Tahoe Regional Planning Compact. Pub. L. No. 96-551, 94 Stat. 3233 Art. I(b)p.2.  
<sup>12</sup> See Tahoe Regional Planning Compact. Pub. L. No. 96-551, 94 Stat. 3233 Art. II(i)p.3.  
<sup>13</sup> TRPA 2011 Threshold Evaluation Report. October 24, 2012. Chapter 3 Air Quality. Visibility: Vehicle Miles Traveled. p.3-49&50.

Confidence: The confidence in VMT status and trend was determined to be 'low.' Since 1981, the TRPA has used a series of progressively more sophisticated models to estimate VMT. As the VMT models improved, current day VMT model estimate comparisons with previous VMT model estimates were not possible because of different parameters were used for different VMT models, and mapped traffic zones have changed over time. Holding other inputs parameters constant assumes that no changes has occurred in those parameters since 1981 (TMPO 2008). As a result, overall confidence in the status and trend determination is "low," as it is unknown how input parameter value of changed over time.

Effectiveness of Program and Actions: The status and trend in estimated VMT suggest that existing transportation programs and projects and the sagging economic conditions may have resulted in effectively reducing VMT.

Recommendation for Additional Action: The original supposition that there is a relationship between VMT and air and water pollutant loads needs to be further evaluated. For example, the question of what level of VMT needs to be maintained in order to avoid excessive loading of nitrate to Lake Tahoe, should be addressed by research. Alternatively, considering revising the VMT Threshold Standard to better measure the use of alternative modes of transportation."<sup>14</sup>

13-5  
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The VMT threshold is inconsistent and arbitrary. The Area Plan DEIR/S is based on the VMT threshold indicator discussed in the 2011 TRPA Threshold Evaluation (the 2011 Threshold Evaluation) above. Not only has this information changed due to multiple revisions in modeling throughout the years, but the 2011 Threshold Evaluation itself admits there is low confidence in the indicator and recommends revising the standard.<sup>15</sup> This has also been true in the two previous threshold reports starting in 2001.<sup>16</sup> Moreover, "the fact that a particular environmental effect meets a particular threshold cannot be used as an automatic determinant that the effect is or is not significant... a threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant." (*Protect the Historic Amador Waterways v. Amador Water Agency*, (2004) 116\_Cal.App.4th\_1099, 1109.)

The Transportation Report summarizes a general trend in a drop in the economy, a decline in the gaming industry, and school closures up until 2014. It claims that TRPA estimates that the VMT for 2014 is 1,974,026, indicating a 13% decrease from the 1981 estimated threshold standard. It also concludes the benchmark (as already stated above) is to reduce VMT to 10% below 1981 values (or reduce to 2,000,000 VMT per day).<sup>17</sup> How these assumptions are made are not discussed. The fact that Lake Tahoe has been suffering from a five-year drought was also not discussed. While the Transportation Report states a reduction in overall VMT from the 1981 baseline, it does not discuss that

<sup>14</sup> TRPA 2011 Threshold Evaluation Report. October 24, 2012. Chapter 3 Air Quality. Visibility: Vehicle Miles Traveled. p.3-49&50.  
<sup>15</sup> TRPA 2011 Threshold Evaluation Report. October 24, 2012. Chapter 3 Air Quality. Visibility: Vehicle Miles Traveled. p.50.  
<sup>16</sup> See 2001 TRPA Threshold Evaluation Report. July 2002. Chapter 2 Air Quality. AQ 5: Traffic Volume p.2-13. See 2006 TRPA Threshold Evaluation Report. September 2007. Chapter 2 Air Quality. AQ 5: Traffic Volume p. 2-11&12.  
<sup>17</sup> TMPO & TRPA Transportation Monitoring Report. December 2015. p.17.



this could very well be due to poor ski and summer conditions, the decline in the gaming industry in general, the recession, and a lack of affordable housing for employees.

While the VMT threshold and evidence supporting it are not discussed in detail in the Area Plan DEIR/S, this information is critical in understanding currently existing conditions. The Area Plan is meant to improve currently existing conditions, but there is no information stating what those conditions are. This information is also critical in understanding the true impacts of increased VMT from the Squaw, Martis Valley, and Brockway campground projects. The same assumptions that led to a reported decline in VMT in the Transportation Report could be made for a potential VMT increase in 2015 and 2016. There has been an improvement to the economy, weather conditions, and employment opportunities within the Basin. Additionally, with the increase of population trending in both Reno, Nevada and Sacramento, California daily visitor trips to Lake Tahoe will continue to rise. The League requests that data from 2015 and 2016 be provided on traffic trips and the associated TransCAD modeling. This information should be readily available for 2015 and should be made available for 2016 before the FEIR/S is released. It is imperative this information and data be included in the Area Plan to provide transparency and enable stakeholders and the community to accurately understand the currently existing conditions. Without this information, the environmental review is flawed and inadequate for reasons discussed below. Providing this information will allow the League to consider and suggest true mitigation for traffic impacts not only for the Placer County Area Plan, but regionally.

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**B. The standard of “significance” in Area Plan DEIR/S for the VMT Threshold is arbitrary. The standard for what is considered cumulatively considerable for Squaw, Martis Valley, and Brockway is arbitrary. The VMT Threshold numbers are inconsistent, making the DEIR/S inadequate.**

As discussed above, the indicators and benchmarks as they relate to the TRPA VMT Threshold are not based on consistent or current information. There is not a true understanding of currently existing conditions nor what methods were used in formulating conclusions made in the 2014 Transportation Monitoring Report. It is unclear if this or 2015 data was used as a baseline for the DEIR/S analysis as discussed further below. Using this information as a baseline for the Area Plan DEIR/S is inadequate and arbitrary. The DEIR/S states under Impact 10-4: Vehicle miles traveled:

13-6

“Each Area Plan alternative would include variations in polices and standards that would affect the location and character of future land uses, which would affect travel patterns and vehicle miles travelled (VMT) Alternatives 1 and 3 would maintain summer daily VMT levels below adopted TRPA VMT threshold, and would reduce those VMT levels below exiting levels. This would be a **beneficial** impact for Area Plan Alternatives 1 and 3... Tahoe City Lodge Alternatives 1 and 3 would result in limited increases in VMT over VMT generated by existing uses at the site...the lodge would not contribute to an exceedance of VMT standards and the impact would be **less than significant** for lodge Alternatives 1...”<sup>18</sup>

<sup>18</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Transportation and Circulation. p.10-38 &39.



Theoretically, all Area Plans for the region will focus redevelopment within urbanized area to decrease VMT within the Lake Tahoe Basin, as concluded above. However, without understanding current conditions and an accurate baseline for VMT, it is difficult to understand how the Area Plan concludes the VMT impacts will be beneficial, particularly when the Squaw, Martis Valley, and Brockway campground projects will increase VMT to the region. Without accurate and current data, the DEIR/S does not achieve a true standard of what can be considered "significant." This is clear when reviewing the Squaw and Martis Valley FEIR/S. Below are excerpts from both of those reviews relating to VMT.

The Squaw FEIR states:

"The project's summer Friday VMT estimate within the TRPA boundary is 23,842. Total VMT in the TRPA boundary was estimated in the Regional Plan (at Table 3.3-5) to be 1,984,600 for summer 2010 conditions. The project would result in an estimated 1.2 percent increase in VMT within the TRPA boundary. The TRPA environmental carrying capacity thresholds calls for the Tahoe Region's VMT to be at least 10 percent below its 1981 level, which establishes a VMT threshold of 2,067,600. The addition of the project's VMT to the 2010 summer value would result in 2,008,442, which would remain below this VMT threshold."<sup>19</sup>

It clearly concludes that the Squaw project alone would substantially increase the amount of VMT to the Lake Tahoe Basin. The Martis Valley FEIR states:

"On a peak travel day, the project would generate approximately 13,745 VMT within the Tahoe Basin. Total VMT in the TRPA boundary was estimated in the Regional Transportation Plan (TMPO and TRPA 2012) to be 1,984,600 for summer 2010 conditions. Based on this benchmark, which is considered the best available data, the project would result in an estimated 0.7 percent increase in VMT within the TRPA boundary. The TRPA environmental threshold carrying capacity threshold calls for the Tahoe Region's VMT to be at least 10 percent below its 1981 level, or 2,067,600 VMT. The addition of the project's VMT to the 2010 summer value would result in 1,998,345 VMT, which would remain below this VMT threshold."<sup>20</sup>

This summary concludes that the Martis Valley project will also bring a substantial increase to VMT within Lake Tahoe. The amount of increase to VMT to the region from the Brockway campground is unknown at this time because that information has not been provided to the public. Cumulatively, the Squaw and Martis Valley projects impacts are discussed below (the actual number increase will be 37,582 cumulatively) within Lake Tahoe. The Area Plan DEIR/S lacks an adequate analysis of what this truly means in terms of environmental impacts to not only North Lake Tahoe, but to the whole region. The DEIR/S states in Cumulative Impact 10-4: Cumulative vehicle miles traveled:

"The analysis of region-wide VMT resulting from build-out of the alternatives is presented in Chapter 10. That analysis also accounted for growth that could occur throughout the rest of the Lake Tahoe region consistent with the TRPA Regional

13-6  
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<sup>19</sup> Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3-25.

<sup>20</sup> Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p.3-17.

Plan, to allow for comparison of regional VMT under the alternatives to TRPA's regional VMT threshold standard. The TRPA TransCAD model scenarios analyzed in Chapter 10 reflect some, but not all, of the cumulative growth that occurred outside of the Tahoe Basin. This cumulative analysis adds traffic growth that could occur as the result of growth outside of Tahoe Basin, including Martis Valley, the Squaw/Alpine Meadows area, and Truckee. Table 19-5 shows summary daily VMT in the Tahoe Basin under baseline 2015 conditions and in cumulative 2035 conditions for each alternative, assuming full build-out of the Tahoe Basin and surrounding areas near the Plan area (including Martis Valley, Truckee, and Squaw/Alpine). The VMT threshold is periodically updated whenever the TRPA updates its transportation model. The most recent VMT threshold was calculated at 2,030,938 for a peak summer day, based on the 2014 model update. Existing summer daily regional VMT is estimated to be 1,937,070 or 93,868 below the TRPA threshold standard based on the most recent modeling completed to support the Tahoe Regional Transportation Plan (TRPA 2016). Additional detail on the cumulative VMT methodology is provided in Appendix G. In future cumulative conditions with all alternatives daily summer VMT in the Tahoe region would increase by various amounts. However, under cumulative conditions with all alternatives VMT would remain below the TRPA regional VMT threshold standard of 2,030,938. Because cumulative VMT would remain below adopted standard under all alternatives, the cumulative impact would be less-than-significant. Thus, the Area Plan or Lodge Alternatives **would not make a considerable contribution** to a significant cumulative impact."<sup>21</sup>

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The information relating to the VMT threshold is inconsistent throughout the 2011 Threshold Report, 2014 Transportation Monitoring report, Squaw, Martis Valley FEIRs, and the Area Plan DEIR/S. Please see the difference in all of the numbers in the table pulled from the citations above.

**Table 1 – VMT Number Counts**

	<b>2011 Threshold (VMT)</b>	<b>2014 Report (VMT)</b>	<b>Squaw</b>	<b>Martis Valley</b>	<b>Area Plan</b>
<b>Standard</b>	2,067,600	2,000,000	2,067,600	2,067,600	2,030,938
<b>Status</b>	2,036,642	1,974,026	1,984,600	1,984,600	1,937,070
<b>Increase to</b>			2,008,442	1,998,345	
<b>Total Cumulative increase for Squaw and Martis:</b>				<b>37,582 VMT</b>	

All of these inconsistencies make the Area Plan DEIR/S critically flawed and inadequate. As requested above, the League would like to know how the 2014 VMT assumptions were made, as these numbers have not been made available to the public. TRPA must provide the actual traffic counts and TransCAD modeling information (rather than relying on the Transportation Report) if this is what is

<sup>21</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Cumulative Impacts. p.19-18 & 19.

being used to establish the overall VMT threshold baseline. The Area Plan DEIR states above that it uses 2015 as baseline conditions. Using only the Area Plan data and the VMT data provided from the Squaw and Martis Valley FEIRs the following information can be determined:

The DEIR/S fails to properly analyze the cumulative effects of Squaw and Martis Valley on VMT. If the current VMT Threshold (from the Area Plan DEIR/S) is 2,030,938 VMT per day (on the peak day), and the current status is 1,937,070 VMT, the addition of 37,582 VMT from Squaw and Martis Valley projects will bring the status to 1,974,652 VMT. **This would mean the entire Lake Tahoe Region would be within 0.97% of attainment, meaning there is only 3% before the region is out of attainment.** This does not include the Brockway campground project, which could very well bring the region out of attainment. Simply concluding that Squaw and Martis Valley “would not make a considerable contribution to a significant cumulative impact,” without any adequate explanation is not only not legally defensible, it is a potentially dangerous conclusion that could put the Lake at risk and result in a failure to prepare for a threshold nonattainment. Further, there is no discussion as to what is considered “significant” in either the transportation section of the Area Plan DEIR/S or the cumulative impact discussion. Concluding that there is not a considerable contribution to a significant cumulative impact is arbitrary because there is no standard of significance. While the Area Plan DEIR/S shows that VMT will decrease by 2035, again there is still no discussion of the Squaw and Martis Valley projects’ impacts to existing conditions, or to future Area Plan build-out. Even with the projected beneficial improvement of a reduction to 1,931,634 VMT in 2035, the additional VMT from Squaw and Martis Valley would still bring the VMT threshold to **within 0.967% of complete attainment.** The work and efforts put forth through this Area Plan to improve existing traffic conditions could be negated by these projects. These inaccuracies must be resolved in the FEIR/S. The Squaw and Martis Valley FEIR/S should also be amended to reflect the most current data, and all of this information should be made public.

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The standard of significance was discussed in detail by TRPA Governing Board members at the Regional Plan Implementation Committee (RPIC) meeting on July 28, 2016. This was a hearing to provide an opportunity for public comment and to hold committee deliberations. Chairman Clem Shute stated that he thought that there was not enough analysis conducted on the meaning of “significant” in terms of traffic impacts, nor on what is deemed to be “cumulatively considerable.” In addition to threatening Lake Tahoe, the increase in traffic volumes and driving distances is closing the gap on the VMT threshold and is creating serious problems for residents and visitors. There was a robust discussion between all members of the Committee, and member Larry Sevinson explained the real concerns for both Squaw and Martis Valley voiced by community members relating to traffic and fire safety. The Committee agreed there must be real mitigation and creative thinking in solving *existing* traffic conditions, let alone to address increased problems created by the proposed Squaw, Martis Valley, and Brockway campground projects.<sup>22</sup> There was further discussion on level of service (LOS) as detailed below.

**C. Dropping the Level of Service (LOS) to F on SR 28 is unacceptable even if the RPU accounts for this. More traffic congestion means more fine sediment and tailpipe emissions that lead to increased algae in the Lake. More information is needed on current proposed mitigation and the League suggests additional options. Cumulative**

13-7

<sup>22</sup> Regional Plan Implementation Committee. TRPA Governing Board meeting July 27, 2016. Kings Beach, CA. Audio available at: <http://www.trpa.org/governing-board-documents-july-27-2016/>.



**impacts associated with Martis Valley and drop in Level of Service (LOS) at SR 267 are ignored.**

At the July 28, 2016 RPIC meeting, Chairman Shute also discussed the Significant and Unavoidable Impact 10-1: Roadway [dropping] level of service (LOS). He expressed his desire to understand the actual impacts as they relate to VMT, and reiterated that allowing the LOS at State Road (SR) 28 and Grove street to drop to level F would be unacceptable. More traffic congestion directly impacts the Lake Tahoe Total Maximum Daily Load (TMDL). The TMDL is described as follows from the Area Plan:

“In 2011 and after years of study, a Total Maximum Daily Load (TMDL) water quality improvement program was established for Lake Tahoe in accordance with the U.S. Clean Water Act. More than any prior work, the TMDL identified Lake Tahoe’s pollutants of concern and their primary sources. Fine sediment, phosphorous and nitrogen are the primary pollutants. The largest source categories are the urban uplands (developed areas and roads) and atmospheric deposition, largely from private vehicle emissions.”<sup>23</sup>

The actual TMDL report itself explains impacts to atmospheric deposition by concluding:

“Atmospheric deposition refers to the deposition of pollutants that land directly on the lake surface. This can occur as dry deposition or as part of a precipitation event (wet deposition). Because the surface area of the lake is 501 km<sup>2</sup> in comparison to its drainage area of 812 km<sup>2</sup>, airborne input of nutrients and fine sediment particles to Lake Tahoe’s surface is significant. The California Air Resources Board (CARB) conducted the Lake Tahoe Atmospheric Deposition Study (LTADS) to estimate the contribution of dry atmospheric deposition to Lake Tahoe. These estimates were paired with long term monitoring data collected by UC Davis - TERC to provide detailed pollutant loading numbers to use for lake clarity modeling purposes. Gertler et al. (2006) and CARB (2006) found that airborne pollutants are generated mostly from within the Lake Tahoe basin and come from motor vehicles, wood burning, and road dust. Motor vehicles, including cars, buses, trucks, boats, and airplanes are primary sources of atmospheric nitrogen. Swift et al. (2006) determined that inorganic particles are the dominant factor in clarity loss since those particles contribute greater than 55 to 60 percent of the clarity loss while organic particles contribute up to 25 percent of the clarity loss.”<sup>24</sup>

Simply put, motor vehicles contribute substantially as a pollutant (specifically phosphorus and nitrogen) to the Lake through fine sediment along with tailpipe emissions. The TMDL report goes on further in describing impacts of nitrogen to the Lake:

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<sup>23</sup> Placer County Tahoe Basin Area Plan, Public Review Draft June 2016. Prepared by Placer County Planning Services Division, TRPA, Dyett & Bhatia Urban and Regional Planning, Stockham Consulting. Introduction. p.2.

<sup>24</sup> Final Tahoe Total Maximum Daily Load Report. November 2010. Prepared by California Regional Water Quality Control Board, Lahontan Region and Nevada Division of Environmental Protection. Source Analysis. p.7-8.



“Long-term Nitrogen and Phosphorus Trends In the mid-1980s Lake Tahoe began to experience an increase in nitrogen from atmospheric deposition directly onto the lake surface (Jassby et al. 1994). Atmospheric deposition provides most of the dissolved inorganic nitrogen and total nitrogen in the annual nutrient load. Increased amounts of atmospheric nitrogen have caused an observed shift from co-limitation by nitrogen and phosphorus to persistent phosphorus limitation in the phytoplankton community (Jassby et al. 1994, 1995, and 2001). Algal growth studies also support the finding of increased nitrogen in Lake Tahoe; these long-term bioassay experiments show a shift from co-limitation by both nitrogen and phosphorus, to predominant phosphorus limitation (Goldman et al. 1993).”<sup>25</sup>

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Again, more simply put, more nitrogen and phosphorus put into the Lake creates more algae, which directly results in a reduction of Lake clarity. More traffic (demonstrated by the LOS dropping to F) creates more fine sediment and results in more tailpipe emissions, which directly contributes to increased algae in the Lake. All of the concerns expressed in Section I of this comment letter relating to the increase of VMT will create the same problems, and will similarly contribute directly to a decrease in Lake clarity.

The League agrees with Chairman Schute and echoes his concerns. The drop of LOS to F cannot be ignored. TRPA cannot just state something is significant without considering thoughtful mitigation.<sup>26</sup> The DEIR/S concludes that:

“... Area Plan Alternative 1 would revise the LOS standards to allow LOS F during peak periods in town centers (Area Plan Policy T-P-6). The future LOS conditions would not exceed the proposed standard for Area Plan Alternatives 1 and 3. However, because the alternatives would result in LOS that exceeds existing TRPA standards and no additional mitigation is feasible, this impact is considered **significant and unavoidable.**”<sup>27</sup>

13-8

While the below mitigation measures are a good starting point, they must be analyzed in more detail and with additional specificity. The League also suggests other measures as discussed later.

The Area Plan DEIR/S recommends the following mitigation measures. The League requests more information regarding each measure.

**“Mitigation Measure 10-1a: Construct pedestrian crossing improvements at the Grove Street/SR 28 intersection.**

<sup>25</sup> Final Tahoe Total Maximum Daily Load Report. November 2010. Prepared by California Regional Water Quality Control Board, Lahontan Region and Nevada Division of Environmental Protection. Optical Properties of Lake Tahoe. p.3-7.

<sup>26</sup> Regional Plan Implementation Committee. TRPA Governing Board meeting July 27, 2016. Kings Beach, CA. Audio available at: <http://www.trpa.org/governing-board-documents-july-27-2016/>.

<sup>27</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Transportation and Circulation. p.10-16. (Emphasis added.)

...Placer County shall construct a pedestrian activated hybrid beacon crossing at the Grove Street and SR 28 intersection in Tahoe City... the payment of traffic impact fees funds the Capital Improvement Program for area improvements, such as the hybrid beacon pedestrian crossing. The implementation of the hybrid beacon pedestrian crossing would consolidate pedestrian crossings, which would reduce the impacts of pedestrian crossings on LOS at the Grove Street/SR 28 Intersection."<sup>28</sup>

While this concept is included as part of the Tahoe City Mobility Plan (Mobility Plan), the Area Plan DEIR/S should provide more information on exactly when this improvement will be installed. The Area Plan DEIR/S should also provide details on if there is enough funding within the Capital Improvement Program to actually implement the improvement. The Area Plan DEIR/S must include sufficient assurances that this project will actually be funded and completed in a timely manner.

**"Mitigation Measure 10-1b: Establishes a County Service Area Zone of Benefit to fund expansion of transit capacity.**

...To provide ongoing source of operating funding as well as transit bus seating capacity, Placer County shall establish one or more County Service Area Zones of Benefit encompassing the developable portions of the Plan area. Ongoing annual fees would be identified to fund expansion of transit capacity as necessary to expand seating capacity to accommodate typical peak-period passenger loads. At a minimum, this would consist of four additional vehicle-hours of transit services per day throughout the winter season on each of the following three routes: North Shore, SR 89, and SR 267, as well as the expansion of transit fleet necessary to operate this additional service. Fees would be assessed on all future land uses that generate an increased demand for transit services including residential, lodging, commercial, civic, and recreational land uses."<sup>29</sup>

Considering that the VMT threshold is based on a peak day in August, the Area Plan DEIR/S should consider summer months as part of the above mitigation measure. Traffic impacts occur yearlong and must be mitigated accordingly. The Area Plan DEIR/S should detail the cost of expanding the service and identify funding mechanisms to ensure that there is an actual plan for this measure's implementation.

**"Mitigation Measure 10-c: Payment of traffic mitigation fees to Placer County**

Prior to issuance of any Placer County Building Permits, projects within the Area Plan shall be subject to the payment of established Placer County traffic impact fees that are in effect in this area, pursuant to applicable county Ordinances and

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<sup>28</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Transportation and Circulation. p.10-30.

<sup>29</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Transportation and Circulation. p.10-31.

Resolutions. Traffic mitigation fees shall be required and shall be paid to the Placer County Department of Public Works and Facilities subject to the County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code. The fees will be calculated using the information supplied. If the use of the square footage changes, then the fees will change. The actual fees paid will be those in effect at time the payment occurs."<sup>30</sup>

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This mitigation measure does not specify where exactly the traffic mitigation fees will go. Fees collected within the Lake Tahoe Basin should be traced and go to implementation of projects within the region to provide true mitigation. Appropriate tracking and enforcement strategies should be detailed in this measure.

The Cumulative Impact Section under Chapter 19 also ignores the very real impacts of the Martis Valley project. This project will drop the LOS at SR 267 to E. The Martis Valley project FEIR concluded that this impact was significant and unavoidable and failed to suggest *any* available mitigation, as this is a Caltrans Road.<sup>31</sup> This Area Plan DEIR/S makes no mention of this impact. It states that current conditions are either C or D and that full buildout of the Area Plan would drop the LOS at SR 267 to E.<sup>32</sup> There must be a cumulative impact assessment to this specific intersection analyzing Martis Valley. While the League understands the standards for traffic analysis (specifically in California) are shifting from LOS to VMT focused standards, these concerns cannot be ignored. Again, the Area Plan DEIR/S entirely fails to identify a standard of significance and concluding that Alternative 3 would not be cumulatively considered to result a cumulative significant impact is arbitrary and capricious.

13-9

**C. The DEIR/S lacks an adequate analysis or discussion of amendments to the Area Plan that were not analyzed in the RPU FEIR/S. The VMT analysis does not discuss impacts relating to non-contiguous project areas, nor the conversion of Commercial Floor Area (CFA) to Tourist Accommodation Unit (TAU)s.**

The concepts of a project being able to use non-contiguous parcels and the conversion of CFA to TAUs are not part of the RPU and were not analyzed in the RPU FEIR/S. They are therefore considered amendments to the RPU. Accordingly, the impact analysis for these concepts cannot be tiered off of the RPU FEIR/S. General impacts associated with these changes will be discussed further, but the Area Plan FEIR/S does not analyze potential impacts to traffic impacts caused by these RPU Amendments. These two RPU amendments were actually completely ignored in the DEIR/S in both Chapter 10 (Transportation and Circulation) and Chapter 19 (Cumulative Impacts). This is unacceptable. The Area Plan DEIR/EIS does not include any discussion on the potential impacts of these changes (positive or negative) to the LOS and VMT in the Area Plan. As the VMT analysis is

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<sup>30</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Transportation and Circulation. p.10-31.

<sup>31</sup> Draft Environmental Impact Report Martis Valley West Parcel Specific Plan. October 22, 2015. Prepared for Placer County by Ascent Environmental. Master Responses. p.10-43.

<sup>32</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Cumulative Impacts. p.19-15.



already flawed for reasons discussed, the lack of inclusion of these substitute standards further skews the overall traffic analysis. These concerns must be resolved in the FEIR/S.

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**II. Greenhouse Gas Emissions (GHG) and climate change analysis are currently inadequate and must be updated along with VMT calculations.**

Whether the EIR's analysis complies with CEQA depends on whether the analysis reflects a reasonable, good faith effort to disclose and evaluate the greenhouse gas emissions impacts. (Guidelines, § 15151; *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 386. Considering the information provided in sections I(A) and (B) of this comment letter, the Area Plan FEIR/S's analysis of the generation of Greenhouse Gas Emissions (GHG) is inadequate and must be reassessed. The general analysis itself is conflicted: first, it refers to the RPU, then later states that the build-out is *more* than what was analyzed in the RPU. It concludes that impacts to GHG generation are significant and unavoidable, but that overall VMT will decrease (while ignoring cumulative impacts from both Squaw and Martis Valley). Below are citations from this section of the Area Plan DEIR/S that will need to be reassessed after concerns relating VMT calculations have been addressed.

"[Under Methods and Assumptions] **Operation:** The operational GHG emissions of the Plan area at build-out were already evaluated at programmatic level in the RPU EIS. The RPU EIS quantified emissions from mobile sources using the 2007 and 2011 versions of ARB's Mobile-Source Emission Factor Model (EMFAC). As explained in the 'Air Quality' of this EIR/EIS for the Area Plan and Tahoe City Lodge estimated mobile-source emissions using emission factors from EMFAC2014. EMFAC2014 is the most current version of the model with the most up-to-date mobile-source emission factors and accounts for recent advances in GHG reduction through incorporation of measures designed for that purpose. To calculate annual mobile-source GHG emissions, EMFAC2014 emission factors were applied to VMT estimates for the Area Plan and the proposed lodge project based on the land use buildout for each alternative, as provided by LSC Transportation Consultants, Inc. [See Table 12-5 and Appendix G-2 – Traffic Volumes and VMT for Placer Area Plan EIR/EIS."<sup>33</sup>

13-11

It is unclear from this language how the EMFAC and TransCAD are related. The assumption can be made that EMFAC uses information generated from TransCAD. However, for reasons discussed above in Section I of this comment letter, the VMT analysis of the Area Plan DEIR/S is inadequate, which would likely skew the GHG emissions analysis. Section 12 explains the criteria used to assess impacts in the RPU EIS and Area Plan DEIR/S, but because the VMT analysis is incorrect, the conclusions of impact assessment of GHG emissions — which rely on the VMT analysis — are also flawed.

"Impact 12-1 Generation of GHG emissions... Buildout of Area Plan Alternatives 1 and 4 would result in slightly more building square footage than considered in the RPU EIS...vehicle activity in the Plan area would be lower under all Area Plan alternatives, as compared to that evaluated in in the RPU EIS. By 2035, the combination of increased building area and decreased vehicle activity under the

<sup>33</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Greenhouse Gas Emissions. p.12-11.



Area Plan would result in a net decrease in long-term operational GHG emissions from existing 2015 conditions and lower emissions than would have occurred under the RPU EIS analysis under all four alternatives..."<sup>34</sup>

Impact 12-1 goes on to say that GHG generation increases would be significant and unavoidable because construction practices and buildout of the Area Plan could be substantial. The League points out specifically that vehicle activity under the Area Plan will decrease. While this is the overall intent for all Area Plans, there again must be consistency in understanding the current VMT conditions and cumulative impacts of the Squaw, Martis Valley, and Brockway campground projects for this assumption to be true. This section also later states that "[a]ccording to the transportation analysis prepared for this project, Alternative 1 would decrease vehicle activity in the Plan area by approximately 9.35 million VMT per year, or 7 percent compared to the 2035 VMT estimate under the RPU."<sup>35</sup> Again, this cannot be accurate considering the inconsistencies in VMT data provided throughout the past ten years and the near-Basin projects that have been ignored. The Area Plan DEIR/S includes no cumulative impact analysis for GHG emissions. The League requests a revision and reassessment of Section 12 (Greenhouse Gas Emissions and Climate Change) once VMT impacts have been adequately addressed.

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**III. Several new permissible uses need to be eliminated or require further analysis within the FEIR/S and clarification. New permissible and conditional uses added to Fairway Tract South related to the Fairway Tract Plan Area Statement (PAS) 002 in the DEIR/S location need to be clearly defined and properly assessed. Recreational uses added to the Greater Tahoe City Mixed-Use Recreation were not assessed in the RPU or in this DEIR/S. Assessment of these uses and the addition of the Use of Laundry and dry cleaning to the Great Tahoe City Mixed-Use Town Center must be analyzed for environmental impacts. Secondary dwelling units shall not be used as vacation rental units.**

As discussed in the background section of this comment letter, there have been years of discussions and negotiations relating to the Tahoe City Town Center modification. These negotiations and discussions have included extensive dialogue relating to the location and appropriateness of mixed-used and continued Plan Area Statement (PAS) uses. PAS and Community Plans are the currently existing zoning documents for the Lake Tahoe Basin that will be superseded by Area Plans. The Area Plan will supersede a combination of 57 PAS and 6 Community Plans.<sup>36</sup> The majority of the Area Plan is consistent with the framework set forth by the RPU. The RPU designates Town Centers as well as mixed-used areas outside of Town Centers (which do not allow the same amount of height and density as Town Centers). After cross-referencing each of the PAS and Community Plans, the RPU draft and

13-12

<sup>34</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Greenhouse Gas Emissions. p.12-15 &16.

<sup>35</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Greenhouse Gas Emissions. p.12-18.

<sup>36</sup> Public Review Draft Placer County Tahoe Basin Area Plan. June 2016. Prepared by Placer County Planning Services Division, TRPA, Dyett & Bhatia Urban and Regional Planners, Stockham Consulting. Part 1: Introduction. p.16.

final EIR/S, and the new uses in the Area Plan DEIR/S, the League has identified certain zoning areas and permissible uses that need further clarification and analysis as discussed below.

**A. The PAS 002, Fairway Tract (Fairway Tract South) permissible commercial and tourist uses need to be eliminated or assessed in the FEIR/S as these uses were not analyzed in the RPU draft or final EIR/S.**

For four years, Placer County facilitated thoughtful discussions among stakeholders — including the League, Tahoe City PUD, North Tahoe Resort Association, Tahoe Truckee Airport, and all members of the Tahoe City Golf Oversight Committee — relating to the Tahoe City Town Center modification and golf course deed restrictions. The results have provided opportunity for both economic redevelopment incentives and environmental restoration. The Area Plan has continued uses from PAS 002 Fairway Tract Special Area #2 to what is designated Fairway Tract South in the Area Plan. This area is adjacent to the Tahoe City golf course and is designated as “Residential” in the Area Plan (also classified as Residential in the PAS Special Area #2).<sup>37</sup> This built environment currently includes a school, a cemetery, and residential houses. The Area Plan has carried over permissible tourist and commercial allowable and conditional uses (bed and breakfast facilities, hotel, motel, and other transient dwelling uses, eating and drinking places, nursery, amusements, and creation services, privately owned assembly and entertainment).<sup>38</sup> The League has attached both the map and table of uses as Attachment A and Attachment B. The Fairway Tract South is the “L” shaped portion next to the golf course that again is designated as “Residential.”

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Unfortunately, the carrying over of these uses from the PAS 002 Special Area #2 is inconsistent with the environmental analysis conducted in the RPU and could conflict with negotiations surrounding the Tahoe City Town Center modification. This specific area is outside of the Tahoe City Town Center and designated as “Residential.” This area is *not* one of the mixed-used areas (within or outside of Town Centers) analyzed in the RPU draft and final EIR/S. The League has attached Exhibit 2-9 from the RPU draft and final EIR/S as Attachment C hereto. As discussed, the Area Plan will supersede and replace all PAS. Allowing these commercial and tourists uses in a designated “Residential” area is inconsistent with the RPU analysis and the community character. Conformance to the RPU requires that Area Plan preserve the character of established residential areas outside of Town Centers.<sup>39</sup> While the League understands the intent of carrying over uses from all PAS, these specific uses conflict with the intent of RPU Town Centers and mixed-use areas, and could also conflict with progress made relating to the Tahoe City Town Center modification and golf deed restriction negotiations.

The analysis conducted in the Area Plan DEIR/S on this particular area is inadequate. It states,

**“PAS 002, Fairway Tract-** With respect to PAS 002 (Fairway Tract), the uses that would be added as permissible uses within Special Area #2 (the portions of the golf

<sup>37</sup> Placer County Tahoe Basin Area Plan Implementing Regulations, Public Review Draft June 2016. Prepared by Placer County Planning Services Division, TRPA, Dyett & Bhatia Urban and Regional Planning, Stockham Consulting. Greater Tahoe City Plan Area Map. p.16.

<sup>38</sup> Placer County Tahoe Basin Area Plan Implementing Regulations, Public Review Draft June 2016. Prepared by Placer County Planning Services Division, TRPA, Dyett & Bhatia Urban and Regional Planning, Stockham Consulting. Table 2.03.J-1: Land Use Regulations – Fairway Tract South Subdistrict. p.45.

<sup>39</sup> TRPA Code of Ordinances. Adopted December 12, 2012. Chapter 13: 13.6.5.A.6. p.13-11.

course not included in the proposed town center boundary change) include: bed and breakfast facilities, hotel, motel, and other transient dwelling uses; publicly-owned assembly and entertainment; and transportation routes. Although new tourist uses would be allowed, the deed-restricted golf course would limit future uses to recreation, public service and conservation uses.

Any future projects involving the new permissible uses would be subject to subsequent environmental review under CEQA and Chapter 3 of the TRPA Code, which require identification and mitigation of any potentially significant environmental impacts. Further, all of the proposed new permissible uses would require either a minor use permit (MUP) or conditional use permit (CUP). These permits would require that the county and/or TRPA find that a proposed future project would be appropriate for the site and compatible with surrounding environs. *The purpose of MUPs and CUPs is to allow review of a proposed use to determine if problems may occur, to provide the public with an opportunity to review the proposed project and express their concerns in public hearing, to work with project applicant to adjust the project through conditions of approval to solve any potential problems that are identified or to disapprove a project if identified problems cannot be acceptable corrected (Placer County 2015:6-7). (Emphasis added)*

*Implementation of Alternative 1 would permit new residential uses within mixed-use areas and secondary dwelling units on parcels less than 1 acre where certain conditions are met. These uses were previous evaluated in the RPU EIS, however, and are supported by the Regional Plan. A limited number of new non-residential uses would be permitted in the three town centers and PAS 002 (Fairway Tract). These uses are similar to existing uses in each location and are not likely to create land-use compatibility issues. In addition, the existing requirements for site-specific environmental review, combined with TRPA and Placer County resource protection policies, provide the protections to ensure that all proposals are consistent with the Regional Plan and the potentially significant environmental impacts are identified, assessed and mitigated. Therefore, although Area Plan Alternative 1 would result in modification to land use classifications, zoning and permissible uses, the new uses are consistent with the types of uses envisioned in the Regional Plan and analyzed in the RPU EIS or are consistent with typical uses in similar area throughout the Tahoe Region. For these reasons, this impact would be **less than significant**. (Emphasis added)."<sup>40</sup>*

This analysis is incorrect and inadequate for several reasons. First and foremost, as already pointed out, Fairway Tract 002 was *not* designated as a mixed use area in the RPU. Therefore, any potential impacts relating to tourist and commercial uses in this area were not assessed in the RPU draft or final EIR/S. The League specifically requested in scoping comments that “[c]onsidering the significant amount of plans that are being replaced by one document the Area Plan EIR/EIS should clearly point to what portions of the RPU environment review is being used and list any potential impacts associated

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<sup>40</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Land Use. p.5-24.



with these changes.” (See enclosures). This request was ignored not only here, but throughout the document as discussed further in these comments.

Not only was this information not provided, but the analysis for Fairway Tract 002 cannot be tiered off of the RPU because it was not assessed. The statement above that impact assessments will be conducted when the project applying for MUP or CUP conflicts with the RPU. Area Plan assessments are planning documents intended to analyze potential impacts with any zone use changes. These uses, while carried over from PAS 002 Special Area #2, are considered new because they are outside of a Town Center as already discussed and directly conflict with the intent of the RPU. Furthermore, the RPU itself states:

“LU-4.2 Detailed Plan Area Statements have been approved for all properties in the region, these plan area statements were adopted in accordance with the 1987 Regional Plan and shall remain in effect until superseded by Area Plans that are developed in accordance with and found in conformance with the regional plan. If any plan area statement contains provisions that contradict newer provisions of the regional plan or development code, the new provisions of the regional plan or development plan shall prevail, but only to the extent that specific provisions conflict.”<sup>41</sup>

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The tourist and commercial uses carried over from PAS 002 Special Area #2 to the residentially designated Fairway Tract South are in direct conflict with the RPU and were not assessed in its draft or final EIR/S. Not only that, but the language “the uses that would be added as permissible uses within Special Area #2 (the portions of the golf course not included in the proposed town center boundary change)” inherently conflicts with the negotiations relating to the deed restriction at the golf course. While the language goes on further to say the deed restriction applies, the golf course area is not included, or should not be included, within the Fairway Tract South zoning area at all.

The League recommends that all commercial and tourist uses discussed above be eliminated from Fairway Tract South for reasons discussed and for the simple reasoning that it conflicts with the community character for this area. If Placer County and TRPA want to continue the uses, a thorough analysis of all potential environmental impacts (not limited to, but including land use, traffic, air quality, and water quality) must be conducted in the Area Plan FEIR/S. If this is the chosen path, the actual Area Plan document (not only implementation code) must detail the Fairway Tract South and its clear zoning parameters so that there are no conflicts with the Tahoe City Town Center or golf course deed restriction.

**B. New permissible recreational uses within Greater Tahoe City Plan Area Mixed-Use Recreation were not assessed in the RPU environmental reviews and must be analyzed.**

Similar to concerns raised above relating to the Fairway Tract South, the Greater Tahoe City Plan Area Mixed-Use Recreation areas include new permissible uses that were not assessed in the RPU draft or final EIR/S. The RPU environmental review process primarily assessed the switch of what was before designated as “public use” to “mixed-use” within Town Centers. The RPU draft EIR/S concluded for

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<sup>41</sup> TRPA Regional Plan Update. Adopted December 12, 2012. Chapter 2: Land Use Element. LU-4.2. p.2-14.



the preferred alternative, “[RPU] incentives would encourage investment in new development and redevelopment within Town Centers...The resultant development pattern would be denser and more compact community centers than those envisioned in other alternatives, with a mix of residential, commercial, tourist, and public uses.”<sup>42</sup> Recreational uses were not assessed as part of the mixed-use analysis as there was an intent to create many more recreational designated areas outside of Town Centers. Through negotiations, the adopted RPU only designated two newly designated Resort Recreation areas that were included as part of the final EIR/S. These three Mixed-Use Recreation designations within this Area Plan are *not* RPU-designated Resort Recreations.

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Again, the League’s request in scoping comments to detail tiering off of the RPU environmental reviews was ignored, likely because this was not assessed through those reviews. The proposed new permissible uses — through allowable and conditional permitting in these areas — include developed campgrounds, recreation center, recreational vehicle park, snowmobile courses, and undeveloped campgrounds.<sup>43</sup> These uses were not carried over from a PAS or Community Plan and have been added as altogether “new uses.” There is no discussion relating to these new uses within the Area Plan DEIR/S nor any environmental analysis. For the same reasons cited above, these uses were not assessed as part of the RPU and have not been assessed. While the area may be appropriate for these types of uses, this is within the heart of downtown Tahoe City. These areas are designated next to the Lake and areas that are already prone to traffic congestion. These new uses require detailed environmental impact assessment (again, not limited to, but including land use, traffic, air quality, and water quality) in the Area Plan FEIR/S if they are not eliminated. All of the same concerns apply to the following new permissible use within the Tahoe City Mixed-Use Town Center.

**C. Laundries and dry cleaning plants permissible use within Tahoe City Town Center were not specifically analyzed in the RPU Environmental EIR/S and require an impact analysis in the FEIR/S.**

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Laundry and dry cleaning plants have the potential to create serious environmental impacts. This is yet another added permissible use to the Tahoe City Mixed-Use Town Center that was not assessed in the RPU environmental review process.<sup>44</sup> While the RPU did envision commercial uses to be included within Town Centers, a specific assessment of this type of use was never conducted. The Area Plan DEIR/S does not point to an RPU citation as requested by the League, and does not include any discussion as to why this was added, nor was it analyzed. This use must be assessed for any and all potential environmental impacts in the Area Plan FEIR/S.

**D. Secondary dwelling units must detail that they shall not be used as vacation rentals.**

The Area Plan and DEIR/S allow for a substitute standard to allow deed restricted (to residential) secondary dwelling units provided they are within .25 miles of transit services, the primary or secondary unit is occupied by the owner of the property at least 10 months out of the year, and short-term rental

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<sup>42</sup> Draft Environmental Impact/Report Statement for TRPA Regional Plan Update. April 25, 2012. Prepared for TRPA by Ascent Environmental. Land Use. p.3.2-57.

<sup>43</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Appendix B. MU-REC. New Uses. p.B-11.

<sup>44</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Appendix B. MU-TC. New Uses. p.B-4.



occupancies for fewer than 30 consecutive days are prohibited.<sup>45</sup> The League recommends adding the language “prohibiting all vacation rentals or tourist uses” to the implementing code for consistency and to prevent inappropriate use of the units.

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**IV. Clarification is needed on Lodge Project shared-parking analysis and mitigation measures.**

The Lodge Project requires on-site SEZ restoration that will have direct environmental benefits for Lake Tahoe. The League has had open discussions with the Project Proponent and appreciates the implementation of this opportunity. The League requests clarification on the below aspects of the Area Plan DEIR/S as they relate to the Lodge Project.

**A. The League requests clarification on details of mitigation measures and in-lieu fees for affordable housing.**

There are two specific mitigation measures and an in-lieu fee requirement on which the League request further information, and which should be detailed in the Area Plan FEIR/S. Mitigation measure 14-1 states that:

“During the final design and before TRPA approval, the site plan shall be refined to reduce paved areas (such as roads, parking areas, or paved walkways) such that the total proposed land coverage within any [Land Capability District] LCD does not exceed the limits established by TRPA. This would require a net reduction of 1,122 sf and 1,179 sf of coverage in LCD 3 under Alternative 1 and 3, respectively.”<sup>46</sup>

13-16

Considering the amount of time that has been put forth by stakeholders in the Tahoe City Town Center modification to complete this project and to ensure development only occurs in the appropriate high capability Land Capability District (LCD), the League requests that this information be provided in the FEIR/S. Both Placer County and TRPA decision makers will need assurance on this information before making any overriding considerations and certifying the environmental review.

Mitigation Measure 15-2 refers to Mitigation Measure 15-1c (which refers to [Best Management Practice] BMP requirements and maintenance) and concludes that significance after mitigation would:

“ . . . substantially reduce the risk of stormwater quality impacts during the operations of the Tahoe City Lodge meeting TRPA BMP requirements either through the installation and maintenance of parcel scale permanent water quality BMPs and/or participating in an area-wide water quality treatment project showing great or equal water quality benefits to parcel scale BMPs. Implementation of these mitigation measures would reduce the potential for Tahoe City Lodge Alternatives 1,2,3 to

<sup>45</sup> Placer County Tahoe Basin Area Plan Implementing Regulations, Public Review Draft June 2016. Prepared by Placer County Planning Services Division, TRPA, Dyett & Bhatia Urban and Regional Planning, Stockham Consulting. Chapter 3 Area-Wide Standards and Guidelines. p.268 & 269.

<sup>46</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Geology, Soils, Land Capability, and Coverage. p.14-28.



create substantial adverse effects on water quality from operational activities to **less-than-significant** level.”<sup>47</sup>

The League requests more detailed information on whether the BMPs will be part of an area-wide water quality treatment project with surrounding parcels, or a standalone BMP parcel project. This information could help inform TMDL discussions with Placer County along with BMP enforcement requirements through the Area Plan Memorandum of Understanding (MOU). The League also requests that more details be provided on the actual maintenance and timeframes on reporting of maintenance for BMP function. Commercial property BMPs and ongoing maintenance are a critical component for Placer County being able to achieve TMDL milestones and improvement to water clarity.

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Finally, the Area Plan DEIR/S states that, for the purposes of meeting Placer County workforce housing requirements, the project proponent will be responsible for housing units, which will be provided via in-lieu fees paid to the County in support of moderate and low income housing programs.<sup>48</sup> Affordable housing is a serious problem not only in Placer County, but in all of the Lake Tahoe region. Lack of workforce housing causes employees to commute longer distances, increasing VMT and harming the Lake. There should be ample affordable housing opportunities within Town Centers to allow workers to walk and bike to work. The League requests information on how the in-lieu fees will be applied directly to projects within Lake Tahoe rather than contributing to the Placer County general fund.

**V. Non-Contiguous Project Area Mitigation Measure Should Consider Setbacks Considered in Town Centers. Non-Contiguous Project Areas Shall Only Be Allowed on High Capability Lands.**

The concept of non-contiguous project areas was not assessed in the RPU and is a substitute standard for this Area Plan. The Area Plan DEIR/S recognizes that the implementation code as written could be potentially significant in terms of scenic impacts. It offers the following language to be included to the implementing ordinances as mitigation: “Projects using a non-contiguous project area shall not increase the density or land coverage in any portions of the project area that are between SR 28 or SR 89 and Lake Tahoe, beyond the limits that would apply to those portions of the project area without the use of a non-contiguous project area.”<sup>49</sup> The League suggest that this language includes another sentence: “All non-contiguous project areas shall comply with setbacks within Town Centers.” This will assure that these project areas will comply with all scenic protections envisioned in both the Area Plan and implementing code.

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Non-contiguous project areas are only permitted within Town Centers which are identified as urbanized areas. However, the League recommends that it be explicit within the Area Plan as policy that the use

<sup>47</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Hydrology and Water Quality. p.15-32.

<sup>48</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Population and Housing. p.6-23.

<sup>49</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Scenic Resources. p.9-37.



of non-contiguous project areas only be permitted on high capability land. This will further protect sensitive lands and insure these project areas are appropriately implemented.

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**VI. Technical Corrections Needed for FEIR/S to Make TRPA Required Findings.**

The Area Plan DEIR/S uses the conversion rate of 450 square feet of CFA = 1 TAU.<sup>50</sup> This conversion rate is used for the entire analysis. The Area Plan states that the conversion rate is 400 square feet of CFA = 1 TAU.<sup>51</sup> This error makes all CFA and TAU calculations and associated impacts incorrect throughout the entirety of the analysis. This must be corrected in the FEIR/S.

13-18

The League states for public record that the inadequacies within the Area Plan DEIR/S must be corrected before the document is certified. Once the FEIR/S has issued the corrections the League will compare not only the initial TRPA environmental checklist and CEQA requirements to the required TRPA Chapter 4 Findings, but to the TRPA Area Plan Conformance Checklist. Recommendations for the FEIR/S are stated below.

**VII. Recommendations**

The League again wants to acknowledge the stakeholder input and true collaborative efforts that have been put forth through the Area Plan process. This Area Plan truly has the opportunity to institute creative planning to resolve current and future traffic impacts. Placer County has adopted an updated Tahoe Truckee Area Regional Transit Systems Plan Update (the TART Plan) and is identifying funding mechanisms to improve public transit. The League is encouraged by this process and hopes it TART plan can be used as model regionally. The main focus of this comment letter has been predominantly related to traffic impacts and the TRPA VMT threshold. There needs to be a true understanding of this threshold as detailed in Attachment D of the League's traffic expert analysis. This is not only critical to be able to know the actual environmental impacts of near-Basin projects (Squaw, Martis Valley, and Brockway), but to also prepare for the 2016 TRPA Threshold review and update. An actual VMT baseline must be established to improve future traffic impacts. The League has raised several concerns through the comments that are summarized below. The League also makes the following recommendations as suggested traffic mitigation. The League looks forward to continued discussions with Placer County and the TRPA to ensure concerns are resolved through the FEIR/S and to contribute to solutions as to protect Lake Tahoe.

13-19

- **VMT Threshold and associated counts between the Squaw, Martis Valley, and Area Plan environmental reviews must be resolved for an adequate environmental review.**
- **A cumulative impact assessment of near-Basin projects with official VMT baseline and standards must be conducted.**
- **League requests 2014, 2015, and (if possible) 2016 traffic counts be provided to the public. It appears 2015 traffic counts were used for the DEIR/S analysis, but it is**

<sup>50</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Proposed Project and Alternatives. p.3-17.

<sup>51</sup> Public Review Draft Placer County Tahoe Basin Area Plan. June 2016. Prepared by Placer County Planning Services Division, TRPA, Dyett & Bhatia Urban and Regional Planners, Stockham Consulting. Part 4: Land Use. p.89.



unclear where this information can be found and if it was put through the TransCAD model.

- An assessment of VMT lengths should be conducted and provided to the public. Assuming length trips have not changed since 1981 is inadequate.
- Resolution between the 2012 RPU VMT counts and Area Plan VMT counts and baseline establishment as highlighted in Attachment D. These numbers in Appendix G must have justification.
- Resolution of change in number of traffic count stations and explanation as to why areas on SR 89, SR 28, and US 50 were not included as detailed in Attachment D as these are key traffic growth areas.
- A standard of “significance” for VMT increase related to near-Basin projects and what is “considered cumulatively impactful” must be addressed for a legally adequate FEIR/S.
- GHG emission calculations and impact assessment must be adjusted after VMT baseline is recalculated.
- FEIR/S must detail what portions of RPU DEIR/FEIR are being used for tiering. Particularly as they relate to zoning changes.
- Fairway South Tract tourist and commercial zoning uses must either be eliminated or analyzed as they cannot be tiered off the RPU.
- New recreational uses within Greater Tahoe City Plan Area Mixed-Use Recreation must be analyzed as they cannot be tiered off of the RPU.
- Clarification is needed on the Lodge Project as detailed in this letter.
- Non-contiguous project area mitigation measures should consider setbacks and shall only be allowed on high capability lands.
- Secondary residential units shall not be used as vacation rentals and must remain within .25 mile of transit.
- Technical corrections must be resolved in FEIR/S.
- The League recommends several additional mitigation measures relating to traffic as detailed in Attachment D.
  - Additional local transit.
  - Consideration of road tolls and parking fees.
  - Elimination of parking minimums and impositions of parking maximums, for all land uses.
  - Moratorium on new non-residential parking spaces. Any new commercial parking space would require removal of an existing commercial parking spaces.
  - Require “unbundling” of residential parking spaces within apartment buildings.
  - Require “unbundling” of non-residential parking spaces.
  - Institute a parking tax on all pay to park lots.
  - Install parking meters for on-street parking along CA SR 28.

13-19  
cont

There are critical flaws to the TRPA VMT threshold as pointed out throughout this letter. The League recommends that the TRPA critically reassess this threshold, particularly considering the near-Basin project impacts that have been discussed, and not issue any future development entitlements until

13-20



these problems have been resolved. The League appreciates Placer County, TRPA, and Ascent for all consideration of comments and associated recommendations.

13-20  
cont

Sincerely,  
Shannon Eckmeyer  
Policy Analyst  
League to Save Lake Tahoe

*Enclosures*

Attachment A - Greater Tahoe City Plan Area Map  
Attachment B - Table 2.03 J-1: Land Use Regulations – Fairway Tract South Subdistrict  
Attachment C - Exhibit 2-9 from RPU DEIR  
Attachment D - Greg Riessen: Review of Transportation and Circulation Analysis Placer County Tahoe Basin Plan and Tahoe City Lodge Draft Environmental Impact Statement

*2015.6.23 League to Save Lake Tahoe's Comments on NOP EIR Placer Area Plan and Pilot Project*  
*2016.6.8 League to Save Lake Tahoe's Comments on Final Environmental Impact Report (FEIR) for the Martis Valley West Specific Plan*  
*2016.8.9 League to Save Lake Tahoe's Comment on Final Environmental Impact Report (FEIR) for the Village at Squaw Valley Specific Plan*

**Letter  
13**

**League to Save Lake Tahoe**  
August 15, 2016

- 13-1 The comment provides an introduction and overview of the comment letter and lists specific concerns that are discussed in more detail in the body of the letter. These concerns are listed below with reference to the comment response that addresses them.
- ▲ Stakeholder Involvement: The comment suggests that the Draft EIR/EIS incorporate additional language describing the stakeholder involvement process included in the development of the Area Plan. In response to this comment, the third paragraph of Draft EIR/EIS Section 1.1, on page 1-1 has been revised as follows:

The proposed Area Plan was prepared and initiated by Placer County as an update to its land use regulations in the Tahoe Basin. Placer County began soliciting public input for the development of the Area Plan in May of 2012, and facilitated a series of information meetings, public workshops, and focused working group sessions. Stakeholders included private residents, businesses, community and advocacy organizations, and local agencies. The Area Plan also incorporated the Tahoe City and Kings Beach Town Center visioning documents, which were developed in 2012 and 2013 through a separate public process in anticipation of the Area Plan. Through this multi-year process, the Area Plan was revised numerous times to reflect the opportunity for both economic redevelopment incentive and environmental restoration. The Area Plan as proposed, is intended to implement and achieve the environmental improvement and redevelopment goals of the Lake Tahoe Regional Plan and the TRPA/Tahoe Metropolitan Planning Organization (TMPO) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The Area Plan would also satisfy California’s comprehensive long-term general plan requirements, and would serve as the General Plan for the Tahoe Basin portion of Placer County (California Government Code Section 65300 et seq.). Adoption of the Area Plan would supersede general plans, community plans, PASs, and related planning documents adopted to implement the 1987 Regional Plan, and relevant sections of the Placer County Zoning Ordinance.
  - ▲ Cumulative impacts of increased Vehicle Miles Traveled (VMT). Please see the response to comments 13-4, 13-5, 13-6, 13-7, 13-8, 13-9, and 13-10.
  - ▲ Adequacy of TRPA’s VMT Threshold and resolution of perceived conflicts. Please see Master Response 1, VMT and LOS Analysis, in Section 3.1 of this Final EIR/EIS, which addresses TRPA’s VMT standard.
  - ▲ Suggested additional VMT mitigation measures. Please see the response to comment 13-19.
  - ▲ Recalculation of Greenhouse Gas Emissions. Please see the response to comment 13-11.
  - ▲ Land use zoning changes: Please see the response to comments 13-12, 13-13, and 13-14.
- 13-2 This comment is a summary of concerns discussed in greater detail in the body of the letter. Each item is listed below with reference to the appropriate comment response.

- ▲ The comment expresses concern that the cumulative impacts of increased VMT were not adequately addressed in the Draft EIR/EIS. Please see the response to comments 13-4, 13-5, 13-6, 13-7, 13-8, 13-9, and 13-10.
- ▲ The comment asserts that the GHG and climate change analysis must be updated along with the Draft EIR/EIS VMT calculations. Please see the response to comment 13-11.
- ▲ The comment notes permissible use changes allowed by the Area Plan but not called out in the Draft EIR/EIS. Please see the response to comments 13-12, 13-13, and 13-14.
- ▲ The comment requests clarification on the Tahoe City Lodge shared parking analysis and in-lieu mitigation fees for affordable housing. Please see the response to comment 13-16.
- ▲ The comments states that non-contiguous project area mitigation should consider setbacks in town centers and non-contiguous project areas should only be allowed on high capability lands. Please see the response to comment 13-17.
- ▲ The comment states that technical corrections are needed for the Final EIR/EIS to make TRPA's required findings. Please see the response to comment 13-18.

- 13-3 The comment summarizes the history and background of the involvement by the League to Save Lake Tahoe in the Regional Plan Update and Area Plan development processes, including that of the Tahoe City Town Center and Tahoe City Lodge. The comment introduces concerns about three cumulative projects near the Plan area—Squaw Valley Specific Plan, Martis Valley West Specific Plan, and Brockway Campground—and their cumulative contribution to in-Basin VMT. The comment is addressed in more detail in the body of the letter. (Note: the Brockway Campground applicant and the U.S. Forest Service have entered into an agreement that would enable the USFS to acquire the site. If USFS acquires the site, the campground proposal will not go forward. For this reason, the entitlement process for that proposal has been suspended.) The Draft EIR/EIS includes an analysis of traffic impacts associated with the Area Plan. The analysis also considers the impacts of cumulative development – the Area Plan, together with reasonably foreseeable development elsewhere in the region. As the Draft EIR/EIS states: “In the cumulative scenarios in Chapter 19, traffic volumes are increased to reflect traffic that could enter the Plan area as a result of build-out of nearby areas outside of the Tahoe Basin, particularly Truckee, Martis Valley, and the Squaw Valley/Alpine Meadows areas.” (Draft EIR/EIS, page 10-14)
- 13-4 The comment expresses concern regarding the VMT analysis in the Draft EIR/EIS, requests additional data on the VMT analysis, and provides an introduction to subsequent, more detailed comments on the VMT and LOS analysis. Please refer to Master Response 1, VMT and LOS Analysis, in Section 3.1 of this Final EIR/EIS.
- 13-5 The comment pertains to the current and historic analyses of region-wide VMT. See Master Response 1, VMT and LOS Analysis, of this Final EIR/EIS, as well as responses to comments 12-28, 12-39 and 12-102.
- 13-6 The comment expresses concern about use of the TRPA VMT threshold in the Area Plan EIR/EIS and in environmental documents for other projects. Please refer to Master Response 1, VMT and LOS Analysis, and the response to comment 13-20, which address this issue.
- 13-7 The comment objects to the proposed Area Plan policy to recognize the existing LOS F conditions on SR 28 and to reduce the standard for peak period LOS from E to F. LOS is a measure of the delay to roadway users and is expressed by a series of letter grades from A

(free flow of traffic) to F (forced or breakdown flow). As described on pages 10-9 and 10-10 of the Draft EIR/EIS, the Tahoe City core area currently experiences substantial (20 minute or more) delays due to a combination of factors including high vehicle volumes, pedestrian crossings, parking maneuvers, vehicular turning movements, and bicyclists. The Draft EIR/EIS LOS analysis explains that the LOS on SR 28 between the Wye and Grove Street, and at the intersection of Grove Street and SR 28, is currently operating at level F (with the exception of eastbound traffic on SR 28, which is at LOS E). Under all Area Plan alternatives, LOS in these areas would continue at LOS F. The traffic analysis shows that Alternatives 1, 2 and 3 would reduce traffic congestion as compared to existing conditions in the peak eastbound direction. Thus, although the Area Plan includes proposed revisions to LOS standards, these alternatives would result in reduced congestion. However, Alternative 4, which is a continuation of existing planning policies, would result in a further reduction in LOS. LOS would worsen at the SR 28/Grove Street intersection for the worst (southbound) movement under all alternatives. With regards to the Draft EIR/EIS, the change in LOS standards does not materially impact the results of the analysis, as LOS F conditions are considered to represent a significant impact.

The comment equates more congestion with more tail-pipe emissions, and therefore more pollutant deposition to Lake Tahoe. Although traffic delays increase vehicle idling time, tailpipe emissions of gaseous nitrogen have substantially decreased over the past two decades due to more stringent motor vehicle standards and cleaner burning fuels (ARB 2014a: 3-4 and 4-46). California's vehicle standards for 2017 through 2025 will further reduce emissions. By 2025, the statewide fleet of new cars and light trucks will emit 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (ARB 2011a). However, it has been demonstrated that fugitive dust emissions from vehicles traveling on paved and unpaved roads are a major source of atmospheric fine sediment, especially in winter when road abrasives are required (Zhu et al. 2009). These emissions are unaffected by the steady trend toward cleaner engines.

13-8

The comment requests additional detail about mitigation measures recommended in the Draft EIR/EIS, including timing of implementation and funding for Mitigation Measure 10-1a; expansion of Mitigation Measure 10-1b to include summertime expansion of transit capacity; and identification of features/programs that would receive the funding generated under Mitigation Measure 10-1c. Though Mitigation Measure 10-1b, as currently written, does not preclude the funding of summertime expansion, the measure is revised to include summer transit service expansion as minimum requirements of the ZOB. This change and other refinements to Mitigation Measure 10-1b are presented in Chapter 2, "Corrections and Revisions to the Draft EIR/EIS," and below.

Mitigation Measure 10-1b on page 10-31 is revised to read as follows:

**Mitigation Measure 10-1b: Establish a County Service Area Zone of Benefit to fund expansion of transit capacity**

*This mitigation measure applies to Area Plan Alternatives 1, 2, and 3.*

The key constraint to expanding transit capacity is the availability of ongoing transit operating subsidy funding, as discussed in the recently completed System Plan Update for the Tahoe Truckee Area Regional Transit in Eastern Placer County (LSC, 2016). While the proposed Area Plan includes Policy T-P-22 ("Secure adequate funding for transit services so that transit is a viable transportation alternative"), this does not identify a specific mechanism to assure expansion of transit services to address increased peak demand. To provide an ongoing source of operating funding as well as transit bus seating capacity, Placer County shall establish one or more County Service Area Zones of Benefit encompassing the developable portions of the Plan area.

Ongoing annual fees would be identified to fund expansion of transit capacity as necessary to expand seating capacity to accommodate typical peak-period passenger loads during both summer and winter peak periods. At a minimum, this would consist of four additional vehicle-hours of transit service per day throughout the winter season on each of the following three routes: North Shore (North Stateline to Tahoe City), SR 89 (Tahoe City to Squaw Valley), and SR 267 (North Stateline to Northstar), as well as the expansion of transit fleet necessary to operate this additional service. In addition, ongoing annual fees would be sufficient to, at a minimum, provide 16 additional vehicle-hours of transit service per day throughout the summer season, as well as the expansion of transit fleet necessary to operate this additional service. The additional 16 vehicle-hours of transit service during the summer season would be provided on those routes that have the highest ridership and/or the lowest LOS conditions. Currently, SR 28 through Tahoe City has the highest ridership levels and lowest LOS. However, the county will determine the specific routes where additional transit service will be provided each year based on observed changes in ridership and LOS over time. Fees would be assessed on all future land uses that generate an increased demand for transit services, including residential, lodging, commercial, civic, and recreational land uses.

The new Zone of Benefit under the County Service Area would be established through action by the Board of Supervisors to fund increased public services within the Plan area. This is a very common means of funding the costs for expanded public services generated by development in California, though Zones of Benefit funding transit programs are relatively uncommon. In this case, the services to be funded would be expanded winter and summer TART transit services, and could also include capital expenses (such as additional buses). An Engineers Report is required under state law to identify the costs to be funded and the fee. Like traffic fee programs, fees are set on a “dwelling unit equivalent” (DUE) basis for various land use types, depending on the relative transit ridership generated by each type of land use. The total potential number of future development DUEs in the Plan area would be identified. The annual fee for each DUE would be calculated by dividing the annual costs of the additional transit service by the total DUEs. The fee would then be applied to all future development that increases ridership (residential, commercial, lodging, etc.). The fee would be an annual ongoing fee that is collected as part of property tax billing. As funds are received, they would be kept in a separate account, which can only be used for the specified purposes. Fee levels would be indexed to the regional rate of inflation, increasing as costs increase and these fees would be collected indefinitely.

The actual amount of funding generated by the Zone of Benefit will depend on the actual level of development that occurs. Initially, when little development and little increased demand for transit has occurred, funds may be allowed to accumulate to a level at which they can be effectively used for the intended purpose. As expansion of existing transit service is relatively simple to implement in increments, the expansion of transit services funded through the Zone of Benefit can be expected to occur relatively soon and long before buildout of the Plan area. A good example of Zones of Benefit funding transit expansion can be found in the Martis Valley area. As a result of the Martis Valley Community Plan process, Zones of Benefit have been established by the Placer County Board of Supervisors for all subsequent developments over the past ten years, tied to the cost of expanding transit service and funding an additional bus purchase. These generate approximately \$40 per DUE per year. In initial years, funds were allowed to accumulate. More recently, as additional development has occurred, annual funding levels have risen and this source is now an important element of the recent expansion of TART’s 267 Route to year-round service.

- 13-9 This comment pertains to the inclusion of the Martis Valley West project in the traffic forecasts. The cumulative traffic analysis does reflect the Martis Valley West project, as well as buildout of all current potential future development in the Martis Valley area and Town of Truckee, as discussed in Appendix G-2 of the Draft EIR/EIS. The comment suggests that the Area Plan Draft EIR/EIS ignored the conclusion in the Martis Valley Final EIR/EIS related to the roadway LOS north of SR 28 dropping to LOS E; this was a significant and unavoidable impact in the Martis Valley Final EIR/EIS. This comment is similar to comment 12-34. Please see the response to comment 12-34. See also Master Response 1, VMT and LOS Analysis, in Section 3.1 of this Final EIR/EIS.
- 13-10 The comment states that the Draft EIR/EIS VMT analysis did not consider the potential effect of non-contiguous project areas or the conversion of Commercial Floor Area (CFA) to Tourist Accommodation Units (TAUs). As described on page 10-13 and 10-14 of the Draft EIR/EIS, the TRPA TransCad Transportation Demand Model was used for analysis of the Area Plan. This analysis included five scenarios: a 2015 baseline, and each of the four alternatives. For Area Plan Alternatives 1 and 3, this included analysis of the proposed CFA to TAU conversion program. The policy allowing non-contiguous project areas relates to the relative location of a project footprint within a town center and would not change the type of use allowed or applicable development standards. No element of the non-contiguous project area proposal would substantially increase trip generation. Therefore, it was determined that this policy would not have a measurable effect on VMT. See also Master Response 1, VMT and LOS Analysis, in Section 3.1 of this Final EIR/EIS.
- 13-11 The comment states that the analysis of greenhouse gas (GHG) emissions in the Draft EIR/EIS is inadequate because it relies on estimates of vehicle miles travelled (VMT) that the comment alleges are inadequate in comments 13-1 and 13-2. The comment also asserts that VMT estimates in the Draft EIR/EIS did not account for the increase in vehicle trips associated with future development in Squaw Valley and Martis Valley. Please refer to Master Response 1, VMT and LOS Analysis, regarding the adequacy of VMT estimates used to support the GHG analysis.
- The comment states that it is unclear how the Mobile-Source Emission Factor Model (EMFAC) model and TRPA's TransCAD Travel Demand Model (TransCAD) are related. As explained on Draft EIR/EIS page 11-11, EMFAC provides emission factors for motor vehicles that can be used to estimate mobile-source emissions. The primary input necessary to use EMFAC is VMT. As explained on Draft EIR/EIS page 10-2, TransCAD uses information about the quantity and location of different land use types to estimate the number of vehicle trips made on the roadway network and the distance between trip origins and destinations for each trip purpose. VMT is the sum of all these trip lengths. In brief, the level of VMT estimated using TransCAD is then used in EMFAC to calculate the level of mobile-source emissions associated with that VMT.
- 13-12 The comment provides introductory comments stating that several new permissible uses needed to be eliminated from the Area Plan or require further analysis and clarification in the Final EIR/EIS. This comment addresses uses in the Tahoe City Golf Course and Fairway Tract South zoning districts.
- With respect to the Fairway Tract South zoning district, which reflects the "L" shaped portion of existing Special Area #2 in PAS 002, the comment recognizes that the Area Plan carries forward all the existing permissible uses in this area and raises concern that these uses are carried forward in an area classified as Residential. The comment states that the carrying over of these uses is inconsistent with the environmental analysis conducted in the RPU, existing land uses and community character in this area, and could conflict with negotiations surrounding the Tahoe City Town Center modification. The Regional Plan did not propose or evaluate land use classification, or permissible use changes as it relates to PAS 002 or any

other area outside of centers. Instead, the Regional Plan and related EIS analysis assumed permissible uses outside of centers would remain the same as specified in PASs and community plans. For these reasons, the analysis in the Area Plan is consistent with the Regional Plan.

The intent of the Area Plan is to implement the Regional Plan Land Use Map and the Mixed-use Land Use Classification for the Kings Beach and Tahoe City Town Centers, and not to change permissible uses outside of the town centers. Because the Area Plan made no use changes in Fairway Tract South relative to existing conditions (see revised Appendix B table below; South Fairway Tract is shown as Special Area #2 [PCTBAP (RES)]), there was no change to evaluate in the Draft EIR/EIS. This comment is noted for consideration by decision makers.

With respect to the Tahoe City Golf Course, the EIR/EIS preparers incorrectly described the remaining portions of Special Area #2 (the remainder of the golf course outside the boundary line adjustment area) as being part of the Fairway Tract zoning district, rather than the Tahoe City Golf Course zoning district. For this reason, the Draft EIR/EIS incorrectly described that new tourist uses would be added as permissible uses, but that the deed-restricted golf-course would limit future uses. To correct this error, the Appendix B table pertaining to PAS 002 has been revised and incorporated into this Final EIR/EIS. This change and related text changes are presented in Chapter 2, "Corrections and Revisions to the Draft EIR/EIS," and below. These corrections do not alter the conclusions with respect to the significance of any impact.

The first full sentence on page 5-20 of the Draft EIR/EIS is revised to read as follows:

For example, PAS 002 (Fairway Tract) includes two special areas, Special Areas #1 and #2. With Area Plan adoption, these special areas would be identified as the Fairway Tract Northeast, Tahoe City Golf Course, and Fairway Tract South zoning subdistricts to reflect Special Areas #1 and #2, respectively. Special Area #1 would be coincident with the Fairway Tract Northeast zoning district, and Special Area #2 would be split between the Tahoe City Golf Course and Fairway Tract South zoning districts. This zoning re-designation is a change in name only—no development that would be incompatible with established land uses would result from this terminology change.

The last sentence of the fourth full paragraph on page 3-23 of the Draft EIR/EIS is revised to read as follows:

The changes are limited to the three town centers ~~and PAS 002.~~

The discussion regarding PAS 002, Fairway Tract, on page 3-24 of the Draft EIR/EIS is deleted as follows

~~**PAS 002, Fairway Tract**—With respect to PAS 002 (Fairway Tract), the uses that would be added as permissible uses within Special Area #2 (the portions of the golf course not included in the proposed town center boundary change) include: bed and breakfast facilities; hotel, motel, and other transient dwelling units; publicly owned assembly and entertainment; and transportation routes. Although new tourist uses would be allowed, the deed restriction at the golf course would limit future uses to recreation, public service, and conservation uses.~~

~~Any future projects involving the new permissible uses would be subject to subsequent environmental review under CEQA and Chapter 3 of the TRPA Code, which require identification and mitigation of any potentially significant~~

environmental impacts. Further, all of the proposed new permissible uses would require either a minor use permit (MUP) or conditional use permit (CUP). These permits would require that the county and/or TRPA find that a proposed future project would be appropriate for the site and compatible with the surrounding environs. The purpose of MUPs and CUPs is to allow review of a proposed use to determine if problems may occur, to provide the public with an opportunity to review the proposed project and express their concerns in a public hearing, to work with the project applicant to adjust the project through conditions of approval to solve any potential problems that are identified, or to disapprove a project if identified problems cannot be acceptably corrected (Placer County 2015: 6-7).

Implementation of Alternative 1 would permit new residential uses within mixed use areas and secondary dwelling units on parcels less than 1 acre where certain conditions are met. These uses were previously evaluated in the RPU EIS, however, and are supported by the Regional Plan. A limited number of new non residential uses would be permitted in the three town centers and PAS 002 (Fairway Tract). These uses are similar to existing uses in each location and are not likely to create land use compatibility issues. In addition, the existing requirements for site specific environmental review, combined with TRPA and Placer County resource protection policies, provide the protections to ensure that all proposals are consistent with the Regional Plan and the potentially significant environmental impacts are identified, assessed, and mitigated. Therefore, although Area Plan Alternative 1 would result in modifications to land use classifications, zoning, and permissible uses, the new uses are consistent with the types of uses envisioned in the Regional Plan and analyzed in the RPU EIS or are consistent with typical uses in similar areas throughout the Tahoe Region. For these reasons, this impact would be **less than significant**.

The Appendix B table pertaining to PAS 002 (Fairway Tract) has also been revised as shown below and in Chapter 2, "Corrections and Revisions to the Draft EIR/EIS."

13-13

The comment suggests that there are new recreational uses proposed in the Greater Tahoe City Mixed-use Recreation (MU-REC) zoning district that are not adequately addressed. Within Tahoe City, the comment states that the Area Plan's Tahoe City Town Center MU-REC zoning district would allow the following new uses: developed campgrounds, recreation center, recreational vehicle park, snowmobile courses, and undeveloped campgrounds. Snowmobile courses are not permissible uses in the MU-REC zoning district (see Table 2.04-A-1 of the Area Plan Implementing Regulations). With the exception of undeveloped campgrounds, these other uses are currently allowed under the existing provisions outlined in the Tahoe City Community Plan Special Area #3, and are carried forward by the Area Plan. The MU-R zoning district also extends across a portion of Special Area #4 (Exhibit 5-2 of the Draft EIR/EIS), where of these uses only recreation centers are currently permissible. In this portion of Special Area #4, developed campgrounds, recreational vehicle parks, and undeveloped campgrounds would be new uses. Draft EIR/EIS page 5-24 recognizes that the rezoning in the Tahoe City Town Center "would shift where existing permissible uses could occur." Importantly, there would also be a greater portion of existing Special Area #3 that would be outside of the MU-R zoning district where these uses would be eliminated. Further, the Area Plan identifies that a conditional use permit (CUP) would be required for any of these new or expanded uses, which would require that the county and/or TRPA find that these uses are appropriate for the site and compatible with the surrounding environs during subsequent project-level environmental review.

The comment also states that the "undeveloped campgrounds" use has not been appropriately analyzed in this EIR/EIS. Although this use was disclosed and analyzed on

page 5-24 of the Draft EIR/EIS, in response to this comment, the Area Plan has been modified to eliminate this use from the Tahoe City Town Center MU-REC zoning district.

The Area Plan's Kings Beach Town Center contains a Mixed-use Waterfront Recreation zoning district. This district includes areas of the Town Center that are currently designated Special Area #3, as well as existing public recreational areas that include portions of Special Areas #2 and #4 in the Kings Beach Community Plan. Under the existing provisions outlined in the Kings Beach Community Plan for these special areas, the uses that the commenter suggests have not been appropriately analyzed including "developed campgrounds", "recreational centers", "recreational vehicle parks", "snowmobile courses", and "undeveloped campgrounds", are not currently allowed. Under the MU Waterfront Recreation zone district, recreation parks, snowmobile courses and undeveloped campgrounds are not listed as allowed uses. In response to the comment about the developed campgrounds and recreational centers, these uses have been eliminated from the use tables in the revised Area Plan Implementing Regulations for the North Tahoe East (Kings Beach) Mixed-use Waterfront Recreation zoning district.

- 13-14 The comment suggests that the specific use of "laundry and dry cleaning plant" within the Tahoe City Town Center has not been analyzed. This use is currently a permissible use, subject to special use findings, in the Tahoe City Community Plan Special Areas #1 and # 5, which correspond to a portion of the Area Plan's Tahoe City Town Center Mixed-Use Town Center (MU-TC) zoning district. In these locations, this allowable use represents no change from existing conditions. Where the MU-TC zoning district overlaps with existing Special Areas #2 and #3 (Exhibit 5-2 of the Draft EIR/EIS), this would be a new use. Draft EIR/EIS page 5-24 recognizes that the rezoning in the Tahoe City Town Center "would shift where existing permissible uses could occur." Importantly, there would also be portions of existing Special Area #5 that would be outside of the MU-TC zoning district where this use would be eliminated. Further, the Area Plan has been revised to identify that a conditional use permit (CUP) would be required for any new or expanded "laundry and dry cleaning plant", which would require that the county and/or TRPA find that this use was appropriate for the site and compatible with the surrounding environs during subsequent project-level environmental review.

The "laundry and dry cleaning plant" use has also been proposed within the Area Plan's Tahoe City Town Center Mixed-Use Service (MU-S) zoning district, which as the comment suggests, is not currently allowed for this area by the Tahoe City Community Plan. The intent of the Tahoe Basin Area Plan is to implement the Regional Plan Land Use Map and the Mixed-use Land Use Classification for the Kings Beach Town Center. As such, in response to this comment, the Area Plan has been modified to eliminate this use within the Tahoe City Town Center MU-S zoning district.

- 13-15 The comment states that secondary dwelling units must not be used as vacation rentals. In response to this comment and other comments expressing concern regarding the potential use of secondary dwelling units as vacation rentals, the Area Plan has been revised to include additional language that would prohibit use of secondary units for vacation or tourist uses. Please see Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.
- 13-16 The comment expresses appreciation for the SEZ restoration element of the Tahoe City Lodge project. The comment also requests further information regarding two mitigation measures and the in-lieu fee for affordable housing. Mitigation Measures 14-1, 15-1c, and 15-2 require the project applicant to reduce paved areas and to install parcel-scale and/or participate in areawide BMPs, respectively, so as to comply with TRPA requirements. As described in Mitigation Measure 14-1, the site plan would be refined to comply with TRPA coverage limitations during final design and before TRPA approval (Draft EIR/EIS page 14-

PAS 002 – Fairway Tract - Summary of Use Changes Associated with Implementation of the PCTBAP

Use	Within the Placer County Tahoe Basin Area Plan Boundary, outside of Special Areas				Special Area #1				Special Area #2									
	Existing Conditions	Project Conditions			Existing Conditions	Project Conditions			Existing Conditions	Project Conditions								
	PAS/CP (Res-002)	PCTBAP (RES)			PAS-002, SA#1	PCTBAP (RES)			PAS-002, SA#2	PCTBAP (REC)			PCTBAP (RES)			MU-TC		
<i>PCTBAP Uses</i>	Permitted Use	Permitted Use to Continue	Use Eliminated	New Use	Permitted Use	Permitted Use to Continue	Use Eliminated	New Use	Permitted Use	Permitted Use to Continue	Use Eliminated	New Use	Permitted Use to Continue	Use Eliminated	New Use	Permitted Use to Continue	Use Eliminated	New Use
<b>Residential</b>																		
Single-Family Dwelling	A	X			A	X			A	X	X		X			X		
Secondary Dwelling				C				C				€						C
Multiple Family Dwelling					A	A												A
Nursing and Personal Care					A	A												MUP
Employee Housing					A	A			S	MUP	X		MUP			MUP		
Residential Care					A	X												MUP
<b>Tourist Accommodation</b>																		
Bed and Breakfast Facilities					S		X		S		X	CUP	CUP					C
Hotel, Motel, and Other Transient Dwelling Units					S		X		S		X	CUP	CUP					CUP
Timeshare (Hotel/Motel Design)																		CUP
Timeshare (Residential Design)																		CUP
<b>Commercial</b>																		
Auto, Mobile Home and Vehicle Dealers																		CUP
Building Materials and Hardware																		MUP
Eating and Drinking Places									A	X	X		X			C		
Food and Beverage Retail Sales																A		
Furniture, Home Furnishings and Equipment																A		
General Merchandise Stores																		A
Mail Order and Vending																		A
Nursery									S	MUP	X		MUP			MUP		
Outdoor Retail Sales																		MUP
Service Stations																		CUP
Amusements and Recreation Services									A	X			MUP			CUP		
Privately Owned Assembly and Entertainment									S	MUP	X					CUP		
Broadcasting Studios																		A
Contract Construction Services																		A
Financial Services																		A
Health Care Services																		A
Laundries and Dry Cleaning Plants																		MUP
Personal Services																		A
Professional Offices																		A
Repair Services																		MUP
Schools - Business and Vocational																		A
Secondary Storage																		MUP
Vehicle Storage and Parking																		MUP

PAS 002 – Fairway Tract - Summary of Use Changes Associated with Implementation of the PCTBAP

Use	Within the Placer County Tahoe Basin Area Plan Boundary, outside of Special Areas				Special Area #1				Special Area #2									
	Existing Conditions	Project Conditions			Existing Conditions	Project Conditions			Existing Conditions	Project Conditions								
	PAS/CP (Res-002)	PCTBAP (RES)			PAS-002, SA#1	PCTBAP (RES)			PAS-002, SA#2	PCTBAP (REC)			PCTBAP (RES)			MU-TC		
<i>PCTBAP Uses</i>	Permitted Use	Permitted Use to Continue	Use Eliminated	New Use	Permitted Use	Permitted Use to Continue	Use Eliminated	New Use	Permitted Use	Permitted Use to Continue	Use Eliminated	New Use	Permitted Use to Continue	Use Eliminated	New Use	Permitted Use to Continue	Use Eliminated	New Use
<b>Public Service</b>																		
Cemeteries	A	X			A	A			A	A	X		X				X	
Religious Assembly	S	MUP			S	MUP			S	MUP	X		MUP			MUP		
Collection Stations																		MUP
Cultural Facilities	S	MUP			S	MUP			S	MUP	X		MUP			MUP		
Day Care Centers/Preschools	A	X			A	X			A	X	X		X			A		
Government Offices																		A
Local Assembly and Entertainment																		CUP
Local Post Offices	S	MUP			S	MUP			S	MUP	X		MUP				X	
Local Public Health and Safety Facilities	S	MUP			S	MUP			S	MUP			MUP			A		
Membership Organizations	A	A			A	X			A	A	X		X			A		
Publicly Owned Assembly and Entertainment				CUP				CUP	S		X	CUP	CUP					MUP
Public Utility Centers	A	A			A	X			A	X			X				X	
Regional Public Health and Safety Facilities																		A
Schools – Elementary	A	X			A	X			A	X	X		X				X	
Schools – Secondary	A	X			A	X			A	X	X		X				X	
Social Service Organizations																		MUP
Transmission and Receiving Facilities	S	MUP			S	MUP			S	MUP			MUP			MUP		
Pipelines and Power Transmission	S	CUP			S	CUP			S	CUP			CUP			CUP		
Transit Stations and Terminals	S	CUP			S	MUP <sup>3</sup>			S	CUP			CUP			CUP		
Transportation Routes								CUP	S	CUP		CUP	CUP					CUP
<b>Recreation</b>																		
Day Use Areas	A	X			A	X			A	X			X			A		
Beach Recreation																		A
Boat Launching Facilities																		A
Golf Courses	A	X			A	X			A	X			X				X	
Participant Sports Facilities	S	MUP			S	MUP			S	MUP			MUP			MUP		
Cross Country Ski Courses	A	A			A	X			A	X			X			MUP		
Marinas																		CUP
Outdoor Recreation Concessions	A	A			A	X			A	X			X			MUP		
Recreation Center																		MUP
Riding and Hiking Trails																		A
Rural Sports																		MUP
Snowmobile Courses	S	CUP			S	CUP			S	CUP			CUP				X	
Sport Assembly																		MUP

28). In accordance with TRPA Code Section 30.5, TRPA would not acknowledge a permit for the Tahoe City Lodge project without first complying with this mitigation measure. The same is true of Mitigation Measures 15-1c and 15-2, which are described in TRPA Code Section 60.4. The comment requests that these details, which are not yet available, be included in the Final EIR/EIS. Because TRPA will not acknowledge a permit for the project until compliance is demonstrated, this represents reasonable assurance that the measures will be reflected, to TRPA's satisfaction, in the final design.

This comment also asks for more information on how affordable housing in-lieu fees would be applied to projects within the Tahoe Basin. Please see Master Response 3, Affordable Housing, in Section 3.1 of this Final EIR/EIS.

- 13-17 The comment is related to the Area Plan's proposed program for non-contiguous project area and recommends that an additional sentence be added to the Mitigation Measure 9-1. The suggested language would reinforce building setback requirements and has been added to the mitigation measure in Chapter 2, "Corrections and Revisions to the Draft EIR/EIS," and is also included in the Final Tahoe Basin Area Plan document.
- 13-18 The comment points out an inconsistency related to the Area Plan's CFA to TAU conversion program and suggests a correction to the Tahoe Basin Area Plan document. The suggested correction is included in the Final Area Plan document.
- 13-19 The comment summarizes comments 13-4 through 3-18, which are addressed individually above. Traffic growth associated with near-basin projects as well as regional traffic growth was considered in the Draft EIR/EIS traffic impact analysis. Significance findings associated with cumulative VMT projections were determined based on currently adopted TRPA standards and modeling procedures.
- The comment's proposal to update the VMT standards in conjunction with a "2016 TRPA Threshold review and update" is noted, and will be forwarded to decision-makers for their consideration. The Draft EIR/EIS was prepared based on existing information regarding VMT. As the Draft EIR/EIS notes, Placer County does not track VMT in performing CEQA analysis; rather, Placer County's significance thresholds for traffic focus on level of service. TRPA has adopted a basin-wide target for VMT. Whether the VMT target should be revised, or extend outside of the basin, is a policy call for decision-makers.
- The parking strategies recommended by the comment (tolls and parking fees, maximum parking, non-residential parking restrictions, "unbundling" residential and non-residential, parking tax on pay to park lots, and parking meters) are well thought out and helpful for further consideration of "parking districts" or a comprehensive parking plan. Any further consideration of these strategies would need to be developed with consideration for associated impacts and public input. As this comment relates to Area Plan policy and no technical basis for environmental impacts were identified, this comment is noted for further consideration. See response to comment 13a-1, below.
- 13-20 The comment suggests that there are critical flaws with the TRPA VMT threshold and recommends that TRPA critically reassess the threshold. Please refer to Master Response 1, VMT and LOS, in Section 3.1 of this Final EIR/EIS.

**Letter  
13a**

August 15, 2016

Ms. Shannon Eckmeyer  
League to Save Lake Tahoe  
2608 Lake Tahoe Boulevard  
South Lake Tahoe, CA 96150

**Subject:** Review of Transportation and Circulation Analysis  
Placer County Tahoe Basin Plan and Tahoe City Lodge  
Draft Environmental Impact Report and Environmental Impact Statement

Dear Ms. Eckmeyer:

Per your request, I have completed a review of the “Transportation and Circulation” and “Cumulative Impacts” analysis completed with respect to the proposed Placer County Tahoe Basin Plan and the project-specific environmental clearance for the Tahoe City Lodge redevelopment. The Plan is the local implementation of the adopted 2012 Regional Plan and Regional Transportation Plan, sponsored by the Tahoe Regional Planning Agency and Tahoe Metropolitan Transportation Organization, respectively. The Plan is the subject of a Draft Environmental Impact Report and Environmental Impact Statement (DEIR/DEIS) which was prepared by Ascent Environmental, for the Placer County Planning Services Division and the Tahoe Regional Planning Agency in June 2016. The DEIR incorporates a transportation impact analysis completed by LSC Transportation Consultants.

This letter documents the results of my review of the Transportation and Circulation analysis presented in the Draft EIR/EIS. The first section describes my comments specific to the proposed Plan. The second section provides comments on the cumulative conditions Vehicle Miles Traveled analysis, which is referenced by and relevant to the DEIR/DEIS, but also has implications for other proposed projects within the Tahoe Basin.

**TAHOE BASIN PLAN DEIR/DEIS**

Overall Comments

The Tahoe Basin Plan puts forward many positive transportation policies and programs that further the goals of the Regional Transportation Plan (RTP) in order to reduce Vehicle Miles Traveled (VMT) and promote sustainable transportation patterns. However, the Plan does not include the parking management strategies that were identified in the RTP and which were assumed to be in effect in the RTP’s VMT calculations.

Page 10-31 and 10-32 describe the feasibility of providing additional local transit service with funding coming from road tolls and parking fees, as was explored in the RTP (see RTP EIR/EIS Appendix C page C-13). However these options are not pursued in the Basin Plan EIR/EIS; page

13a-1

10-32 of the Basin Plan EIR/EIS mentions but then dismisses the options of roadway tolls or substantial parking fees, claiming they are infeasible due to “the mix of private and public parking opportunities in the Plan area.” New roadway tolls on area plan roadways would require a major interregional planning process, state legislation, and new infrastructure for toll collection, and is therefore beyond the scope of the Tahoe Basin Plan. However, parking fees are well within the scope of the Plan and should be pursued as the most viable method for the Plan to reduce Plan-generated VMT. The Plan area is not characterized by “a mix of private and public parking opportunities;” rather, the vast majority of parking within the Plan area is private parking facilities. For example, within Tahoe City, only 810 of 2,586 parking spaces are public; of those 810, 550 spaces are in public lots (mostly the 64 Acres park) while only 273 are located on-street.<sup>1</sup> Most of the on-street parking spaces are not available from November to April due to snow removal operations. Therefore, requiring of parking fees (in both new and existing commercial and accommodation developments) would be highly effective at influencing travel behavior without pushing parking demand onto residential streets or other “spillover” effects.

Managing off-street parking is the most effective Travel Demand Management (TDM) strategy available to land use projects. This is due to the relative lack of publicly-available or on-street parking spaces within the project area, and the low volume of traffic generated by taxis or similar vehicles in the Tahoe Basin. The preponderance of VMT within the Basin is generated by private vehicles, which generally seek off-street parking spaces when accessing town centers. While the region is making substantial new investments in transit vehicles and stations, and also increasing transit frequency, the “carrot” of enhanced transit will be of limited utility toward reducing VMT (resulting in mostly-empty buses circulating the region) unless accompanied by the appropriate “stick” of parking management strategies that will encourage people to reconsider driving their vehicle into town centers. Therefore, strategic parking management should be a primary focus of the Tahoe Basin Plan, consistent with the RTP.

The RTP Draft EIR/EIS Appendix C describes the TRPA Trip Reduction Impact Analysis (TRIA) tool (page C-10) which is a post-processor of the TRPA’s travel demand model to account for various TDM and related measures. Page C-13 describes parking management strategies and the assumptions that were incorporated into the VMT calculations, and notes that “TRIA assumes that parking for new development will be provided at a regional average of 40% of current requirements.” This statement implies the off-street parking supply for new developments would be reduced by 60% from existing requirements, which was apparently assumed in the VMT modeling for that exercise.

Regarding the Tahoe Basin Plan’s commitment to parking management, the Tahoe Basin Plan DEIR/DEIS states on page 3-18:

Revised Parking Regulations: The Area Plan modifies parking standards to reduce the minimum number of parking spaces that must be provided by some

<sup>1</sup> See Table 3 (page 8) of the Tahoe City Mobility Plan – Existing Mobility Conditions. Placer County and LSC Consultants. February 2015.

13a-1  
cont

development projects, promote shared parking, and to consider the future development of parking assessment districts and/or in-lieu payment systems... Amendments to the parking regulations were developed as part of a comprehensive parking study and are consistent with Section 13.5.3.B.2 of the TRPA Code, which encourages the development of alternative parking strategies...

However, the Tahoe Basin Plan does not provide any language regarding how standards have been modified by the Plan, nor is the “comprehensive parking study” available as part of the Plan or its DEIR/DEIS. Therefore it cannot be determined how parking regulations are being updated nor what parking strategies are being implemented by the Plan, beyond the apparent 20% reduction in minimum required parking supply at the Tahoe City Lodge project (described below).

Within Tahoe City and Kings Beach, the following parking management strategies should be considered as mitigation or improvement measures to reduce VMT:

- Elimination of parking minimums, and imposition of reduced parking maximums, for all land uses (the only parking maximum currently described in the Plan is set at 10% over the current minimum supply.)
- Moratorium on the net-new construction of non-residential parking spaces. Any new commercial parking space proposed for construction within a town center would require the removal of an existing commercial parking space within the town center. This program could be monetized and function as a transferrable development right program, potentially with enhanced incentives for removing existing parking spaces within Stream Environment Zones (SEZs).
- Required “unbundling” of residential parking spaces within apartment or condominium buildings. Developers or landlords selling or renting units would be prohibited from automatically including parking with the unit; instead the parking would have to be sold or leased separately, providing the resident with a financial incentive to not have a car and parking space. Beyond reducing VMT, this requirement would make these new dwellings more “affordable by design” because the price of the dwelling would not include the price of the parking.
- Require “unbundling” of non-residential parking spaces. All commercial parking would require shoppers, visitors, employees, etc to pay for the privilege of parking. This would separate the cost of parking from the cost of shopping or other retail or accommodation activities, creating an incentive for shoppers and visitors to not drive. This requirement should be considered for retroactive application to both existing and new parking spaces, so as to not create a paid parking penalty on new developments.
- Institute a parking tax on all pay to park lots, on top of the requirement that all commercial parking be paid parking. The funding could be directed to transit and streetscape projects. Similar to the above suggestion, this measure should be considered for retroactive application to both existing and new parking spaces.
- Install parking meters for on-street parking along CA 28. During peak demand periods, the existing 2-hour parking limitation does not create sufficient parking availability.

13a-1  
cont

Revenues from parking meters could be directed toward transit service and streetscape enhancements.

13a-1  
cont

Tahoe City Lodge Project Comments

The Tahoe City Lodge proposes to employ shared parking facilities with the adjacent golf course and clubhouse in order to minimize total parking lot coverage; the project also includes annual payments to Placer County to subsidize transit operations. These are both commendable actions that will reduce the project’s VMT as reflected in the analysis.

Based on the discussion of the Tahoe City Lodge parking analysis on page 10-49, a 20% reduction in parking supply from existing requirements has been applied. However, as described above, it appears that the TRIA tool assumes that new developments will have a 60% reduction in parking supply. This discrepancy may be affecting the VMT calculation of the lodge.

However, the project should pursue additional transit and parking strategies in order to mitigate the project’s net VMT increase down to zero. The project and EIR/EIS should focus on encouraging lodge guests to get to the project site via regional transit, rather than driving and parking. Encouraging guest to arrive via sustainable modes is described in the RTP page 5-7.

While addressing regional trips to/from the lodge (including luggage, equipment, etc) is a more challenging mitigation than only addressing local transit trips, the potential VMT and greenhouse gas savings are very substantial. This is due to 1) shifting the long personal vehicle trips to and from the hotel site at the beginning and end of the guest’s stay onto regional transit and 2) encouraging guests to use sustainable transportation options during their visit around the Tahoe Basin rather than driving a personal car. In fact, the overall VMT reduction that would result from delivering guests to the lodge without a personal car would likely dwarf the VMT reductions achieved by the other TDM measures described in the DEIR/DEIS and would very likely completely mitigate the project’s net VMT down to zero.

13a-2

As shown in Table 10-13, the lodge project would result in an increase in VMT within the Basin which should be mitigated (see VMT discussion below). This project could substantially mitigate the VMT generated by its guests with incentives to utilize transit as well as parking management strategies.

- Transit – The sponsor should be required to provide a free regional transit ticket (on Amtrak Bus from Bay Area or Sacramento, or North Tahoe Express bus from Reno airport) for guests with purchase of a room. This would encourage guests to not drive their personal vehicle or rent a car from the airport.
- Parking – The lodge would employ a shared parking arrangement with the adjacent golf course. However, the lodge site should further reduce its supply of on-site parking and the remaining supply should be managed in order to reduce VMT and also preclude the need to remove existing mature trees for new parking spaces (as described on page 9-46

of the DEIR/DEIS). Parking for guests that need to bring a personal car could be provided nearby off-site at the Tahoe City Public Utility District (TCPUD) parking lot, which has available parking spaces during weekend periods when the lodge would generate its maximum parking demand.<sup>2</sup> As described on page 10-51 of the DEIR/DEIS, the project applicant would be entering into an agreement with TCPUD regarding use of the clubhouse, so expanding the agreement to include off-site parking would be feasible. Providing the parking off-site would discourage excessive auto use by guests during their visit and encourage them to instead use sustainable travel options. Guests that require parking at the hotel site could pay a premium for that privilege, while guests using the off-site lot could pay a reduced parking rate (guests dependent on their vehicles for mobility, such as those with disabilities, could still receive free on-site parking at the hotel). There could also be short-term free parking spaces at the hotel guest for drop-off and luggage unloading. The revenues collected by the parking fees could be used to fund the guest regional transit fares described above.

13a-2  
cont

**COMMENTS ON VEHICLE MILES TRAVELED THRESHOLD CALCULATIONS**

The VMT calculations within the Tahoe Basin Plan DEIR/DEIS, and the determination of attainment with the TRPA VMT Threshold, is described in Table 10-12. The comments below relate to the calculation of the VMT values by the TRPA; these comments are applicable to other development projects and plans beyond this individual plan.

The TRPA should be commended for its use of VMT as an environmental threshold since 1981, more than 30 years before VMT entered the lexicon of state environmental practice.<sup>3</sup> However, TRPA is not actually able to track VMT between 1981 and existing conditions, and instead relies on a traffic count database to extrapolate previous year VMT values in order determine whether the region is in attainment or not. This presents substantial limitations to the confidence of this indicator (as admitted on page 3-49 of the 2011 Threshold document).

13a-3

What is disconcerting is not that TRPA’s VMT calculation methodology is imperfect, but rather that TRPA has concluded that, based on its calculations, excess VMT capacity exists which can be allocated to new development projects. It may actually be true that the region is not in attainment due to the challenges with using traffic counts as a proxy for VMT; or, if the region is currently in attainment, this is a temporary phenomenon due to economic conditions. There is risk that the amount of VMT will exceed the threshold in the future as economic activity returns to typical levels.

<sup>2</sup> As noted in the Tahoe City Vision Plan Existing Mobility Conditions, the peak weekend occupancy of the TCPUD parking lot is only 25%, with 59 available spaces. This would be a good application of shared parking principles.

<sup>3</sup> With passage of California Senate Bill 743 in 2013, VMT is replacing Level of Service (LOS) as the primary transportation metric under CEQA.

1. The VMT threshold attainment is not actually based on VMT from the model, but from only traffic counts. As described on page 3-14 of the 2012 RTP, referring to the adjustment of 1981 baseline VMT, “The 1981 value was updated by developing a ratio between cumulative traffic counts from 20 count stations around the basin in 2010 and the traffic counts from those same stations in 1981. This ratio was then applied to the 2010 VMT to obtain a 1981 VMT value.” This text implies that the region’s attainment of the VMT threshold is not actually based on a 10% reduction in VMT, but simply based on a 10% reduction in traffic counts at an arbitrary selection of traffic count stations. Based on TRPA’s traffic count database, between 1981 and 2015 traffic counts decreased by 14% which leads to the conclusion that VMT across the basin has decreased by 14% during that period, attaining the threshold to decrease VMT by 10% below 1981 values. However this conclusion is unsubstantiated for a number of reasons:

- Count stations have been removed from the computation for undocumented reasons. The number of monitoring stations has changed has varied across the analysis years: 28 in 2001 Thresholds, 27 in 2006 Thresholds, and 20 in 2011 Thresholds. Hopefully the count stations that were removed were “average” volumes compared to the remaining count stations; but if instead the removed stations had “above average” volumes, than their removal would have artificially reduce the VMT calculation.
- The count stations employed are not all of the stations available from Caltrans and NDOT data. It appears that only 19 out of 59 available stations, or 32%, are employed in the computation. As some count locations have experienced growth and others have experienced decline since 1981, the arbitrary choice of which count stations are used in the computation determines whether the VMT is in compliance or not.
- No count stations are located on regional gateway routes of Nevada routes 207 or 431, nor US 50 west of CA 89. It is unclear whether the gateway of CA 89 north of CA 28 was measured. These gateways are the most likely locations of traffic growth (and vehicle trip length increases) as workers and visitors to the region have been pushed to seek housing and accommodation outside of the Basin, so counting traffic across all gateways is imperative.
- The count stations appear unevenly selected around the lake. For example, there are 10 count stations in and around South Lake Tahoe, but only one station in Incline Village. Some count stations are only half a mile away from each other, while others are more than 10 miles from the nearest other station. This means that if volumes have gone down around South Lake Tahoe but gone up in North Lake Tahoe, the south shore is over-represented and the regional conclusion is skewed.
- The count stations were established arbitrarily by Caltrans and NDOT in 1974 or earlier, before the VMT threshold was established in 1981; the count stations are not representative of regional VMT. As an example, by simply removing one of the count stations on US 50 and adding one count station on CA 89, the overall traffic and VMT trend is a reduction of less than 9%, leading to the conclusion that the threshold is not in attainment. Being able to use traffic counts as a proxy for VMT with credibility would require count stations around the entire lake, evenly distributed.

13a-4

- This methodology cannot account for changes in the roadway network such as the proposed construction of traffic bypasses in Tahoe City and South Lake Tahoe. By increasing traffic capacity in congested segments, these bypasses will likely have the effect of creating VMT by inducing demand. However, with this methodology, count stations cannot be established on the new bypasses (because they would have no historic trend to compare against) while traffic counts on the existing congested segments are likely to decrease (as traffic shifts to the bypass). This will lead to the erroneous conclusion that the bypasses would be reducing regional VMT while in fact they are most likely increasing it.
- A better threshold that TRPA could use with these traffic counts to determine if region-wide VMT has declined would be to utilize the following standard: a 10% reduction in traffic counts on each of the 20 count stations. As noted above, as of 2015 only 14 of the 20 have experienced decline while 6 have experienced growth.

13a-4  
cont

2. Even if the traffic count volumes are representative of overall traffic trends in the region, the VMT Threshold calculation assumes that vehicle trip lengths have remained constant since 1981. This contradicts the recent experience of the region, with economic and demographic shifts that have pushed workers seeking affordable housing to reside outside of the Tahoe Basin, requiring them to commute longer distances to their jobs in the Basin. Furthermore, the lack of quality tourist accommodations within the Basin has pushed visitors to sleep outside of the Basin, again resulting in longer visitor driving trips.

The 2011 Threshold document readily admits this exact limitation on page 3-50:

“Holding other input parameters [vehicle trip length] constant assumes that no change has occurred in those parameters since 1981 (TMPO 2008). As a result, overall confidence in the status and trend determination is “low,” as is it unknown how input parameter values have changed over time.”

13a-5

In fact, most likely vehicle trip lengths have increased over the past decade, but assuming they have held constant suppresses VMT values.

3. Even if the TRPA models and assumptions were all correct, and regional VMT has in fact been in compliance with the threshold since 2007, this compliance is due to temporary economic conditions, not emerging sustainable transportation patterns. Of the 20 count stations currently used by TRPA to calculate VMT, 14 have shown a traffic reduction since 1981 (mostly along US 50, near South Lake casinos) while 6 have shown an increase (mostly along CA 89). The decline of South Lake Tahoe’s large casino industry is well documented. The resulting reduction in traffic in South Lake Tahoe has now tilted the region into VMT “attainment”. However the region’s economy is currently reinventing itself, as aging hotels are remodeled to cater to new demographics. Remodeling existing casino hotels into recreation-focused resorts does not require entitlements or VMT allocation. But by approving other new VMT generators inside and beyond the basin, under the premise that the region’s VMT will still be “in attainment” is irresponsible. As soon as the region completes its reinvention and hotels are once again

13a-6

occupied, the region’s VMT will quickly exceed the threshold, but it will be too late at that point to correct course. The 2012 RTP noted on page 1-5 that:

“A major factor in the downward trend in the Region’s economy has been decline in the gaming industry, which has struggled as California Indian gaming has matured into viable competition. Gaming employment in the South Shore has declined by 27 percent since 2001, and a full 50 percent since its peak in 1996...However, while gaming has steadily declined in recent years, other aspects of the Region’s tourism industry have been more resilient. Although the number of hotel room nights rented annually has decreased, total employment in hospitality and recreation increased between 2000 and 2007.”

On page 1-14 of the RTP it is noted that “the Region forecasts that with renewed economic vitality, both VMT and vehicle emissions may increase in the coming decades without investment in improved transportation choices.”

On page 3-14 of the RTP, Figure 3-8 shows that regional VMT has decreased below the threshold level, but is projected to rise in the future and eclipse the threshold value. Text on this page notes that “total VMT are forecast to increase gradually over the coming decades, driven by a recovery in the visitor economy and moderate population growth, approaching the threshold standard by 2035.”

Similarly, the 2014 Transportation Monitoring Report states on page 9 that “The Tahoe Region’s economy has experienced a decline that predates the recession that began in early 2008, although it has recently rebounded slightly.”

However, the Tahoe Basin Plan and its EIR/EIS make no mention of expected VMT increases as the economy rebounds, and appears to assume that the reduction in VMT is a permanent condition, which contradicts previous TRPA publications.

13a-6  
cont

4. Even if the VMT reduction was permanent and not temporary, it would be unwise to allow large projects (including those outside the Basin) to consume the “surplus”. As the current VMT Threshold is 2,030,938 VMT and the current status is 1,937,070 VMT, the addition of 37,582 VMT from large proposed projects outside of the basin will bring VMT up to 1,974,652. This implies that the region would be within 0.97% of attainment, meaning there is only 3% before the region is out of attainment. Even if the surplus is not entirely consumed by these other projects, using a substantial portion of it should be considered a considerable contribution to a cumulative impact. Rather than claim victory over and enable new major traffic generators, TRPA should adopt more ambitious VMT reduction targets similar to recent greenhouse gas reduction targets adopted by the state; a 10% reduction below 1981 levels is relatively modest. As an interim step before a new target could be set, TRPA should adopt a threshold of “no growth in VMT”.

13a-7

5. Cumulative regional VMT calculations are depicted in the Plan DEIR/DEIS Appendix G Table D, and described on page 6 of the memorandum "Traffic Volumes and VMT for Placer County Area Plan EIR/EIS." It is not clear how these cumulative VMT values, which range from 1,973,780 to 1,983,452 across the four alternatives in the DEIR/DEIS, are substantially lower than the projected 2035 VMT from the 2012 RTP, which projected 2035 VMT to be 2,131,000 as shown in Figure 3-4 (page 3-8) of the RTP.

In other words, implementation of the Placer County Tahoe Basin Plan (and other areas plans to be implemented around the Basin) is determined to result in a 7% reduction of 2035 VMT values, even when including additional proposed VMT generators that were not contemplated in 2012 (such as the Squaw Valley, Martis Village and Brockway Campground projects, as described in the above cited memorandum). This seems like an ambitious VMT reduction on top of the reduction already accomplished with the 2012 RTP.

Based on recent conversation with TRPA staff, it is understood that the 2012 RTP VMT calculations form year 2035 did not include the VMT reductions resulting from the concentration of growth within town centers, and that the effect of that policy is instead reflected in the implementing Area Plans such as the Placer County Tahoe Basin Plan. While this would explain the 7% VMT reduction, it is not clear that this VMT reduction is not being "double counted" across the regional and local planning efforts. Specifically, in the RTP EIR/EIS page 3.3-50 it is noted that "Alternative 3 [the adopted RTP alternative] results in the lowest VMT per capita in 2035 of any plan alternative. This is due primarily to the placement of the majority of new dwelling units (64 percent) in community centers." This statement appears to indicate that the VMT reduction corresponding to concentration of growth within town centers has already been applied in the 2012 RTP VMT calculations. It would be beneficial if the Placer County Tahoe Basin Plan EIR/EIS would clarify to how the VMT-reducing effects of concentrating growth have been accounted for in the EIR/EIS and the RTP.

13a-8

This concludes my review of the DEIR/DEIS. Please do not hesitate to contact me with any questions.

Sincerely-

Greg Riessen, PE

**Letter  
13a**

**League to Save Lake Tahoe**  
August 15, 2016

13a-1

The comment focuses on the scope of the parking management strategies included in the Area Plan and questions the reduction in parking demand rates in the Area Plan versus those assumed in the RTP. It is largely a comment on the Area Plan, rather than the environmental analysis. The comment is correct that parking management strategies (including establishment of paid parking) is an effective means of generating a shift away from the auto travel mode. The proposed Area Plan, and the changes in parking standards/regulations address some of these strategies, by (1) reducing parking minimums for 12 land use

categories, (2) providing a 20 percent reduction in parking minimums and maximums within town centers, (3) establishing an *in lieu* fee program to develop shared public parking, and (4) modifying procedures to allow greater use of shared private parking. However, in the specific case of the Area Plan, there are a number of factors that limit the ability of parking management strategies to drive a shift in travel mode:

- ▲ The very limited availability of public parking within the activity centers, coupled with limited governmental ability to impose paid parking requirements on existing commercial developments.
- ▲ The fact, based upon the results of paid parking in other areas, that nearby residential areas would see an increase in “spill-over” parking as motorists (in particular, employees) avoid the paid parking areas. Note that the availability of public parking along nearby residential streets is not reflected in the parking counts provided in the *North Tahoe Parking Study* (LSC Transportation Consultants, Inc. March 9, 2015).
- ▲ The imposition of paid parking on the Placer County portion of the Tahoe Region, but not on other areas, would put the Placer area at an economic disadvantage compared to other commercial centers.
- ▲ The dispersed nature of the area results in a high proportion of trips that are longer than can be reasonably served by many travelers via walking or cycling. As a result, to be effective, parking management strategies would need to shift users to transit service. At present, however, the regional transit program is very limited, with a frequency of only one bus per hour. There currently is no substantial transit capacity that could accommodate any meaningful shift in travel.

The Area Plan and the identified mitigation measures focus on this last bullet, specifically by establishing a new source of permanent annual funding for transit service expansion. As this capacity expands, the region’s ability to pursue more aggressive parking management strategies would become more viable.

Regarding the parking demand reduction, TRPA staff reviewed the Trip Reduction Impact Analysis (TRIA) spreadsheet and determined that the methodology reflects a 40 percent reduction in parking provided for new development (i.e., a parking supply of 60 percent of typical parking supply) from typical parking rates. The RTP Draft EIR/EIS Appendix C misstates the analysis on page C-10, and should have the following edit “TRIA assumes that parking for new development will be provided at a regional average of 40 to 60 percent of current requirements.” That said, the comment is correct that the parking reductions assumed for the town centers in the Area Plan are less than the 40 percent reduction assumed in the TRIA analysis.

The proposed Placer Tahoe Basin Area Plan would reduce parking rates for 12 land uses, including key land use categories such as food and beverage stores and multiple-family dwelling units. While rates would increase for two land use categories (based on observed parking shortages), these categories are relatively rare (auto service station, and recreation center). As a key example, the rate for food and beverage sales would be a 25 percent reduction from current code rates. Also applying the 20 percent reduction within town centers on top of this 25 percent reduction results in an overall 40 percent reduction from current rates for this land use category. The overall reduction in parking supply rates depends on the mix of future land uses.

Regardless, the TRIA methodology applies a relatively modest reduction associated with reduced parking supply. In sum, all of the various trip reduction strategies result in a total trip reduction of 1.56 percent. Of this total reduction, only 1.5 percent is associated with parking

supply reduction in town centers. In total, this trip reduction strategy reduces total basin-wide trips by only 0.024 percent. In addition, Placer County's town centers constitute two of the total of eight town centers throughout the Tahoe Basin. Overall, this difference in parking supply would not significantly impact the findings of the trip generation or VMT analyses.

13a-2

The comment focuses on strategies to reduce traffic generation and parking needs of the Tahoe City Lodge. The effectiveness of strategies to result in a shift to transit is limited by the currently limited public transit options. Regarding visitors traveling from the Bay Area/Central Valley, current options are not attractive to many visitors with access to a private automobile due to the limited frequency, long travel times, need to transfer (Greyhound or Capital Corridor/Amtrak Thruway), and high cost and schedule unreliability (Amtrak's California Zephyr). While there are currently efforts to improve these options being led by the Tahoe Transportation District, actual improvements are speculative. Locally, transit service is limited to hourly frequency on many corridors, and evening service is not available in the spring and fall.

There is no available methodology to quantify the traffic reduction benefits of subsidizing long-distance public transportation options. The benefit depends on, among other things, the proportion of lodge guests traveling from particular origins, traveling in multiple vehicles, and other trip pattern characteristics. While it is possible to conclude that subsidy of intercity transit options and/or parking fees for additional vehicles used by travel groups using a single room would provide a reduction in trip generation (and parking needs), it is not possible to quantify this benefit with any accuracy.

Regarding subsidizing transit ridership, the benefits can be estimated as follows. Per the discussion of lodge transit ridership generation (page 10-42 of the Draft EIR/EIS), the project would generate nine peak-hour transit trips (Alternative 1). The Systems Plan Update for the Tahoe Truckee Area Regional Transit in Eastern Placer County (LSC 2016) indicates that elimination of transit fares results in an estimated 50 percent increase in transit use. This indicates subsidy of fares for both employees and guests would increase transit ridership by approximately five. Considering typical vehicle occupancies for the avoided auto trips, this corresponds to a reduction of approximately three one-way vehicle-trips in the peak hour. This reduction is not sufficiently large to noticeably change the LOS impacts of the proposed project.

Subsidy of intercity travel modes for guests as well as of local transit service for employees commuting from outside the Tahoe Basin would also have the benefit of reducing the number of vehicles that would need to leave the area in the case of an evacuation. There is no available means of quantifying this change.

Given the weekly occupancy patterns in peak summer and winter periods, it is not reasonable to expect that TCPUD parking would be available on days with high lodge or golf course parking demand.

13a-3

The comment states that TRPA should be commended for its use of VMT as an environmental threshold since 1981, but disagrees with the use of traffic counts to extrapolate previous year VMT values to determine whether the region is in attainment or not. Please see Master Response 1, VMT and LOS, in Section 3.1 of this Final EIR/EIS.

13a-4

The comment focuses on the methodology used by TRPA to estimate region-wide existing and historical VMT. Please see Master Response 1, VMT and LOS, of this Final EIR/EIS.

13a-5

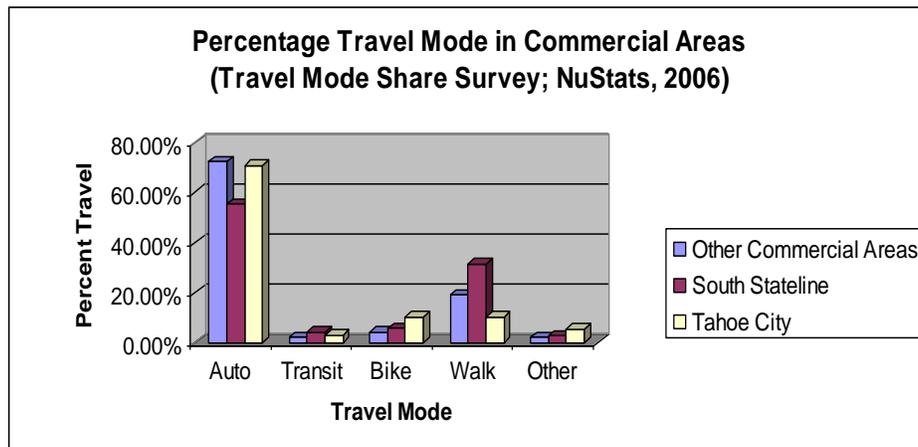
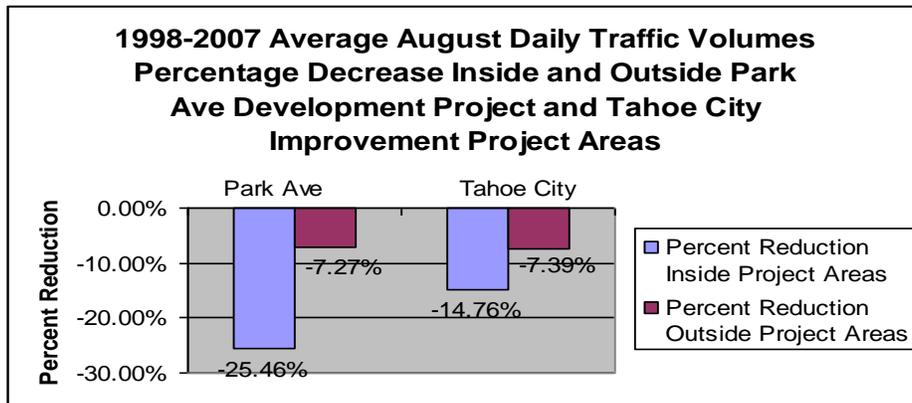
The comment posits a theory that trip lengths have increased, affecting the precision of the estimate of existing/historic VMT. Please see Master Response 1, VMT and LOS, of this Final EIR/EIS.

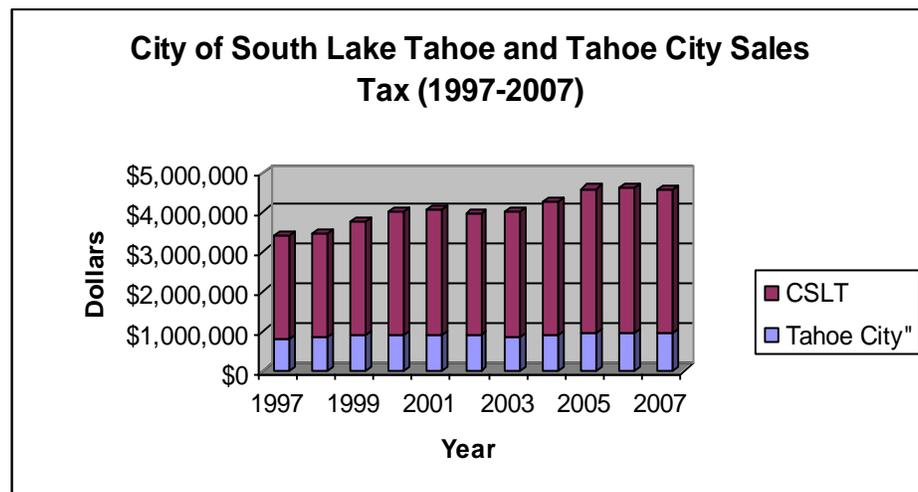
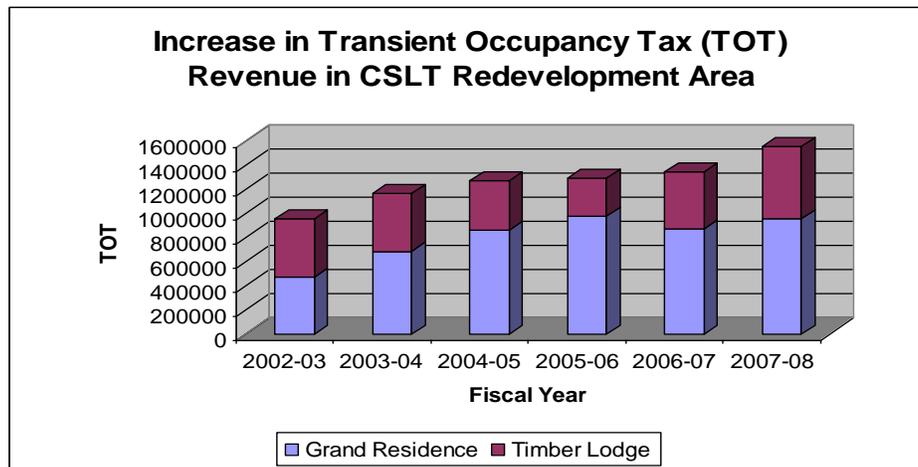
13a-6

The comment posits that current traffic volumes reflect current economic and lodging conditions and will grow in the future, even absent new development.

Estimating future economic conditions is not an exact science and while it is hoped that the gaming and lodging industries will reinvent themselves, the regional policy framework aimed to concentrate development and encourage pedestrian-oriented, vibrant town centers will hopefully allow local gaming and lodging industries to reinvent themselves and is expected to further reduce the number of trips.

Two examples of successful regional policy include the Tahoe City Urban Improvement Project (2000) and the Park Avenue Development Project (2001), which were constructed after a deliberate environmental review process. Under both projects there was desire to upgrade the appearance, environmental quality and economic conditions of the two areas. Previous development patterns resulted in the poor utilization of the land, water quality concerns and fragmented transportation systems. The previous land use patterns also encouraged the automobile as the primary mode of transportation. It has been estimated that as much as 70 percent of the fine particulates entering Lake Tahoe (those that have the most impact on clarity) originates from urban areas. A clear plan of action for Tahoe's urban areas will help facilitate redevelopment, urban water quality and environmentally friendly transportation improvements. Early empirical evidence suggests that these two developments have resulted in substantial economic and environmental benefits to the respective areas as shown in the following graphics.





- 13a-7      The comment expresses concern about the effect of projects outside of the Basin to affect TRPA’s VMT threshold, and recommends that TRPA adopt a more stringent threshold as a protective measure. Please see Master Response 1, VMT and LOS, of this Final EIR/EIS.
  
- 13a-8      The comment pertains to the cumulative region wide VMT analysis. See Master Response 1, VMT and LOS, of this Final EIR/EIS. The no project alternative for the Area Plan environmental analysis (Alternative 4) does not reflect the concentration of growth within town centers. Therefore, there is no “double counting” of the benefits accruing from this land use change between this environmental analysis and that of the 2012 Regional Transportation Plan.



Letter 14

PO Box 1023, Kings Beach, CA 96143 ■ 530.546.9000 ■ www.NorthTahoeBusiness.org
Mission: Working to improve the economic vitality and quality of life in the communities of North Lake Tahoe.

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Ta-Hoe Nalu
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Jessica Weaver
JVP Communications

Jaime Wright
Truckee North Tahoe
Transportation
Management Association

Executive Director

Joy M. Doyle

August 11, 2016

Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603
Attn: Crystal Jacobsen

RE: Draft Tahoe Basin Area Plan

Crystal:

I am writing today on behalf of the North Tahoe Business Association (NTBA) Board of Directors. NTBA staff and some of its 216 members have been actively engaged in the Tahoe Basin Area Plan process for years. NTBA's Economic Vitality Committee has been involved in detail, specific to the Kings Beach Town Center, since November 2015. The focus throughout this process has been on representing parcel-based redevelopment within the Town Center.

Our efforts are to encourage revitalization of the blighted Kings Beach commercial core, with the primary goal of reducing barriers to in-fill development, new business start-ups and expansion. NTBA supports parts of the new plan that encourage existing and new businesses re-investment in the community core. Specifically, the plan includes parking remedies for small and irregular lots that are not part of an aggregated large-scale redevelopment. These changes encourage new "mom and pop" businesses and may support modest expansion of existing small businesses. The plan allows for more on-site parking by reducing setbacks, provides an innovative and affordable parking waiver program, and tasks Placer County to create community-wide snow storage solutions.

The NTBA Board of Directors supports the Draft Tahoe Basin Area Plan and urges Placer County to adopt it in early 2017, thereby setting the stage for future economic vitality and prosperity in the Kings Beach Town Center.

Sincerely,

[Handwritten signature]

Joy M. Doyle
Executive Director

cc: Jennifer Merchant, Christopher Perry

14-1

**Letter  
14**

**North Tahoe Business Association**  
August 11, 2016

14-1

The comment notes that the Area Plan includes parking solutions for small business. The comment expresses support for Alternative 1. The comment is noted for consideration during the review of the merits of the alternatives.

**Letter  
15**



North Tahoe Preservation Alliance  
P.O. Box 4  
Crystal Bay, Nv. 89402  
775-831-0625  
www.ntpac.com

"Helping preserve the natural beauty and rural character of North Lake Tahoe"

8/7/2016

***Via e-mail***

Crystal Jacobsen <cjacobse@placer.ca.gov>; Lucia Maloney <lmaloney@trpa.org>  
Placer County Community Development Resource Agency Environmental Coordination Services  
3091 County Center Drive, Suite 190  
Auburn, CA 95603

Re: Tahoe Basin Area Plan (TBAP) and Tahoe City Lodge Project (TCLP) EIR/EIS

Dear Ms. Jacobsen and Maloney:

This letter provides comments on the abovementioned DEIR. The North Tahoe Preservation Alliance (NTPA) is a Nevada Nonprofit Corporation formed in 2008 to ensure that North Lake Tahoe retains its natural beauty and easygoing, rustic lifestyle. Its Board of Directors is comprised of long-time Tahoe residents and property owners. NTPA was originally formed to analyze a new 850k square foot development on North Stateline named Boulder Bay. When the Martis Valley West project came up in 2013, we developed the website: [www.savetahoe forests.com](http://www.savetahoe forests.com) and later began two petitions:

1. "Tahoe Regional Planning Agency: Establish enforceable ridgeline protections in the Lake Tahoe area" which garnered 1559 supporters and (Ex. A & USB Drive)
2. "Placer County Board of Supervisors: Remove Tahoe Basin portion of Martis Valley West project" which received 3,327 supporters. (Ex. A & USB Drive)

This letter provides comments on the DEIR/DEIS that are in addition to and do not replace or otherwise supersede comments that were previously submitted. Please contact us if you have any difficulty in viewing the documents. Please contact us if you have any difficulty displaying the documents.

For the reasons set forth below, the DEIR/DEIS need to be revised and recirculated.

North Tahoe Preservation Alliance appreciates this opportunity to comment on the Tahoe Basin Area Plan (TBAP) and Tahoe City Lodge Project (TCLP) EIR/EIS.

**After careful review, NTPA has come to the conclusion that the DEIR/DEIS fails to comply with the requirements of CEQA because it fails to:**

1. **Adequately describe the project;**
2. **Analyze the significant environmental impacts of the project or adequately mitigate those impacts; and**
3. **Undertake a legally sufficient study of alternatives to the project.**

**These significant failures of the DEIR are discussed in more detail below.**

15-1

As a result, there can be no meaningful public review of the project. Placer County must revise and recirculate the DEIR in order to permit an adequate understanding of the environmental issues at stake. Approval of the project would violate CEQA and California Planning and Zoning Law. (gov't Code 65000 et seq.).

15-1  
cont

**A. By including the pilot project, Tahoe City Lodge Project, the DEIR/DEIS provides a confusing description of the Tahoe Basin Area Plan and the project setting.**

The TBAP is an extremely high-stakes document. Whatever is approved in this document will be incorporated into later EIRs and will not be subject to question. To a degree this represents all projects for the next few years wrapped into one EIR/EIS.

15-2

By incorporating the TCLP as a pilot project in the document, the entire DEIR is infected with the TCLP making it nearly impossible for the public to segment the TCLP from the TABP or to separately analyze the impacts of each. In addition, the TCLP and the TABP substitute standards significantly alter existing rules and ordinances which were not analyzed in the Tahoe Regional Planning Agency's (TRPA) most recent Regional Plan:

1. Change in Town Center Boundaries-

TRPA Regional Plan approved Town Center Boundary in Tahoe City was significantly changed to allow an increase in development coverage and density of the TCLP which is a dangerous precedent encouraging future changes in TRPA's Town Center Boundaries to enable the piecemeal planning of enlarging specific projects. The TCLP with its requested 56' in height alters the character of existing surround neighborhoods.

15-3

2. Conversion of Commercial Floor Area (CFA) to Tourist Accommodation Units (TAU)-

The TBAP's proposal allowing conversion of commercial floor area into 400 Tourist Accommodation Units is inconsistent with TRPA's Regional Plan and results in additive growth in population in the Lake Tahoe Basin. The current TRPA Regional Plan allows for 600 bonus units. The CFA conversion scheme of 400 units is a 67% increase of the existing analyzed TRPA growth in the existing TRPA Regional plan. In spite of numerous requests to TRPA, the agency refuses to comment in writing on the question of whether the conversion scheme will deduct each new unit from the 600 bonus units or not. Are these conversions allowed outside Town Centers? Will TRPA TAU rules govern the maximum sf of the units? How many days can a hotel/condo be permanently occupied?

15-4

3. New Coverage and Density Calculations Using Another's Adjacent Property-

The TCLP calculates density and coverage by considering an adjacent property without legally consolidating the parcels is inconsistent with the current TRPA Regional Plan Code 30.4.C.2 a (iii). The current Regional plan allows a project area when the contiguous parcel has been legally consolidated through a recorded covenant. An MOU or easement between the Tahoe City PUD and TCLP is not sufficient to conform to TRPA code. The TCPUD golf course property and the TCLP must be legally consolidated. Giving an easement over a portion of an adjacent site is insufficient for legal consolidation. Also, TRPA code allows 40 units per acre. But the TCLP only owns 1.4 acres which under current rules would allow 56 units. An easement over the adjacent Tahoe City Public Utility's Golf Course property @ 40 units/acre is used as justification to morph 56 units to 118 units, an 110%

15-5

increase. Again, a legal consolidation of the two adjacent parcels must be performed before density is calculated using a project area.  
 (TRPA Code 30.4.C.2.(iii) Two or More Contiguous Parcels- For a project on or comprising two or more contiguous parcels, the project area shall be the total combined square footage of the parcels, provided the parcels are permanently consolidated. If the parcels are not permanently consolidated, the owner shall record against the parcels a deed restriction or other covenant running with the land permanently assuring that the land coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated.)

15-5  
cont

4. Secondary Residences-

Currently TRPA code only allows secondary residences on parcels of 1 acre or more. The TBAP would allow secondary residences within ¼ mile of existing transit in essence allows secondary residences the entire length of SR 28, 267 and 89 which conflicts with existing single family zoning and impacts community character, traffic circulation and density. While useful in some cases, this broad brush approach fails to address local impacts. Explain how market rate secondary residences solve the lack of affordable housing in the area? Financially market rate is much different than affordable housing. Analyze environmental impacts of population, traffic and density associated with secondary residences. Also, what about the social impacts of down zoning single family residential neighborhoods to multi-family. Why isn't this a taking of individual property rights? What is the potential for reducing property values due to congestion, traffic and noise?

15-6

5. VMT impacts are inconsistent with TRPA Regional Goals to limit VMT in the Tahoe Basin-

The TBAP and TCLP would have significant negative impacts on the Tahoe Basin, especially since the projects themselves and other recently approved projects in Lake Tahoe and Truckee will almost certainly exceed allowable VMT use for the Tahoe Basin.  
 The DEIR failed to analyze the cumulative VMTs in the Tahoe basin from all Tahoe and Truckee projects.

Historically, TRPA posited that more VMT would result in increased traffic congestion, increased nitrate loading into the atmosphere (and subsequent deposition into Lake Tahoe), and an increase in the airborne concentration of particulate matter known to adversely affect regional and sub-regional visibility and human health (TRPA 1982). TRPA has adopted a threshold standard that requires TRPA to reduce VMT in the Basin by 10 percent of the 1981 base year values, equivalent to 2,067,600 VMT, as indicated by a peak travel day, generally represented by a summer weekend (TRPA 2012). The TRPA environmental threshold carrying capacity threshold calls for the Tahoe Region's VMT to be at least 10 percent below its 1981 level, or 2,067,600 VMT.

Considering all the other cumulative projects in Tahoe and Truckee (Boulder Bay, Homewood, Highlands II and III, Railyard, Joerger Ranch, Brockway Campground, Squaw Valley to name a few) it seems clear that the Basin's VMT has already been exceeded. The DEIR must account for the total VMTs generated from these projects. (See attached letter from Attorney General Kamala Harris).

15-7

6. Lowering Level of Service standards at intersections-

15-8

- The revised LOS standards are in conflict with TRPA’s LOS standards, safety and health in case of wildfire and evacuation and community character and traffic circulation. Doesn’t more idling cars increase GHG? 15-8 cont
7. Shared Parking concept misguided-  
Shared parking between the TCLP and the Golf Course fails to analyze the reality that guests and owners of the TCLP will use parking during the day as well as the golf course users. Why isn’t this kind of justification for shared parking a dangerous precedent? 15-9
8. The DEIR fails to conduct an adequate impact analysis associated with the risk of wildfire-  
Cumulative impact of Tahoe and Truckee projects must be considered together as they combine to increase impacts due to traffic gridlock, evacuation and fire. 15-10
9. The DEIR’s analysis of Project Alternatives is inadequate-  
The County failed to examine a reasonable range of alternatives because the County included a version of the TCLP in every alternative except the no project alternative. Although the North Tahoe West Community Plan Team agreed to have a reduced density of 15 units/acre in Kings Beach, none of the alternatives included a reduced density. What is the rationale for ignoring the communities desire? 15-11
10. The DEIR’s fails to adequately analyze cumulative impacts.  
  
The DEIR/DEIS’s analysis summary simply deferred the cumulative analysis to local agencies on future individual projects, thereby abdicating their responsibility. 15-12
11. DEIR/DEIS failed to map and analyze the following land uses:  
-Resort Recreation areas (i.e. suspended Martis Valley West proposal inside the Tahoe basin)  
-Mixed use areas outside Town Centers- the document contains conflicting information regarding whether existing Plan Area Statements apply outside Town Centers or Mixed Use?  
-Why isn’t North Stateline Community Plan area planned and analyzed? What is the rationale for this omission?  
-Scenic simulations should be included depicting how the Town Centers and the TCLP would look at maximum height and density. DEIR/DEIS should include criteria for ridgeline, view shed and night sky protection. 15-13
12. California Attorney General Kamala Harris’s letter of 8/9/2016 concerns regarding the environmental impacts of the Squaw Valley Project also apply to the Tahoe Basin Area Plan- (see attached)  
-Additive growth from the proposed additional new conversions of 400 CFA to TAU units clearly affects traffic, emergency evacuation and greenhouse gas impacts. 400 sf of banked CFA which doesn’t currently exist is no impact. Four hundred 1200-1800 sf TAU which can be timeshare, fractional ownership or hotel/condo is clearly a greater environmental impact that was not analyzed in TRPA’s RPU.  
-There are currently millions of existing square feet of CFA at Lake Tahoe. The dangerous precedent of converting CFA to TAU must be address in light of the huge current inventory of CFA.  
-Enlarging TRPA Town Center boundaries creates additive growth impacting the environment.  
-Calculating density using coverage from existing coverage on adjacent properties without legal consolidation of parcels is also growth inducing. 15-14
13. The TBAP does not protect our scenic Ridgelines or View sheds. 15-15

It is misleading for the DEIR/DEIS to make the claim that the TBAP protects scenic ridgelines and view sheds. It simply refers to TRPA's code on ridgelines and view sheds, see below:

(Proposed Framework for Ridgeline Protection Ordinance (Goals, Policies, Code))

Page 2 of 19

**CURRENT TRPA Goals, Policies and Code for ridges:**

LU -4.9

IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS THAT INCLUDE TOWN CENTERS OR THE REGIONAL CENTER SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:

- 1)Address all requirements of Policy LU-4.8.
- 2)Include building and site design standards that reflect the unique character of each area, respond to local design issues and consider ridgeline and viewshed protection.

"Consider" is another vague statement that is meaningless. The Martis Valley West project is an example of Placer County ignoring the existing Martis Valley Community Plan (MVCP) by rezoning forest/conservation lands to residential/commercial, the rezoning was never considered in the MVCP. The TBAP must be specific in its statements, using language with specificity that leaves nothing to subjective interpretation.

15-15  
cont

In summary, for each of these reasons, the NTPA, respectfully request that Placer County as the lead agency distribute a technically and legally adequate DEIR for the Public review and comment that fully complies with the law and is supported by substantial evidence in light of the whole record. CEQA Guidelines 15088.5

Respectfully Submitted,

Ann Nichols  
On behalf of the North Tahoe Preservation Alliance.

**Letter  
15**

**North Tahoe Preservation Alliance**  
August 7, 2016

- 15-1 The comment includes introductory remarks and summarizes comments contained in the letter. The comment states that the Draft EIR/EIS should be recirculated. Recirculation is required when significant new information, as defined in CEQA Guidelines Section 15088.5, is added to an EIR after notice of public review but before certification. The comment does not provide evidence that any of the requirements for recirculation in CEQA Guidelines Section 15088.5 have been met. Recirculation is not required.
- 15-2 The comment states that the Draft EIR/EIS analysis of the Area Plan and Tahoe City Lodge are difficult for the public to differentiate. The Draft EIR/EIS provided separate analysis and impact conclusions for the Area Plan and the Tahoe City Lodge within the discussion of each environmental resource.
- 15-3 The comment states that the proposed changes to the Tahoe City Town Center boundary would set a precedent for changing other TRPA town center boundaries and that the height of the Tahoe City Lodge would alter the character of the surrounding neighborhood. As described in Impact 5-1 on page 5-15 of the Draft EIR/EIS, the TRPA Code permits modification of a town center boundary provided the revised boundary includes developed parcels, included parcels are within ¼ mile of existing commercial or public service uses, and the included properties encourage and facilitate the use of transit stops and systems. The proposed town center modification meets these conditions and would therefore align with the TRPA Code. Impact 9-2 on pages 9-43 through and 9-46 of the Draft EIR/EIS analyzed the potential for the Tahoe City Lodge to affect the community character of the surrounding neighborhood. The analysis considered the existing structures on the Tahoe City Lodge site, the visual character surroundings, and the effect of the visible mass and height of the proposed lodge. The proposed design would complement the visual character of Tahoe City's

main street and the stepped design would limit the amount of the structure that is visible from most vantage points so that the lodge would appear as a three-story building. Additionally, the aesthetic characteristics of the proposed building would be a substantial improvement over existing conditions. For these reasons, the Draft EIR/EIS found that the Tahoe City Lodge would have a less-than-significant impact on community character.

- 15-4 The comment suggests that the provision of the proposed Area Plan that would allow limited conversions of CFA to TAUs would result in growth that is in addition to the residential bonus units authorized by the TRPA Regional Plan. The comment also asks several questions regarding how the program would operate. Please refer to pages 3-17 to 3-18 of the Draft EIR/EIS, which describe the proposed provision and provide details on how the program would operate. The program would allow CFA to be converted to TAUs at a ratio of 450 square feet of CFA to 1 TAU, would limit the TAUs to within Placer County town centers, and the TAUs would be subject to all of the same regulations and limitations as any other TAU (refer to pages 3-17 to 3-18 for additional criteria and restrictions). Because the program would reduce 450 square feet of CFA for each TAU added, it would result in a conversion of the type of development that could be proposed, not additive development. The residential bonus units authorized by the TRPA Regional Plan apply only to residential uses and would not be affected by the conversion of CFA to TAUs. The environmental effects of the proposed conversion program are analyzed in Chapters 5 through 20 of the Draft EIR/EIS. The comment provides no indication that the environmental analysis of this proposed provision is incomplete or technically inadequate.
- 15-5 The comment claims that the approach used to calculate allowable coverage and density for the Tahoe City Lodge alternatives is inconsistent with the TRPA Code of Ordinances, and that coverage and density must be calculated based on parcel boundaries or parcels must be legally consolidated. As described in the Draft EIR/EIS on page 3-23, “The project site, excluding the SEZ restoration area, is about 3.9 acres (168,500 square feet).” This project site includes portions of multiple parcels (see Draft EIR/EIS Exhibit 3-11). Consistent with TRPA Code, the allowable land coverage and density are calculated based on the project area, minus the easement area. As required by TRPA Code, prior to acknowledgement of a permit by TRPA, the property owners would be required to “record against the parcels a deed restriction or other covenant running with the land permanently assuring that the land coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated.” (TRPA Code Sections 30.4.1.C.2(iii)).
- 15-6 This comment expresses concern with the potential impacts of secondary residences in single-family zoned neighborhoods. As described in Impact 5-2 on pages 5-23 of the Draft EIR/EIS, the Area Plan would expand the existing TRPA secondary dwelling program to allow secondary dwelling units on select parcels that are less than one acre in size. This policy would not result in rezoning of single-family residential lots as both TRPA (TRPA Code Section 21.3.2) and Placer County (Placer County Code Section 17.56.200) currently permit the construction of secondary dwellings on single-family residential lots greater than 1 acre. The Draft EIR/EIS evaluates the environment impacts of allowing secondary dwelling units on such parcels in Chapters 5 through 20. For example, Impact 5-2 discusses land use compatibility related to secondary dwelling units; Impacts 6-1 and 6-2 discuss density, population growth, and housing demand related to secondary dwelling units; and the traffic analysis included in Chapter 10 of the Draft EIR/EIS includes trips related to secondary dwelling units (see Appendix G-1 of the Draft EIR/EIS). Finally, social and property values are not CEQA impacts that need to be analyzed in an EIR/EIS, unless they would result in environmental impacts.
- 15-7 This comment suggests that the Draft EIR/EIS failed to address the cumulative VMT impacts from all Tahoe and regional projects. VMT impacts, which are inherently cumulative, are

addressed in Impact 10-4, beginning on page 10-38 of the Draft EIR/EIS. The cumulative impact analysis addresses the projects listed in this comment and more (a total of 44 projects), as listed in Table 19-2 of the Draft EIR/EIS, with one exception. Highlands III was a project that involved construction of 25 single-family homes at Northstar. The improvements related to this project have been completed, and thus are reflected as part of existing conditions. Additional discussion of project-related VMT effects and the management of VMT can be found in Master Response 1, VMT and LOS, of this Final EIR/EIS.

15-8

The comment concerns the revised traffic level of service (LOS) standards of Area Plan Alternatives 1 through 3, which would revise the LOS standards to allow LOS F during peak periods in town centers (Area Plan Policy T-P-6).

The comment points out that the revised LOS standards are in conflict with TRPA's LOS standards. Indeed, as part of Impact 10-1 on page 10-16 of the Draft EIR/EIS it is explained that the Area Plan would result in LOS that exceeds existing TRPA standards and, because no additional mitigation is feasible, this impact would be significant and unavoidable. This is a comment on the proposed Area Plan, rather than the Draft EIR/EIS.

The comment also states that the revised LOS standards are in conflict with public safety in the event of a wildfire evacuation. Impact 18-3, beginning on page 18-23 of the Draft EIR/EIS, analyzes whether the Area Plan would interfere with implementation of an emergency response plan or emergency evacuation plan. See also Master Response 6, Emergency Access and Evacuation, in Section 3.1 of this Final EIR/EIS. This is also a comment on the proposed Area Plan, rather than the Draft EIR/EIS.

The comment also asserts that the revised LOS standards are in conflict with traffic circulation. This is also a comment on the proposed Area Plan, rather than the Draft EIR/EIS. The effects of the Area Plan policies, including the revised LOS standards that would allow LOS F during peak periods in town centers (Area Plan Policy T-P-6), are discussed in Chapter 10, "Transportation and Circulation," of the Draft EIR/EIS. See Impact 10-1 regarding roadway level of service, which begins on page 10-16; Impact 10-2 regarding the impact on local streets, which begins on page 10-32; and Impact 10-3 regarding intersection LOS, which begins on page 10-35. Also, see Impact 10-6 regarding impacts to bicycle and pedestrian traffic.

The comment also states that the revised LOS standards are in conflict with community character; however, the comment provides no reasoning to support this claim. See Impact 9-2 regarding the effects of the Area Plan on community character, beginning on page 9-41 of the Draft EIR/EIS.

The comment inquires as to whether more idling of motor vehicles would result in more greenhouse gas (GHG) emissions. Holding other variables (e.g., travel distance, speed) constant, vehicles idling for a longer time generates more GHG emissions than vehicles idling for a shorter time; however, the difference would not alter the analysis of GHG emissions in the Draft EIR/EIS. The total vehicle miles travelled (VMT) is the primary factor for determining whether there would be a substantial change in mobile-source GHG emissions. The greater number of vehicle trips and the longer distance of those vehicle trips results in more GHG emissions. This approach to evaluation of mobile-source GHG emissions is especially apt for a plan-level analysis. This approach is also consistent with Area Plan Policy AQ-P-4, which is to prioritize projects and services that reduce VMT and support alternative modes of transportation, and with the methodologies used by the Tahoe Metropolitan Planning Organization striving to achieve its regional GHG reduction targets pursuant to Senate Bill 375 of 2008 (ARB 2015). The level of GHG emissions associated with implementation of the Area Plan and Tahoe City Lodge is evaluated under Impact 12-1, beginning on page 12-15 of the Draft EIR/EIS.

- 15-9 The comment expresses doubt about concept and effectiveness of the shared parking concept between the Tahoe City Lodge Project and Tahoe City Golf Course. Rather than setting a precedent, shared parking has been used in the past, and is encouraged as a means of minimizing the environmental footprint of parking by reducing the total number of parking spaces (and thus coverage). This concept is encouraged by many environmental organizations. As discussed in the response to comment 12-42, the shared parking analysis recognizes that many lodging guests would leave their cars in the Tahoe City Lodge parking areas during the middle of the day with a minimum of 77 percent of lodge vehicles remaining onsite at any one time (Impact 10-8 of the Draft EIR/EIS).
- 15-10 The comment expresses concern about the Draft EIR/EIS analysis associated with the risk of wildfire. With respect to consideration of Tahoe and Truckee projects in cumulative impacts related to wildfire, see response to comment 12-111. See also Master Response 6, Emergency Access and Evacuation, in Section 3.1 of this Final EIR/EIS. The comment offers no specific information or evidence that the analysis presented in the EIR/EIS is inadequate; therefore, no further response can be provided.
- 15-11 The comment questions the adequacy of the Draft EIR/EIS alternatives analysis because it includes a version of the Tahoe City Lodge project in every alternative except the no project alternative, and it does not include a reduced density alternative that limits development to 15 units per acre in Kings Beach. When the Placer County Board of Supervisors and the TRPA Governing Board consider whether to certify the EIR/EIS, the respective Boards will also determine whether to approve the proposed project or an alternative that is found: 1) to meet most of the project objectives, 2) to be feasible, and 3) to either avoid or substantially lessen any of the significant adverse effects of the project. The CEQA Guidelines provide the following:
- The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. (Guidelines Section 15126.6(f)).
- The Area Plan alternatives and Tahoe City Lodge alternatives are logically paired, but with separate analyses. The TRPA Governing Board and Placer County Board of Supervisors could, at their discretion, adopt the Area Plan and not approve the Tahoe City Lodge project; the boards are not constrained to select one of the paired Area Plan and Tahoe City Lodge project alternatives.
- Regarding the request to reduce densities in Kings Beach to 15 units per acre, while the Draft EIR/EIS does not include an alternative that includes this specifically, Alternative 3, Reduced Intensity Area Plan/Reduced Height Lodge, includes elements of the proposed project, but modifies elements to respond to scoping comments. Alternative 3 expands certain environmental performance standards, limits maximum height and density, and limits maximum land coverage. As described in CEQA Guidelines Section 15126.6, “[a]n EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” Thus, no changes to the document are required and no additional alternatives need to be evaluated.
- 15-12 The comment suggests that the Draft EIR/EIS defers cumulative analysis to local agencies and future individual projects. The Draft EIR/EIS does not defer required analysis. The cumulative analysis considers the potential effects of proposed policies in concert with existing regulations and environmental protection measures and appropriately cites project

level environmental review and permitting requirements when considering the potential for cumulative effects. See Chapter 19 of the Draft EIR/EIS.

15-13 The comment raises a series of questions related to land use, which are addressed below:

- ▲ Analysis of Resort Recreation Areas: The Draft EIR/EIS did not evaluate the establishment of Resort Recreation zones within the Plan area because they are not a component of the Area Plan. Any future proposal to establish Resort Recreation zones within the Plan area would require an amendment to the TRPA Regional Plan and separate environmental review.
- ▲ Future Status of Plan Area Statements: Impact 5-2 on pages 5-18 through 5-26 describes the proposed land use changes. Additionally, Table 3-3 on page 3-17 provides a summary of use changes within each plan area statement (PAS). The potential impacts from use changes are analyzed in Chapters 5 through 20 of the Draft EIR/EIS. PASs that are not listed or included in Appendix B of the Draft EIR/EIS would have no changes under the proposed Area Plan. PASs would be consolidated into the Area Plan Implementing Regulations rather than dispersed as individual documents.
- ▲ Evaluation of the North Stateline Town Center: As described on page 3-15 of the Draft EIR/EIS, the North Stateline community would be designated as a special planning area where existing development standards would remain in effect after the adoption of the proposed Area Plan. A future plan for the North Stateline Town Center would be processed as an Area Plan amendment with a separate environmental review.
- ▲ Scenic Simulations and Protection of Aesthetic Resources: The comment requests photo simulations depicting the town centers and Tahoe City Lodge at maximum height and density, and states that the Area Plan should include criteria for ridgeline, viewshed, and night sky protection. The simulations of Tahoe City Lodge under Alternative 1, on pages 9-25 through 9-40 of the Draft EIR/EIS, represent the maximum height and density for the project. Additionally, Impact 9-3 beginning on page 9-47 of the Draft EIR/EIS, describes the additional light pollution protection measures contained in the Area Plan. The Area Plan's protection features for views of ridgelines and other scenic resources are discussed in Impact 9-1 on page 9-20.

15-14 The comment expresses concern that the provision in the proposed Area Plan that would allow limited conversions of CFA to TAUs would result in additive development with environmental effects. The comment also asserts that enlarging town center boundaries and calculating coverage and density for the Tahoe City Lodge project without consolidating parcels would be growth inducing. Please refer to the response to comment 15-4, which addresses the conversion of CFA to TAUs. Regarding calculation of coverage and density without consolidation of parcels, please refer to the response to comment 15-5. With respect to the comment's reference to enlarging TRPA town center boundaries, please refer to page 3-9 and Exhibit 3-3 in the Draft EIR/EIS, which describe the proposed Tahoe City Town Center boundary revision. As described in the Draft EIR/EIS, the proposed revision would modify portions of the town center boundary and result in a net reduction in the size of the town center by approximately 2.91 acres. The environmental effects of the proposed boundary revision are analyzed in Chapters 5 through 20 of the Draft EIR/EIS. The comment provides no evidence or indication that the environmental analysis of this proposed provision is incomplete or technically inadequate.

15-15 The comment expresses concern about ridgelines and viewsheds. The Draft EIR/EIS evaluates the effects of the proposed Area Plan on scenic quality (including effects on ridgelines and scenic vistas) on pages 9-15 to 9-22. Contrary to the comment's assertion, the proposed Area Plan does not simply defer to a policy in the Regional Plan. Instead it

includes specific design standards, guidelines, and ordinances to address scenic resource protection. (See, for example, proposed Area Plan Implementing Regulations Sections 2.09, 3.09, and 3.10.) The Draft EIR/EIS summarizes these requirements on page 9-20, and appropriately analyzes the effects of the proposed Area Plan in light of the applicable ordinances and standards proposed within the Area Plan.



Letter  
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August 14, 2016

Placer County Environmental Coordination Services  
Community Development Resource Agency  
3091 County Center Drive, Suite 190  
Auburn, CA 95603

[cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov)

Subject: Tahoe Basin Area Plan DEIR/DEIS

Dear Ms. Jacobsen:

Tahoe Marina Lakefront (TML), a condominium community, appreciates the opportunity to comment on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR) for the Draft Tahoe Basin Area Plan (Area Plan), released June 15, 2016. We also appreciate the enormous effort made by Placer County (the County) staff in completing the Area Plan and presenting it to the public in numerous public hearings in July and August 2016.

**1. The Area Plan expanded the scope of the project after June 3, 2015, requiring a new NOP**

The Area Plan is the discretionary project under review in the DEIR. Parts of the Area Plan are project specific and warrant a Project EIR and parts are more general policies and objectives typically found in a Program EIR. In any event, the courts do not attach much importance to the title of an EIR. But as a general rule “the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR”. (CEQA Guidelines, sec. 15146)

TML is very concerned with that part of the project described in the following sections in the Area Plan:

**a. Part 5 of the Area Plan**

The Transportation element of the Area Plan, Part 5, states that:

*“Two alternatives for the missing segment of the Class I shared-use path have been identified in the [Tahoe City Mobility] Plan: a lakeside alternative and a commercial side alternative, and after receiving public input on both alternatives, the lakeside alternative was selected as the preferred alternative.”* Area Plan, p. 125.

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However, Part 5 of the Area Plan, released on June 3, 2015, at the time of the NOP release, provided more generally:

*The Lake Tahoe Region Bicycle and Pedestrian Plan [BPP] provides additional information on existing and planned bike and pedestrian paths in Placer County and throughout the Tahoe Region. (Draft Area Plan, June 3, 2015, p. 121)*

The BPP referenced above shows only a bike lane along Highway 28 and a missing link between Commons Beach and the intersection of Highway 28 and Mackinaw Road.

**b. Map 5.5 of the Area Plan**

The “preferred alternative” described in Area Plan, Part 5, is also drawn clearly with project-level specificity in Map 5.5, Transportation Infrastructure and Improvements, of the Area Plan.

However, Map 5.5 in the Draft Area Plan released on June 3, 2015, along with the NOP depicted only a missing link in the shared-use path from Commons Beach to Fanny Bridge, but not a specific alignment.<sup>1</sup>

**c. Policy T-P-31 of the Area Plan**

Policy T-P-31 was added to the Area Plan in its latest June 2016 revision. It states:

*Based on community and stakeholder input, implement multi-modal and complete street strategies identified in the Tahoe City Mobility Plan for the Tahoe City Town Center. Implementation shall include construction of the shared-use path gap between Commons Beach and the Wye, and pedestrian crossing improvements along State Route 28 to Lake Tahoe, Commons Beach, and the Truckee River.*

The second sentence contains a general policy goal for the County and seems appropriate. The first sentence, however, is unclear. If it is suggesting that the “multi-modal ... strategies identified in the Tahoe City Mobility Plan” means the specific waterside alignment shown as the recommended and preferred alignment in the Mobility Plan, then this part of Policy T-P-31 runs afoul of CEQA by calling for a specific alignment that was not included in the June 3, 2015, or the September 23, 2015 Draft Area Plans.

**d. Part 6 of the Area Plan**

Both the June 2016 Area Plan and the Draft Area Plan released on June 3, 2015, state in very general language:

<sup>1</sup> Map 5.5 in the Draft Area Plan released on September 23, 2015, shows a planned shared-use path from Commons Beach to Fanny Bridge running along the town side of TML and then down Mackinaw Road.

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*There are two gaps in the Lakeside/West Shore trail system - one within Tahoe City, and the other within the Homewood area on the west shore. These gaps in an otherwise continuous trail system network are the highest priority for completion.*

There are no specific alignments for the trail segment from Commons Beach to the Wye mentioned in Part 6 of the Area Plan.

**e. Part 8 of the Area Plan**

Part 8 of the Area Plan calls for implementation of the Tahoe City Mobility Plan (Mobility Plan), which includes the waterside “preferred alternative” discussed above. See Mobility Plan, p. 68, 70, 72.

However, the Draft Area Plan, Part 8 released June 3, 2015, provided more generally:

*Tahoe City Mobility Improvements: Options will be analyzed to enhance mobility in Tahoe City, including expanded parking, trails and sidewalks. The improvements will supplement the sidewalks, trails and parking areas that have already been established in Tahoe City.*

Thus, the Area Plan calls for implementation of a specific alignment, unlike the Draft Area Plan released at the same time as the NOP.

In summary, the NOP released with the Draft Area Plan on June 3, 2015, did not include any of the specific provisions included in the current June 2016 Area Plan. The statements regarding the trail connection were very general in nature. The scope of the project was expanded in 2016 to include a shared-use path that will very likely have significant impacts on the environment and on the TML homeowners. Because the scope has expanded to include new potential impacts, a new NOP should have been circulated in 2016.

**2. The DEIR fails to identify and analyze the project’s impacts under CEQA.**

There are numerous significant impacts that might result from a waterside alignment of a shared-use path from Commons Beach to Fanny Bridge. However, not a single potential impact was identified or analyzed in the DEIR. Some of those impacts would include:

- Shoreline disturbance impacts of constructing and maintaining a path along a section of very exposed and sensitive shoreline. Like everyone else, lake clarity is a number one issue to TML homeowners who want to do everything they can to preserve the purity of Lake Tahoe for generations to come.

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- Air and water quality impacts to the Lake. Even though bike trail coverage may be exempt from TRPA regulation, air and water quality impacts still have to be analyzed under CEQA.
- The high visibility of the path from the lake would not be softened by trees or shrubbery as occur along other trail segments, because there are no trees or shrubs in this area.
- Safety impacts to TML homeowners and their children who play between the grassy recreation area, the beach and the lake, caused by a 10-foot wide paved path with 1600+ people on a peak day who would bisect this area, as well as impacts to the path users who might encounter children and their toys along the path.
- Privacy impacts to the TML homeowners who have their bedrooms at ground level.
- Noise impacts to private residences. Trails around the lake are open 24/7, so the noise impacts from path users returning late at night from bars and restaurants could be disturbing, as well as the maintenance noise of cleaning the path during early morning hours.
- Potential tort and crime liability impacts. With so many TML residents and guests recreating along the shoreline, pedestrian or bicycle conflicts are inevitable. In addition, the TML “backyards” are used just like everyone else’s, with outdoor furniture, bikes, and recreational gear stored on back patios, and it is almost impossible to lock up all of these personal belongings. Unintentional trespassing is also a potential problem as trail users may decide to picnic or rest on the grass area around TML.
- Disturbance of recreational enjoyment by the TML homeowners due to the serious encroachment of a wide paved path on a constrained portion of their property.

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**3. The DEIR fails to identify any alternatives to the project’s impacts.**

The DEIR does not identify or analyze any alternatives to the waterside alignment shown in the Area Plan. However, the Mobility Plan referenced in the Area Plan includes at least 12 alternatives to the path, and there may exist other alternatives not considered in that Plan. None of these alternatives are specifically discussed as CEQA alternatives to the project.

In addition, all of the alternatives in the Mobility Plan require an easement over TML property. No alternatives are included that would not require such an easement. Moreover, at no time was TML contacted when the County was formulating alternatives,

either in the DEIR or the Mobility Plan, contrary to CEQA, which encourages early consultation with stakeholders. See CEQA Guidelines sec. 15083.<sup>2</sup>

**4. The Area Plan creates a potentially unstable project description.**

At public hearings conducted to accept comments on the DEIR, County Planning staff in their presentations suggested that the language in the Area Plan discussing the “preferred alternative” of a waterside alignment for the shared-use path was intended to be conceptual only and that all feasible alignments of the path would undergo environmental review at a future time.

However, the Area Plan risks creating an unstable and shifting project description under CEQA if the Area Plan itself is modified to include more general language<sup>3</sup>, but Map 5.5 is left with the inclusion of a waterside alignment of the path. Many courts have recognized that a project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading. Such an inconsistency would also violate the State Guidelines for General Plans<sup>4</sup>, p.12, and Government Code, sec. 65300.5.

The general nature of the text and the maps should be in accord with the second sentence of Policy T-P-31 in the Area Plan that simply calls for “construction of the shared-use path gap between Commons Beach and the Wye”.

**5. The Lakeside Trail recommendations in the Mobility Plan violate CEQA if incorporated into the Area Plan.**

The Mobility Plan was completed on June 30, 2016, two weeks after the Area Plan and DEIR were released to the public. The Mobility Plan itself was never released for public review and comment. When the Tahoe City Mobility Public Workshops were first commenced a year or two ago, some of the TML homeowners and management attended. Although some attendees were very committed to a lakeside alignment (in part because the trail was called a “lakeside trail”), our impression was that more people seemed to be in favor of going along the town side of TML for reasons of convenience, expediency, cost and avoiding impacts on private residences.

This impression was also reflected in the comments received to a survey that asked whether a lakeside or commercial alignment was preferred for the “lakeside trail.” I have attached those comments for your review to see if anyone can honestly conclude that a

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<sup>2</sup> “Prior to completing the draft EIR, the Lead Agency may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project”.

<sup>3</sup> Language such as appeared in the Draft Area Plans of June 3, 2015, or September 23, 2015.

<sup>4</sup> “The concept of internal consistency holds that no policy conflicts can exist, either textual or diagrammatic, between the components of an otherwise complete and adequate general plan”.

waterside alternative was clearly preferred. I believe the comments themselves undermine the very premise upon which the “preferred alternative” language rests.

The Area Plan now calls for implementing the Mobility Plan, but the Mobility Plan recommends “moving forward with more detailed design and assessment to complete the Lakeside Trail with one of the Water Side Route alternatives” (emphasis added). Calling for implementation of the Mobility Plan is seeking to do indirectly under CEQA what the Area Plan cannot do directly under the law.

All the reasonable alternatives in the Mobility Plan that would travel a more direct route in front of TML for barely 120 yards (and then back to the Lake) are summarily dismissed from the need for further review, mainly because a lakeside path was deemed preferred by a small segment of the community in the limited and questionable survey mentioned above. And of course the EIR is totally silent on the potential impacts of implementing these “water side route alternatives” in the Mobility Plan, even at a programmatic level.

The DEIR must either analyze the impacts of the Mobility Plan’s implementation to the same degree of specificity as the alignments appear in the Mobility Plan, or the County must change the Area Plan to say that the Mobility Plan will be not be implemented for any trail segments until all alternatives have undergone necessary feasibility and CEQA review. There can be no “preferred” alternative at this time. And the County should make no determination at this time of any future connection from Commons Beach to Fanny Bridge. And the County should be the Lead Agency in making that determination since it is the general governmental agency with jurisdiction over land use matters.

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**6. The Area Plan misrepresents what the County may adopt and thereby misleads the public.**

If the County is not adopting a specific shared-use path alignment, then the language in the Area Plan should be neutral. To do otherwise would mislead the public into believing that the County has adopted a waterside alignment, especially if a member of the public reads only a few pages of the Area Plan or sees only Map 5.5 with its specific waterside alignment.

If the language and map in the Area Plan were not changed, TML could suffer severe prejudicial harm in future public meetings or hearings on the “missing link” trail, ultimately denying TML a fair hearing. In such a scenario the public could mistakenly think that TML were trying to change what the County had already adopted.

**7. TML totally supports the County’s goal of a shared-use path from Commons Beach to Fanny Bridge**

TML recognizes that the link from Commons Beach to Fanny Bridge is critically important and can be improved from what we have today. We want to see the continuation of a unified path in a safe and pleasant alignment. We recognize that there is mostly private land along this corridor and we have tried to work with and will continue to work with the County to develop a path that enhances mobility and safety without causing serious environmental impacts to the physical or human environment.

In conclusion, because of the late addition of the “preferred alternative” of a waterside alignment into the Area Plan and the associated failure of the DEIR to identify or analyze the potential significant impacts of that alignment, we ask the County to revert to the language in the June 3, 2015, draft Area Plan or the revision released on September 23, 2015. Both of these versions have general language and maps that comport with the general nature of the County’s objective to achieve a trail connection in the near future.

Thank you for your consideration.

Very truly yours,



Carole V. White  
on behalf of Jamie Arno,  
President of the TML Homeowners Association

cc: Mr. Jack Duran - District 1  
Mr. Robert Weygandt - District 2  
Mr. Jim Holmes - District 3  
Mr. Kirk Uhler - District 4  
Ms. Jennifer Montgomery - District 5

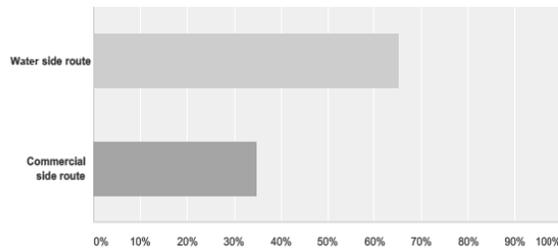
Ms. Jamie Arno

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APPENDIX – MERGED SURVEY AND QUESTIONNAIRE RESULTS

**Q4 Given the potential benefits and challenges for each, which general alternative for completing the Lakeside Trail do you support moving forward?(go to <http://www.placer.ca.gov/departments/works/projects/tcmobilityproject> and scroll to the selected project documents to see the maps or any of the alternatives in greater detail)**

Answered: 178 Skipped: 12



Answer Choices	Responses	
Lake side route	65.17%	116
Commercial side route	34.83%	62
<b>Total</b>		<b>178</b>

#	Comment	Date
1	I know that the Lake side route would be a fabulous facility, but believe it nearly impossible (due to Tahoe Marina Lodge).	3/16/2016 12:53 PM
2	Keep people off the road.	3/16/2016 12:51 PM
3	Keep people off the road.	3/16/2016 12:49 PM
4	Striping & signage; easy	3/16/2016 12:43 PM
5	With the Fanny Bridge improvement project, this seems to be the best and most viable alternative for better connection and improved use of lakeside trail already in place.	3/16/2016 12:42 PM
6	Just get it done already! And get us a trolley.	2/19/2016 2:23 PM
7	It seems logical to complete what we have already. esthetically the lake view is preferable to a commerial one.	2/19/2016 1:47 PM
8	Keeps people of SR28 - very dangerous in the summer months	2/19/2016 1:28 PM
9	Tear down Tahoe Marina Lodge. They've reneged on promises.	2/19/2016 12:51 PM
10	It is the Lakeside Trail after all.AND public land by the TML	2/19/2016 12:12 PM
11	Although I like the Lakeside route, I would go with the option that could be completed sooner.	2/19/2016 11:44 AM

APPENDIX – MERGED SURVEY AND QUESTIONNAIRE RESULTS

12	We are a Lake Tahoe town. People want to travel along the side of the lake. Give the visitors what they want, or they'll go to a town that will.	2/19/2016 9:14 AM
13	The Commercial side option is the only viable option The impact on property owners are minimal and the thought of the City taking private property does not make sense. The Fire House needs to go as it is an unutilized parcel which can create a beautiful new park and community center for the arts it appears to be ready to go rather than lengthy permitting process and sensible access for the public and private property owners.	2/18/2016 8:29 PM
14	Neither is necessary. Too much construction to a pre-existing rout down mackinaw.	2/18/2016 3:28 PM
15	no brainer	2/18/2016 3:07 PM
16	commercial route goes by businesses and increases flow for those businesses This is big pro. Also the alternative through private property is less attractive	2/18/2016 11:55 AM
17	If go via Lakeside, it could take years to get approvals and would get strong opposition from Tahoe Marina Lodge Owners' Association.	2/18/2016 11:45 AM
18	"I strongly object to the lake side path as it requires extensive invasion of lake tahoe and clearly will have stong opposition from the Tahoe Marina homeowners.	2/18/2016 11:40 AM
19	Image above doesn't truly show proposed lakeside routing(s) jutting out into lake as the detailed maps show. I think the problems associated with the permitting for this option and the additional time that might be req'd. outweigh any benefits and strongly favor the commercial option.	2/18/2016 10:33 AM
20	Lakeside would be better if you could get the owner on board but I doubt it.	2/18/2016 10:14 AM
21	Very strongly oppose lake side trail	2/17/2016 11:40 PM
22	Actually I do not like either alternative. I want things to remain as presently constituted. Either plan will hurt the serenity of the Lake and create a great invariance to current property owners'	2/17/2016 9:50 PM
23	I like mackinaw street going to "one way". But let's wait and see how the roundabout works out. It's been a nice way to get around the gridlock at the wye.	2/17/2016 7:10 PM
24	Commercial side route provides easier access and a shorter route to the already established bicycle/hike route and to highway 89. Scenic lake views are a short distance at Commons Beach, where the public has room to stop, rest and enjoy the view. One side of proposed lakeside route is very narrow which could be a safety issue.	2/17/2016 4:35 PM
25	The lakeside route infringes on private property and yup will be sued	2/17/2016 3:45 PM
26	First of all, the "commercial" route nomenclature seems negatively biased. It should be called "town side" or something similar. In general, the lake side route infringes too severely on private residences. Roughly half of the condominiums at Tahoe Marina Lodge are not rental units, but are private homes. It might create a potentially alarming precedent for nearby properties like Tavern Shores and Tahoe Tavern. Good options appear viable among the described alternatives which do not so dramatically affect the residents.	2/17/2016 2:02 PM
27	The Lake side alternatives appear to create substantial environmental and private property issues. This is not necessary as the commercial (town) side alternatives are attractive and much more logical. Development of this type so near / on the Lake should be avoided at all costs.	2/17/2016 11:45 AM
28	This amount of traffic should not be put in a residential area or along the lakeside.	2/17/2016 11:28 AM
29	The lakeside path is confiscation of private property. Gentle grade of commercial side is more family friendly for bikers.	2/17/2016 11:26 AM
30	The cost to condemn the land on the lakeside would be millions	2/17/2016 11:01 AM
31	Private property owner agreement to alignment should be obtained prior to spending any more taxpayer money on this project. If agreement cannot be achieved, commercial alignment should then be pursued.	2/17/2016 10:58 AM
32	Strongly oppose any alternative that would involve shoreline disturbance; I would actively lobby TRPA to oppose any such alternative. Also, I strongly oppose any alternative that would involve anything like an eminent domain proceeding or the cost of an easement through private property. One of the commercial side alternatives is the only thing that makes sense to me. It's hard for me to believe that something like Alt L1-B is even being considered - this alternative should never have seen the light of day	2/16/2016 5:01 PM
33	I only support the lakeside route. The other route should not be an option. The County should have completed the process years ago to protect the lake access for the public and not the lodge homeowners.	2/16/2016 2:22 PM
34	the lake is for all.....	2/16/2016 12:40 PM
35	there are more options for the commercial side vs. the lakeside	2/16/2016 8:30 AM

APPENDIX – MERGED SURVEY AND QUESTIONNAIRE RESULTS

36	I support and really like the commercial trail but the cost and project size doesn't offset the positives of having the trail closer to commercial row.	2/16/2016 4:22 AM
37	alot went into lake side, and it is very nice	2/15/2016 3:36 PM
38	If I were a owner at Tahoe Marina I would be outraged at this idea- bikers and walkers would soon be parking on the Marina land and having picnics ands a swim- ridiculous plan - it would be the same as having a path in front of beautiful homes on the lake - what group of people came up with this -	2/15/2016 10:54 AM
39	Although it will be costly, put the trail over the water. It will a real attraction and it will be less obtrusive to the Tahoe Marina homeowners (not directly adjacent to their property on land).	2/13/2016 2:19 PM
40	This is the best and most logical choice. Just because the Tahoe marina lodge opposes it doesn't mean it's not the one to choose.	2/13/2016 6:14 AM
41	neither	2/12/2016 11:27 PM
42	both are poor choices due to removal of firestation/arts and need for easements over private land and loss of parking	2/12/2016 8:29 PM
43	Do not 'potentially remove' the historic Arts building. Can we please keep our charming buildings and not end up looking like Park City boring	2/12/2016 6:38 PM
44	Get rid of that old fire station!n What an eyesore.	2/12/2016 5:49 PM
45	Either one would be great. Lakeside would be nice, but realize it's unlikely	2/12/2016 4:49 PM
46	The Lake view and experience is unique to Tahoe. We need to maximize this resource as much as possible for residents and visitors. Perhaps my own experience on the ocean front is pertinent here. I have a vacation home along the northern Sonoma coast with a public trail between my home and the ocean. The trail not only provides better ocean access to me, but I find it endlessly interesting and not at all disturbing to watch such a variety of people and (leashed) dogs enjoying walking along the coast.	2/12/2016 10:51 AM
47	Neeeed to walk each before deciding. Concerned about Lakeside Trail's impac: on homeowners in Tahoe Marina	2/12/2016 10:50 AM
48	Due to car traffic	2/12/2016 10:29 AM
49	I dont think the lake side trail is fair to Marina lodge owners	2/12/2016 10:11 AM
50	Will be more visible to begin. Old firehouse to be removed anyway at some point.	2/12/2016 9:35 AM
51	Lake side trail better use of funds if available. Reducing much needed parking not a good idea. Can alignment be accomplished without Marina Lodge conflict? Steeper grade/switchback for other proposal limits access to folks with limitations	2/12/2016 9:21 AM
52	Dont let 1 property greatly compromise a key community asset!	2/11/2016 1:20 PM
53	I support the Commercial Side route because it can ACTUALLY HAPPEN with the added benefit of removing the old fire station (an eyesore). I don't see resurrecting the losing battle for a Lake Side trail with the Tahoe Marina Lodge and getting mired down for another untold number of years for a dubious outcome. Also, the Lodge is now willing to cooperate by cutting their reception building back to facilitate the trail being back from the highway.	2/11/2016 9:34 AM
54	Improvements to Mackinaw seem more natural than a trail in front of private property.	2/10/2016 4:54 PM
55	Sorry but it needs to be along the lake if it's a "lakeside trail"	2/10/2016 4:25 PM
56	maybe a hybrid to avoid steep hill/switchbacks, but commercial seems the better way to go	2/10/2016 12:00 PM
57	need to consider how golf course trail connect and those proposed in the new roundabout.	2/10/2016 9:28 AM
58	This is a difficult question because of what is presented in question #5	2/8/2016 11:27 AM

**Letter  
16**

**Tahoe Marina Lakefront**  
August 14, 2016

16-1

The comment expresses concern regarding the lake side shared-use path and potential adverse impacts associated with the shared-use path. See Master Response 5, Tahoe Marina Lakefront Shared-Use Path Alignment, in Section 3.1 of this Final EIR/EIS.

Letter  
17



August 15, 2016

**Placer County Community Development Resource Agency  
Environmental Coordination Services**

[cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov)

cc: Ms. Crystal Jacobsen, Principal Planner (Area Plan)  
Mr. Steve Buelna, Project Planner (Tahoe City Lodge Project)

**Tahoe Regional Planning Agency**

Ms. Lucia Maloney, Project Planner (Area Plan)  
Ms. Tiffany Good, Project Planner (Tahoe City Lodge Project)

**Re: Draft Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project**

Dear Project Planners:

Thank you for the opportunity to submit comments on draft Tahoe Basin Area Plan and Tahoe City Lodge Project.

Our Plan comments are focused on Part 5, Transportation, and related sections of Part 4, Land Use Plan, Part 8, Implementation Plan, and related changes incorporated in the "Track Change Cut-Sheets."

The Truckee North Tahoe Transportation Management Association (TNT/TMA) strongly supports:

- An Area Plan focus that activates the importance of transitioning the area to a more balanced land use pattern that provides housing for area workers and new/added lodging options for area visitors. This focus is an important component of the Area Plan's transportation and air quality improvement elements.
- A Land Use Plan that promotes redevelopment of the built environment, multi-modal transportation options, and enhanced economic conditions.
- Allowing for opportunities to allow secondary dwelling units as part of efforts to increase the availability of workforce housing.
- Incorporating the State Route 89/Fanny Bridge Community Revitalization Project.
- Incorporating the TART Systems Plan Update approved by the Placer County Board of Supervisors April 19, 2016.
- Incorporating recommendations set forth in the Tahoe City Mobility Plan (June 2016), **with one exception, as follows:**
- Please include **all** of the options identified in the Mobility Plan for the "Lakeside Trail Missing Link" into the appropriate section(s) of the Area Plan (options for both the "Water Side Route" and the

17-1

17-2

“Commercial Side Route”). The Area Plan should incorporate the same language found on page 72 of the Mobility Plan (the final paragraph under Lakeside Trail).

17-2  
cont

- Incorporating the Tahoe City River District Special Planning Area (SPA). We support the goals of this District as an active, recreation-oriented area that encourages primary access by bicycling, walking, and transit.
- Incorporating the “track changes” reflected in policies and implementation strategies designed to improve non-auto mobility, such as multi-use (shared-use) paths and trails and Town Center sidewalk extensions. **Note:** The Homewood “Missing Link” segment of the popular West Shore Class 1 Trail will be completed this fall (Confirmed 8/15 by the Tahoe City Public Utility District).
- Updates to the Transportation, parking, transit, pedestrian, and bicycle policies (Track Changes, Section 5.5).
- The Socio-Economic Policies in Part 3, Section 3.5.

17-3

**Implementation Plan Comments (Part 8)  
Questions**

- What is the status of planning for the Kings Beach Boardwalk Project? (page 151)
- What is the project referred to as “Basin-Wide Transportation Operations (page 163) showing the US Forest Service as the lead? We are not familiar with any such project.

17-4

**Corrections**

- The Tahoe City Electrical Sub-Station is no longer owned and operated by Sierra Pacific Power Company. It was sold to and is now operated by CalPeco Electric - Liberty Energy. TNT/TMA supports moving this facility as it is incompatible with surrounding land uses, including the Tahoe City Transit Center, bicycle and multi-use trails, and the Fanny Bridge business and recreation district. That being said, we are not aware of any study or plan to relocate the sub-station to the “Chimney” area of the 64-Acre Tract.
- California State Route 267. In the draft Plan we have reviewed, SR 267 is sometimes mistakenly referred to as SR 276.
- 64 Acres Bike Path Reconstruction (page 165). Tahoe City Public Utility District is the lead agency for this work, not the US Forest Service.

17-5

**Updates**

- As confirmed earlier in this letter, the Homewood Bike Trail Project (described on page 164) is scheduled for completion this year 2016).

The TNT/TMA has elected not to submit comments at this time on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) at this time. We will remain actively engaged as the plan review and environmental analysis process moves forward.

Thank you in advance for your consideration.

Sincerely,



Jaime Wright  
Executive Director

**Letter  
17****Truckee North Tahoe Transportation Management Association**  
August 15, 2016

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- 17-1 The comment expresses support for Area Plan policies and programs, and is acknowledged.
- 17-2 The comment is related to the Tahoe City Mobility Plan and the Lakeside Trail missing link or planned multi-use trail segment between Commons Beach and the Wye in Tahoe City. See Master Response 5, Tahoe Marina Lakefront Shared-Use Path Alignment, in Section 3.1 of this Final EIR/EIS.
- 17-3 The comment expresses support for Area Plan policies and programs and suggests an edit to the Area Plan, which has been included in the Final Area Plan document.
- 17-4 The comment poses two questions related to planned environmental improvement projects listed in Part 8 of the Area Plan. The first question inquires as to the status of the Kings Beach share-use path project, identified as the Chipmunk to Secline Bike Path in Table 8.2 of the Area Plan. This project is planned for future analysis and is not currently an active project application. The second question asks about the Basin-Wide Transit Operations project listed in Table 8.2 of the Area Plan. This project is a U.S. Forest Service environmental improvement program project intended to help fund the West Shore Transit System and implement seasonal transit service on State Route 28 between Spooner Summit and Incline Village. The project was recently completed, and accordingly, this project has been removed from the Final Area Plan document.
- 17-5 The comment suggests corrections and edits to the Tahoe Basin Area Plan which have been included in the Final Area Plan document.

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