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example, the photographs are taken a considerable distance from the existing and proposed structures, giving the misleading impression that the difference in building heights is nominal. Obviously, this is not the case. For each simulation from a remote vantage point, the DEIR must also include a simulation closer to the proposed Project, i.e., from the near side rather than the far side of the meadow. Such an approach would more accurately depict the Project as larger in scale and more prominent.

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In other instances, such as DEIR Exhibit 8-17 (simulated view to the southwest from Intrawest Village), it appears that the DEIR preparers may have used extreme wide-angle lens for the photographs. Although the panoramic photos are effective in portraying the expansive scenic views in the vicinity of the Project, the magnitude of the new development is diminished by extreme wide-angle simulations. This conceptual visual simulation does not fully illustrate the substantial level of visual change represented by the proposed Project.

Moreover this same simulation, DEIR Exhibit 8-17, appears to be the *only* simulation that shows the juxtaposition of the existing village and the new structures. CEQA requires an EIR to evaluate whether the project would substantially degrade the existing visual character or quality of the site and its surroundings. CEQA Guidelines Appendix G § I.c. Although the DEIR text correctly concludes that significant and unavoidable visual impacts would occur as a result of the Project, the DEIR fails to adequately address this key CEQA threshold question because the visual analysis lacks a clear evaluation of the Project’s compatibility with the surrounding existing adjacent development. The DEIR fails to describe the compatibility of proposed and existing built form in terms of building height, scale, massing and architectural treatment. Instead, it simply asserts that the Project would “increase the number and size of structures on the project site” and “would increase the dominance of the built environment.” DEIR at 8-52. These vague statements do not come close to disclosing to the public exactly how this Project would appear relative to the existing structures of the Village. Nor do they provide the required informative analysis of the Project’s effect on the integrity of the Village. Substantial height differentiation is an integral issue in defining community character. The DEIR should recognize it as such and provide a comprehensive analysis of this impact.

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The DEIR further understates the Project’s visual impact because its photo-simulations show the Project with fully developed landscaping. For example, in DEIR Exhibit 8-12 (Viewpoint 4) (simulated view to the southwest from Squaw Valley Road), the simulation includes a large group of trees in the immediate foreground, thereby understating the Project’s visibility from Squaw Valley Road. We understand that trees

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*may* ultimately screen certain some portion of the Project from the roadway, but this landscaping would not be mature for at least a dozen years, if not longer. The DEIR should be revised to include simulations that illustrate the change in character with and without landscaping.

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The EIR must be revised to show all of the vantage points that would undergo a visual transformation as a result of the proposed Project.

**(b) The DEIR Does Not Include Feasible Mitigation for the Project’s Significant Visual Impacts.**

The DEIR proposes no real measures to mitigate the adverse impacts to the existing community character or to the renowned views and vistas in the area, essentially concluding that no mitigation measures are feasible. DEIR at 8-50 – 8-60. This approach is in direct violation of CEQA and is simply not correct. CEQA imposes a duty to mitigate significant effects on the environment to the extent feasible, even if the potential impacts remain significant and unavoidable. Pub. Res. Code §§ 21002, 21002.1; CEQA Guidelines §§ 15126.2(b), 15126.4.

Given the striking scenic beauty of Olympic Valley and its surrounding mountains, it is vitally important that the Project be designed to fit with the existing village and with the natural landscape. The way that development is placed in areas can have a profound effect on the visual landscape. Appropriately placed and designed buildings can complement the natural environment and essentially serve as extension to the natural landscape. Lands of the highest visual importance should be as free as possible from visual impacts of buildings. The Squaw Valley General Plan and Land Use Ordinance states (at p. 18) that in order to protect the unique and important visual characteristics of the Valley, “the placement of buildings, roads, and recreational facilities shall be placed so as to minimize their visual impact.” In light of this guidance and the severity of the Project’s effect on scenic views, the DEIR should include mitigation that explores visual and design mitigation techniques, including restricting density, restricting building heights, and alternative building massing. While the visual impacts associated with this development will likely remain significant even after mitigation, the DEIR must nevertheless address feasible mitigation measures to lessen the severity of these impacts.

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**(c) The DEIR’s Analysis Of Light and Glare Is Legally Deficient.**

Although the DEIR concedes that the Project’s impacts relating to light and glare would be significant and unavoidable (DEIR at 8-60), it does not come close to adequately analyzing this issue. First, the DEIR provides *no* information on existing sources of light in the area or the quality of dark skies. The failure to establish a nighttime light baseline is fatal to any purported analysis of light pollution impacts. “Without a determination and description of the existing physical conditions on the property at the start of the environmental review process, [an environmental document] cannot provide a meaningful assessment of the environmental impacts of the proposed project.” *Save Our Peninsula Committee*, 87 Cal.App.4th at 119.

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Once a proper baseline is established, the DEIR must then evaluate how the light from the Project would impact dark skies. Here, the DEIR provides no real analysis; it simply states the obvious:

The project would create a new source of substantial nighttime lighting in the area and would potentially increase skyglow conditions in the area. Development, once completed, would have exterior lighting and indoor lighting that would cause light spill to the outside (i.e., light shining through windows illuminating exterior spaces), similar to lighting on existing resort structures nearby.

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DEIR at 8-59. These types of vague statements do not constitute an adequate impact analysis. An agency is required to fully evaluate potentially significant environmental impacts *before* it approves a project. *See Laurel Heights II*, 6 Cal.4th at 1123.

Maintaining dark skies is of critical importance in the mountains because it is one of the dwindling number of locations where one is able to gaze at stars. Cities and suburban locations are fraught with light pollution. Dark skies are a very valuable commodity and worthy of preservation. The proposed Specific Plan explains the importance of darkness: “In the Sierra Nevadas, the experience of natural darkness at night and seeing the stars above is possible on cloudless evenings due to the clear mountain air and the lack of light pollution. Preservation of this resource not only benefits visitors and residents alike but also the region’s wildlife.” Squaw Valley Specific Plan at B-88.

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According to the Dark Sky Coalition, in order to accurately evaluate light and glare impacts, one must take into account three aspects of lighting: (1) shielding of

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fixtures; (2) spectrum of light sources; and (3) amount of light. See Dark Sky Coalition, attached as Exhibit 26. Here, the DEIR fails to adequately address these lighting aspects. It never quantifies the amount of light that the Project would generate nor does it provide any information on the spectrum of lighting. The document mentions the concept of shielding, but makes no commitment to actually shield light. A review of the Specific Plan’s Master Lighting Plan confirms that there has been no specific analysis of the Project’s lighting effects.

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Nor does the DEIR take into account the effect that snow has on lighting. Snow is quite reflective compared to bare ground. Consequently, the Project’s increase in light and glare would be particularly severe during those months where there is snow on the ground. The DEIR must address this Project impact.

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The DEIR fails entirely to evaluate the Project’s light and glare impacts beyond the Village of Squaw Valley. The Project’s light pollution would affect not only the local community and visitors to Squaw Valley but the larger Tahoe Basin region, an area of statewide importance and “one of the natural treasures of the United States.” Tahoe Regional Plan Association (“TRPA”) Regional Plan Excerpts, attached as Exhibit 27 at 2-2. Lighting from urban development surrounding the Tahoe Basin is not confined to the originating property; it can adversely affect the natural and scenic character of the Tahoe Basin. TRPA Regional Plan Update Draft EIS, attached as Exhibit 28 at 3.9-12. Glare, in particular, may be visible from nearby or distant areas. One area that would be especially impacted by light and glare from the project is the federally-designated Granite Chief Wilderness Area, located to the immediate south of the project site. In fact, light pollution and glare from the Squaw Valley Resort already affects the Tahoe Basin. Exhibit 28 at 3.9-33.

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Because light and glare from the Project would almost certainly have impacts on neighboring jurisdictions, the Granite Chief Wilderness Area, and the Tahoe Basin, the EIR must analyze these impacts. See CEQA Guidelines § 15206; *Citizens of Goleta*, 52 Cal. 3d at 575 (“[A]n EIR may not ignore the regional impacts of a project proposal, including those impacts that occur outside of its borders; on the contrary, a regional perspective is required.”). In addition, TRPA has stated a policy to cooperate with local jurisdictions to ensure that building lighting is “compatible with the natural, scenic, and recreational values of the Region” by ensuring that dark sky views are protected. Exhibit 27 at 2-22 – 2-24. The DEIR also errs in not identifying the Project’s inconsistency with this TRPA policy as a significant impact of the Project.

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**(d) The DEIR Fails to Adequately Mitigate For the Project’s Light and Glare Impacts.**

The DEIR proposes ineffective mitigation to reduce the Project’s light and glare impacts. The DEIR could have mitigated the Project’s impacts by committing to measures for each aspect of lighting as follows:

**(i) Shielding**

Research shows that full shielding can reduce sky glow by 50% to over 90% when compared to a typical mix of partially shielded and unshielded lighting. *See* Exhibit 26. As shielding dramatically reduces glare and light trespass as well, it is and should be the highest priority in lighting codes. Here, the DEIR could easily have *required* that light be shielded, but it only states that light “will be shielded to the maximum extent possible.” DEIR at 8-60.

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**(ii) Spectrum**

Specification of yellow light sources (high-pressure sodium and PC-amber LED, or low-pressure sodium and AllnGaP “narrow-band” amber LED) for the majority of lighting uses can reduce sky glow by 70% to almost 90% when compared to white sources such as metal halide, fluorescent, and LED. *See* Exhibit 26. The DEIR never mentions spectrum at all. The Specific Plan states that high pressure sodium lighting will be used for parking lots, but as for the Project’s other buildings and pedestrian spaces, the document merely states that such lighting is “preferred.” Specific Plan at B-93. Moreover, the Specific Plan calls for fluorescent lighting in other areas, a lighting spectrum that is highly ineffective in preserving dark skies. *See* Exhibit 26. The DEIR should include a measure that requires the use of high-pressure sodium and PC-amber LED, or low-pressure sodium and AllnGaP “narrow-band” amber LED. If the EIR rejects this spectrum of lighting as infeasible, it must support its findings with substantial evidence.

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**(iii) Amount**

Reasonable limitations on the total lighting (lumen) amount reduce the frequency and degree of careless and/or competitive over-lighting. *See* Exhibit 26 (Dark Sky Coalition). Lumen caps of 50,000 – 100,000 lumens per acre have been shown to reduce average lighting amounts (and thus all light pollution impacts) by 25% to 70% compared to average un-capped commercial lighting practice. In particular, applications such as

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service station canopy lighting reduce lighting amounts by 90% or more. Here, the DEIR does not identify the amount of lighting at all. Nor does the Specific Plan place any limitation on lighting. The DEIR must first evaluate how much total lighting the Project would generate and then commit to a lighting cap. As part of the mitigation for the Project’s impacts, the DEIR should include a mitigation measure that commits the Project to reducing overall lighting from the existing resort and retrofit existing lighting with yellow light sources.

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As the attached “Pattern Outdoor Lighting Code” demonstrates, it is clearly possible to mitigate a Project’s light and glare impacts while preserving safety, security, and the nighttime use and enjoyment of a property. See Exhibit 29. Practices such as these would go a long way toward preserving the dark skies of the Project area.

For the reasons set forth above, the DEIR’s analysis of the Project’s visual impacts, including light and glare is fatally flawed. Although the DEIR identifies these impacts to be significant and unavoidable, this does not replace the need for an accurate analysis of how this Project would appear to surrounding areas. The DEIR must be revised to provide a comprehensive analysis of these impacts and identify mitigation measures and/or project alternatives capable of mitigating these effects.

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**9. The EIR Fails to Adequately Analyze or Mitigate Significant Impacts to Cultural and Historic Resources.**

As discussed, the EIR must evaluate the Project’s potentially significant impacts on the environment. The term “environment,” as used in CEQA, includes “objects of historic or aesthetic significance.” Pub. Res. Code §§ 21060.5; 21084.1 (“A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.”). Here, the DEIR fails to adequately disclose or mitigate the Project’s potential significant impacts on these important resources.

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First, while the DEIR generally acknowledges the long history of skiing in the Project area, and also acknowledges that some buildings on the Project site are eligible for listing in the National Register of Historical Places and the California Register of Historic Resources, given their role in the VIII Winter Olympics in 1960, the DEIR entirely fails to identify that the Project site includes California Historical Landmark No. 724 (Pioneer Ski Area of America, Squaw Valley). The California Office of Historic Preservation describes the landmark as follows:

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NO. 724 PIONEER SKI AREA OF AMERICA, SQUAW VALLEY - The VIII Olympic Winter Games of 1960 commemorated a century of sport skiing in California. By 1860 the Sierra Nevada-particularly at the mining towns of Whiskey Diggings, Poker Flat, Port Wine, Onion Valley, La Porte, and Johnsville, some 60 miles north of Squaw Valley-saw the first organized ski clubs and competition in the western hemisphere.

Location: Adjacent to Lobby Entrance of Cable Car Building at base of mountain, Squaw Valley

Exhibit 30 at p. 3 (Office of Historic Preservation, California Historical Landmarks by County); *see also* Exhibit 31 at pp. 1-2 (Sierra Nevada Geotourism Map Guide). Clearly, such a landmark is a “historical resource” within the definition of CEQA Guidelines section 15064.5(a)(3)(A) as a place “associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.” Indeed, the County recently acknowledged the historical significance of Historical Landmark No. 724 in the DEIR for the Northstar Mountain Master Plan EIR, but fails to do so here. *See* Exhibit 32 at pp. 7-8 (Northstar Mountain Master Plan EIR, Chapter 7, Cultural Resources).

The DEIR must therefore be revised and recirculated to identify this historic resource and to evaluate whether the Project would adversely affect it. In its analysis, the revised EIR must not only analyze whether the Project would destroy or alter the structure of the commemorative landmark itself, but also whether the entirety of the planned development would alter the character of the Project area in such a way as to materially diminish the features that rendered the site eligible for inclusion as a State Historical Landmark in the first instance. CEQA Guidelines § 15064.5(b). If the revised DEIR finds that the Project may cause a substantial impact to No. 724, the County must identify potentially feasible measures to mitigate such impacts. CEQA Guidelines § 15064.5(b)(3).

Second, while the DEIR identifies two buildings (the Nevada Spectators’ Center and the Athletes’ Center) as significant historic resources given their role in the 1960 Olympic games, the DEIR finds that three other such buildings used during the Olympics (the Clock Tower Building, the Reception, and the Media Buildings) are not significant historic resources. These three buildings are no doubt structures relating to the designation of Historic Landmark No. 724 given their use during the Olympics. In order

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to downgrade the significance of these historic structures, the County should support its determination by a preponderance of the evidence. See CEQA Guidelines § 15064.5.

Yet, the DEIR provides no evidence or analysis at all. Instead, it cursorily claims that the buildings “do not retain their integrity.” DEIR at 7-18. While the DEIR asserts the buildings have undergone changes in use and renovations, it does not describe these changes or otherwise inform the public as to the severity of the changes in order to support a determination that the buildings have been rendered insignificant. Even were the standard to be one of substantial evidence, substantial evidence is “evidence of ponderable legal significance, reasonable in nature, credible, and of solid value, evidence that a reasonable mind might accept as adequate to support a conclusion.” *American Canyon Community United for Responsible Growth v. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1070. Here, the DEIR provides only a bald assertion that the Clock Tower Building, the Reception and the Media Buildings are insignificant historical resources. CEQA requires more. While still a bare bones analysis, it is notable that the DEIR provides more analysis for the gravel quarry, corral and fence line than for these three historic Olympic buildings. See DEIR at 7-16 to 7-17. The County must recirculate the EIR to provide sufficient evidence and analysis regarding the alleged severe alterations of these buildings.

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Third, although the DEIR acknowledges that the Project would demolish two significant historic buildings [the Nevada Spectators’ Center (now the Far East Center) and the Athletes’ Center (now the Olympic Valley Lodge)], it fails to consider whether there is feasible mitigation that would avoid or substantially lessen this impact. The DEIR is correct that only the preservation of the historic structures could render the impact “less than significant.” See DEIR at 7-19. The DEIR then references the “alternatives analysis” to claim the DEIR considers retention of the buildings, but asserts that because the alternatives *may* not be feasible “mitigation is available to only partially mitigate the impacts of the project on these two historic buildings.” *Id.* at 7-19 to 7-20. However, as explained *infra*, the DEIR provides no analysis whatsoever regarding the feasibility of alternatives that would avoid the destruction of these two buildings. See, *infra*, Section I.C.1. (regarding the DEIR’s failure to adequately evaluate alternatives).

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If it is feasible to avoid destruction of historic buildings on the Project site, the County must do so, both to comply with CEQA and Placer County General Plan. Under CEQA, the lead agency must *actually adopt* any feasible mitigation that can substantially lessen the project’s significant environmental impacts. § 21002; Guidelines § 15002(a)(3); *City of Marina*, 39 Cal.4th at 368-69. Further, Placer County General Plan Policy 5.D.6 states that the “County *shall* require that discretionary development projects

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identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and their contributing environment.”

If the County ultimately determines that avoidance of historic property destruction is infeasible, it must support that finding with substantial evidence, and provide the public with the analytical route from the evidence to its determination. §§ 21081(a)(3), 21081.5; Guidelines §§ 15091(a)(3), (b); *Village Laguna of Laguna Beach, Inc. v. Bd. of Supervisors* (1982) 134 Cal.App.3d 1022, 1032-35. Currently, the DEIR provides no such analysis or evidence to support a finding of infeasibility but, rather, jumps to the unsupported conclusion that mitigation to avoid this impact is not available. *See Kings County*, 221 Cal.App.3d at 728 (failure to evaluate whether a mitigation agreement was feasible was “fatal to a meaningful evaluation by the city council and the public”).

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Fourth, the DEIR improperly defers mitigation for potential impacts to archaeological site CA-PLA-164, and fails to support its determination that impacts to the site will be less-than-significant after mitigation. As discussed previously, CEQA allows a lead agency to defer mitigation under very limited conditions not present here. *CBE*, 184 Cal.App.4th at 94-95 “”; *San Joaquin Raptor Rescue Ctr.*, 149 Cal.App.4th at 669-71; Guidelines § 15126.4(a)(1)(B). An agency may not satisfy its mitigation requirements by merely ordering a project proponent to “obtain a [] report and then comply with any recommendations that may be made in the report.” *Defend the Bay*, 119 Cal.App.4th at 1275. This is essentially what the DEIR does here; it says a future report will be prepared and then lists mitigation measures that may or may not be adopted “if feasible.” DEIR at 7-22, 23. The DEIR does not define what is considered “feasible” or otherwise establish performance criteria for what mitigation the County would ultimately adopt. The public is thus left in the dark as to what mitigation would ultimately be employed for this impact.

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Yet, the DEIR nevertheless concludes that the impact to archaeological resources would be “less-than-significant” after mitigation. Because mitigation is not certain, this conclusion is not supportable. As the DEIR elsewhere recognizes (at 7-19), impacts to historical resources cannot be mitigated to a less-than-significant level unless those resources are preserved. Because the DEIR’s mitigation plan does not guarantee such preservation, it cannot claim impacts will be “less-than-significant” after mitigation. *Federation of Hillside and Canyon Ass’ns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (agency must “ensure that feasible mitigation measures will actually be implemented as a condition of development”); Guidelines § 5126.4(a)(2).

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Finally, the DEIR claims, in conclusory fashion, that five historic objects/sites found during archaeological surveys of the Project area are not significant historic resources because they are “isolates” and provides no further analysis or mitigation. See DEIR at 7-7. However, the DEIR provides no evidence that these resources, which include a concrete foundation for a poma ski lift, a rock cairn, a prehistoric artifact, a trail blaze, and several historic high-cut stumps, could not on their own meet the criteria established in CEQA Guidelines section 15064.5(a) for historical resources.

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The DEIR should be recirculated to provide a thorough analysis of the Project’s impact on historic resources. It must also evaluate mitigation measures, such as protection of these locations and artifacts, to reduce any significant impacts.

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**10. The DEIR Fails to Properly Analyze and Mitigate the Risks to Public Safety That Would Occur Upon Implementation of the Project.**

**(a) Earthquake and Avalanche Hazards**

The DEIR properly recognizes that the Project is located on or near potentially active faults and avalanche hazard zones and therefore labels seismic and geological hazards as a significant impact. The DEIR takes a wrong turn, however, by punting the study and mitigation of these impacts and then claiming the impacts have been mitigated to a less than significant level. As explained, deferral of mitigation is only acceptable in limited circumstances not present here. The DEIR does precisely what CEQA prohibits: it merely orders the project proponent to “obtain a [] report and then comply with any recommendations that may be made in the report.” *Defend the Bay*, 119 Cal.App.4th at 1275. There is no reason why the DEIR cannot establish now the criteria for acceptable seismic and avalanche standards. The DEIR’s avalanche hazard mitigation is even more egregious because it asks the County to essentially downgrade avalanche zones to allow building where it was previously prohibited.

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Although there has been progress made in attempting to control damage from earthquakes and avalanches, these are, as the DEIR recognizes, highly unpredictable hazards that will always entail some amount of risk when we place people and structures near these hazard zones. While the DEIR must establish as many defined mitigation measures as it can at this stage to minimize these hazards to the extent feasible, in the end the DEIR must recognize that it cannot mitigate such hazards to a less than significant level due to their inherent uncertainty and potential to result in death. The public and decision-makers must understand that they would be taking an inherent risk in siting

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