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routes, and known concentration areas of waterfowl within the Pacific Flyway; (g) Important spawning areas for anadromous fish.

The Project is in clear violation of this Policy. As explained in section I.B.2 (biological resources) of this letter, the Project not only fails to protect the unique habitats of several endangered and threatened species, it actively destroys habitats. In fact, the Project would result in the destruction of habitat for the federally endangered Sierra Nevada yellow-legged frog (SNYLF), yet the DEIR proposes no mitigation for this loss of habitat. The Project is blatantly inconsistent with this General Plan Policy which also constitutes a significant impact.

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cont.

General Plan Policy 6.C.2

General Plan Policy 6.C.2 states that the County shall require development in areas known to have particular value for wildlife to be carefully planned and, where possible, located so that the reasonable value of the habitat for wildlife is maintained.

The Project violates this General Plan Policy. The Project site is located on proposed Critical Habitat for the SNYLF. The Project site also has particular value for other sensitive species including special-status birds (northern harrier, long-eared owl, California spotted owl, and northern goshawk), Sierra Nevada mountain beaver, Sierra Nevada snowshoe hare, spotted bat, pallid bat, western red bat, and Townsend’s big-eared bat. The Project further encroaches into and destroys valuable habitats for these species. The Project is inconsistent with this General Plan Policy which also constitutes a significant impact.

09-234

General Plan Policy 6.C.5

General Plan Policy 6.C.5 states that the County shall require mitigation for development projects where isolated segments of stream habitat are unavoidably altered. Such impacts should be mitigated on-site with in-kind habitat replacement or elsewhere in the stream system through stream or riparian habitat restoration work.

09-235

The Project is flatly inconsistent with this General Plan Policy. As discussed above, the DEIR lacks evidentiary support for its conclusion that impacts to stream habitats would be fully mitigated. In addition, the DEIR provides no evidence that wetland and riparian mitigation would even occur on site. See DEIR at 6-47 (“If the project applicants elects to provide all or a part of wetland or riparian mitigation off-site,

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and off-site mitigation has been determined to be acceptable to the County...”). The Project is clearly inconsistent with this General Plan Policy which also constitutes a significant impact.

09-235
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General Plan Policy 6.C.6

General Plan Policy 6.C.6 states that the County shall support preservation of the habitats of threatened, endangered, or other special status species. Where County acquisition and maintenance is not practicable or feasible, federal and state agencies, as well as other resource conservation organizations, shall be encouraged to acquire and manage endangered species’ habitats.

09-236

The Project violates this General Plan Policy because it would encroach into the habitats of endangered and other special state species. The Project’s inconsistency with this General Plan Policy also constitutes a significant impact.

General Plan Policy 6.D.14

General Plan Policy 6.D.14 states that the County shall require that new development avoid ecologically-fragile areas (e.g., areas of special status, threatened, or endangered species of plants and riparian areas). Where feasible, these areas should be protected through public or private acquisition of fee title or conservation easements to ensure protection.

09-237

The Project violates this General Plan Policy because it would encroach into ecologically fragile areas, including the habitats of endangered and other special status species. Despite destroying habitat for sensitive wildlife species such as the SNYLF, the Project proposes no mitigation for the loss of this habitat. For this reason, the Project does nothing to “ensure protection” of these habitats. The Project’s inconsistency with this General Plan Policy also constitutes a significant impact.

General Plan Policy 4.E.10

General Plan Policy 4.E.10 states that the County shall strive to improve the quality of runoff from urban and suburban development through use of appropriate site design measures including, but not limited to vegetated swales, infiltration/sedimentation basins, riparian setbacks, oil/grit separators, rooftop and impervious area disconnection, porous pavement, and other best management practices (BMPs).

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The Project violates this Policy. Although the Project purports to include some low-impact development stormwater features, it would, in fact, increase the amount of impervious surface on the site by approximately 4.5 acres. DEIR at 13-76. The Project’s inconsistency with this General Plan Policy also constitutes a significant impact.

09-238
cont.

General Plan Policy 4.E.15

General Plan Policy 4.E.15 requires that the County require that new development in primarily urban development areas incorporate low impact development measures to reduce the amount of runoff, to the maximum extent practicable, for which retention and treatment is required.

09-239

The Project would violate this Policy because it would add almost five acres of impervious surface. This implies the Project is not using low-impact development measures “to the maximum extent practicable.” See, e.g., DEIR at 13-77 – 13-78. The Project’s inconsistency with this General Plan Policy also constitutes a significant impact.

General Plan Policy 6.A.11

General Plan Policy 6.A.11 states that where a stream zone has previously been modified by channelization, fill, or other human activity, the County shall require project proponents to restore such areas by means of landscaping, revegetation, or similar stabilization techniques as a part of development activities.

09-240

The Project clearly violates this Policy because although the Project would widen the existing corridor for the channelized Squaw Creek in some locations, the Project does not include measures intended to revegetate or otherwise stabilize the creek, outside of limiting the types of structures that may be constructed. In fact, the DEIR does not provide any assurance that the Squaw Creek restoration effort would be successful. The Project’s inconsistency with this General Plan Policy also constitutes a significant impact.

General Plan Policy 6.A.13

General Plan Policy 6.A.13 requires the County to protect groundwater resources from contamination and further overdraft by pursuing the following efforts: Identifying and controlling sources of potential contamination; Protecting important groundwater recharge areas; Encouraging the use of surface water to supply major municipal and industrial consumptive demands; Encouraging the use of treated wastewater for groundwater recharge; and Supporting major consumptive use of groundwater aquifer(s)

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in the western part of the County only where it can be demonstrated that this use does not exceed safe yield and is appropriately balanced with surface water supply to the same area.

The Project is in direct violation of this Policy. The Project would degrade water quality. The Project includes the construction of new water supply wells, thus consumptive demands would be met by groundwater, not surface water. Moreover, there is no evidence that there is a sufficient amount of water to supply the Project. Nor is there any indication that the Project would use treated wastewater to support groundwater recharge. Clearly, the Project does not comply with the measures envisioned by this Policy; these inconsistencies constitute a significant impact.

09-241
cont.

(iii) The Project is Flatly Inconsistent with General Plan Policies Pertaining to Visual Resources.

It is undisputable that the proposed Project – given the height, bulk, and scale of its proposed structures – would irreparably alter the community’s character and views of the surrounding mountains. By the DEIR’s own admission, the Project’s impacts on scenic vistas, the visual character or quality of the site, scenic resources, and light and glare would be significant and unavoidable. DEIR at 2-4. The DEIR’s conclusion that the Project would not conflict with the General Plan policies pertaining to visual resources would be laughable if the implications were not so ominous. Certain of the most egregious violations include:

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General Plan Policy 1.K.1

General Plan Policy 1.K.1 states that the County shall require that new development in scenic areas (e.g., river canyons, lake watersheds, scenic highway corridors, ridgelines, and steep slopes) is planned and designed in a manner which employs design, construction, and maintenance techniques that: Avoid locating structures along ridgelines and steep slopes; Incorporate design and screening measures to minimize the visibility of structures and graded areas; and Maintain the character and visual quality of the area.

09-243

The Project is in clear violation of this Policy. As discussed in the visual resources section of this letter, the bulk, height, and mass of the Project’s structures would substantially alter the character and visual quality of the area. In large sections of the Project site, buildings would be constructed to height limits of 96 feet or even 108 feet (ten stories tall). Currently the Village is developed with one- to four-story

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buildings. The vast majority of the Project’s structures are so large that screening is not feasible. Clearly, the Project does not comply with the measures envisioned by this Policy; these inconsistencies constitute a significant impact.

09-243
cont.

General Plan Policy 1.K.5

General Plan Policy 1.K.5 states that the County shall require that new roads, parking, and utilities be designed to minimize visual impacts. Unless limited by geological or engineering constraints, utilities should be installed underground and roadways and parking areas should be designed to fit the natural terrain.

09-244

In violation of this Policy, the Project includes large structured parking which would be in stark contrast to the natural terrain. The Project’s inconsistency with this General Plan Policy also constitutes a significant impact.

General Plan Policy 1.L.3

General Plan Policy 1.L.3 requires the County to protect and enhance scenic corridors through such means as design review, sign control, undergrounding utilities, scenic setbacks, density limitations, planned unit developments, grading and tree removal standards, open space easements, and land conservation contracts.

09-245

Squaw Valley Road was designated a scenic highway in the 1977 Placer County General Plan Scenic Highway Element. As discussed in the visual resources section of this letter, the bulk, height, and mass of the Project’s structures would substantially alter views from this scenic highway and would thus violate Policy 1.L.3. The Project’s inconsistency with this General Plan Policy also constitutes a significant impact.

General Plan Policy 1.F.3

General Plan Policy 1.F.3 states that the County shall require public facilities, such as wells, pumps, tanks, and yards, to be located and designed so that noise, light, odors, and appearance do not adversely affect nearby land uses.

09-246

The Project is blatantly inconsistent with this Policy. The Project would develop the western portion of the site with industrial land uses. Machines, equipment and massive propane storage tanks would be located directly adjacent to existing land uses. The noise, light, glare and odors from this unsightly equipment would adversely affect

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the local community as well as the region. The Project’s clear inconsistency with this General Plan Policy also constitutes a significant impact.

09-246
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(iv) The Project is Inconsistent with General Plan Policies Pertaining to Cultural Resources.

Notwithstanding the fact that the Project would result in the demolition of historically significant buildings, an impact that the DEIR identifies as significant and unavoidable, the DEIR never bothers to analyze the Project’s consistency with the following General Plan policies: As discussed below, the Project is inconsistent with the County’s General Plan policies call for the preservation of historic resources.

09-247

General Plan Policy 1.D.10

General Plan Policy 1.D.10 states that the County shall encourage the preservation of historic and attractive buildings in existing downtowns/village centers, and encourage new development to enhance the character of downtowns/village centers.

09-248

The Project would be in clear violation of this Policy, as its approval and construction would result in the destruction of historic structures associated with the 1960 Winter Olympics. Also, rather than enhance the character of the existing Squaw Valley Village, the Project would substantially alter the character by introducing buildings that are dramatically out of scale with the existing buildings. The Project’s inconsistency with this General Plan Policy also constitutes a significant impact.

General Plan Policy 5.D.6

General Plan Policy 5.D.6 states that the County shall require discretionary development projects to identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a countywide cultural resource data base, to be maintained by the Department of Museums.

09-249

The Project is inconsistent with this Policy. As discussed above, the Project would destroy all but one of the remaining Olympic buildings. The Project’s inconsistency with this General Plan Policy also constitutes a significant impact.

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(v) The Project is Flatly Inconsistent with General Plan Policies Pertaining to Risks from Fire Hazards.

The DEIR fails to discuss or acknowledge the Project’s inconsistency with the following policies intended to ensure that development in high-fire-hazard areas be designed to minimize public safety risks:

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cont.

General Plan Policy 8.C.1

General Plan Policy 8.C.1 requires the County to ensure that development in high-fire-hazard areas is designed and constructed in a manner that minimizes the risk from fire hazards and meets all applicable state and county fire standards.

09-250

The Project is blatantly inconsistent with this Policy. The Project site is almost entirely in a zone of very high-fire-hazard severity. By allowing the area’s roadways to operate at LOS F, the Project would expose people to a significant risk of injury or death involving wildland fires. In addition, the Project’s traffic would physically interfere with emergency response and evacuation efforts. The Project’s inconsistency with this General Plan Policy also constitutes a significant impact.

General Plan Policy 8.C.2

General Plan Policy 8.C.2 states that the County shall require that discretionary permits for new development in fire hazard areas be conditioned to include requirements for fire-resistant vegetation, cleared fire breaks, or a long-term comprehensive fuel management program. Fire hazard reduction measures shall be incorporated into the design of development projects in fire hazard areas.

09-251

The Project would appear to conflict with this Policy as we can find no evidence that the Project includes fire breaks, fire-resistant vegetation, or other forms of fuel management. The Project’s inconsistency with this General Plan Policy also constitutes a significant impact.

(b) Squaw Valley General Plan and Land Use Ordinance.

The applicable community plan covering the Project area is the 1983 Squaw Valley General Plan and Land Use Ordinance (“SVGPLUO” or “Ordinance”). The SVGPLUO is both a community plan document that establishes policies that build on the policies found in the Placer County General Plan, and a zoning document that establishes

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land use regulations and development requirements. The Ordinance contains important information regarding the community’s values and character. In fact, it is this document that serves as an important backdrop to one of the fundamental questions before the County: What kind of development should be permitted on the Project site?

09-252
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The DEIR asserts that the SVGPLUO contains existing land use designations applicable to the plan area that not only allow for, but also encourage, further ski resort development with the goal of developing a year-round destination resort. DEIR at 4-21. Although the Ordinance does in fact encourage the development of a destination resort at Squaw Valley, the DEIR conveniently fails to mention why the Ordinance seeks this type of project – to reduce the traffic congestion that was already plaguing the Valley. Developing a destination resort was intended to *reduce* present peak traffic:

The major challenge for the 1983 General Plan is to find a type of development which will not aggravate present or future traffic projects. The destination resort concept, in theory, appears to meet this criterion.

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Traffic projections assume management of new condominium and hotel units as a destination resort. The combined effect of such management practices is assumed to be a 50% reduction in peak hour traffic generation. If these units are not to be managed in this manner, the potential number of such units must be reduced by 50% to keep peak-hour traffic within acceptable service levels.

Ordinance at 43, 44 (emphasis in original). The proposed Project would not, of course, reduce traffic by 50%. Instead, as discussed above, the Project would cause gridlock conditions on many of the area’s intersections and highways; impacts that the DEIR identifies as significant and unavoidable.

09-254

In addition to the Project’s clear conflicts with the SVGPLUO relating to transportation, the Project also violates the Ordinance’s numerous provisions intended to protect the environment:

- The Ordinance is clear that “no further encroachments of buildings, impervious surfaces, or other development activity ... should occur on the lands designated in the Plan as ‘Conservation Preserve.’” Ordinance at 19. Rather than adhere to this strict policy, the Project proposes to redesignate

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and develop lands that are currently designated as Conservation Preserve. DEIR at 4-22. As part of the development on Conservation Preserve lands, the Project would convert more than 12 acres to non-forested uses. *Id.* at 4-31. This redesignation of Conservation Preserve lands is a clear violation of the SVGPLUO which also constitutes a significant impact of the Project.

09-255
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- The SVGPLUO clearly states that “in an ecologically sensitive area such as Squaw Valley, development beyond a certain capacity will damage the recreational and living experience of current and future users.” Ordinance at 7. As discussed above in the context of the Project’s inconsistencies with the General Plan’s provisions relating to traffic and visual resources, there can be no doubt that the Project’s traffic, visual effects and noise would irreparably alter the living experience of Squaw Valley residents and users of the resort. The Project is blatantly inconsistent with the Ordinance which also constitutes a significant impact.

09-256

- The SVGPLUO states that the visual attributes of the Squaw Valley environment are one of its most important characteristics. Ordinance at 17. The document further acknowledges that visual and environmental quality control in Squaw Valley has not been given the attention it deserves by both the private and public sector. *Id.* at 54. To remedy this, the Ordinance contains guidelines and planning principles intended to ensure sound conservation and development practices. The Ordinance further states that both the quality and quantity of development must be planned to conserve, protect, and enhance the aesthetic, ecological, and environmental assets of Squaw Valley. SVGPLUO at 4. It is evident that provisions such as these were developed explicitly to prevent the approval the type of development proposed by this Project. Development of a massive indoor amusement park and high-rises, for example, would irreparably harm the aesthetic, ecological and environmental assets of Squaw Valley. The Project is blatantly inconsistent with the Ordinance which also constitutes a significant impact.

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Accordingly, just as this Project plainly conflicts with General Plan policies, so too it directly violates the SVGPLUO’s clear intent to protect and preserve Squaw Valley from over-development. Approval of the Project would allow the exact scenario the Ordinance and the General Plan seek to avoid, and the EIR’s failure to analyze the critical inconsistencies and resulting significant impacts is a fatal flaw.

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(c) The Project is Inconsistent With Regional Goals to Redevelop Aging Town Centers.

As explained in other sections of this letter, this Project would have impacts on the Tahoe Basin, even though the Project itself is located outside of the Basin. CEQA demands that a lead agency take a regional perspective when analyzing project impacts. *Citizens of Goleta*, 52 Cal. 3d at 575. Here, the DEIR does not acknowledge the fact that the Project is inconsistent with adopted regional plans that are intended to improve the quality of regional land uses and the unique natural environment.

09-259

The recently updated Tahoe Regional Plan states that “redeveloping existing town centers is a high priority” for the region. Exhibit 27 at 2-2. The Plan recognizes that existing development in the region generally occurred without recognizing the sensitivity of the region’s natural resources and states the paramount need for “environmentally beneficial redevelopment and rehabilitation of identified Centers.” *Id.* The Placer County Area Plan provides more focus for this priority, identifying Tahoe City and Kings Beach as Town Centers. Placer County Area Plan, attached as Exhibit 35 at 95-96. The Area Plan states a similar policy to “[d]irect development towards Town Centers and preserve the character of surrounding neighborhoods.” *Id.* at 105.

Unfortunately, the Project directly contradicts this regional priority. The Project simply does not follow the stated policies of the County and the Tahoe Regional Planning Agency. The Project site is located seven miles northwest of the town center of Tahoe City. DEIR at 3-1. Thus the Project captures redevelopment potential that could otherwise be directed towards Tahoe City and Kings Beach. The County has a responsibility to analyze the effect that the Project would have on the redevelopment potential of the Town Centers and the vision of TRPA’s Regional Plan. Because the DEIR fails to recognize the inconsistency of the Project with these Town Center redevelopment policies, it fails to analyze whether the Project would have a significant effect on these Town Centers. Approval of the Project would result in development that prevents the County’s fulfillment of its stated policy.

09-260

12. The DEIR’s Analysis of and Mitigation for the Project’s Population, Employment, and Housing Impacts Are Inadequate.

For a project as large as the one proposed here, it is especially important that the DEIR comprehensively identify and analyze its impacts on population, employment, and housing demand. When a project draws new people to an area, the increased population is likely to require new services and new housing, which will impact the environment.

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