I21

Maywan Krach

From: John Barnhart <jbarnhart1@frontiernet.net>
Sent: Monday, June 22, 2015 6:57 PM
To: Placer County Environmental Coordination Services
Subject: Fw: Village at Squaw Valley Specific Plan

--- Original Message ---
From: John Barnhart
To: afisch@placer.ca.gov
Cc: planning@placer.ca.gov
Sent: Monday, June 22, 2015 6:13 PM
Subject: Village at Squaw Valley Specific Plan

Alex Fisch and Placer County Planning Department,
Please accept this comment on the Draft EIR for the above referenced project.
(State Clearinghouse # 2012102023).

The Draft EIR seems to neglect a significant potential impact :
Impact of the proposed project to existing recreational users.

The Squaw Valley Ski Resort is predominantly located on public land (USFS lease).
Therefore, the public recreational impacts should be assessed.
The project proposes to add bedrooms, guests, and consequently day users of the recreational facilities (ski lifts, ski runs, hiking trails, etc.).
If the proposed project is allowed, it follows that there will be increased user traffic, longer ski lift lines, etc.
This impact should be recognized in the Draft EIR.
Mitigation in the form of additional ski lift capacity should be required Mitigation.
This Mitigation could be phased.
However, the initial project phase should be mandated to replace the existing Red Dog Chairlift with a high speed detachable chair.
Thank you.
John Barnhart.
201 Squaw Peak Road Unit 3352
Olympic Valley, CA. 96146

I21-1

1

I21 John Barnhart June 22, 2015

I21-1 Impacts to existing recreational users are addressed throughout the DEIR (see, for example, Chapters 8, "Visual Resources," and 9, "Transportation and Circulation," of the DEIR. The CEQA Guidelines Appendix G, the Initial Study checklist, includes questions that address whether a project may have a significant on the environment, and that question is included in the thresholds of significance on page 14-24 of the DEIR: The project's potential impact related to increased demand for parks and recreational facilities is addressed in Chapter 14, "Public Services and Utilities," of the DEIR (see Impact 14-6 on pages 14-42 through 14-43). Would the project:

- "increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment."

Regarding an analysis of the project's impacts to private ski facilities at the Squaw Valley Ski Resort, page 14-30 of the DEIR states,

> This analysis does not consider the potential for recreational impacts to facilities at the Squaw Valley Ski Resort that may result from any additional skiers added by the project. Recreation impacts examine, among other things, whether a project would degrade public recreational facilities. The ski facilities at Squaw Valley are a private enterprise.

This is a reasonable approach; it is reasonable to assume that, as a private enterprise, the ski resort would be managed to respond to demand, much like other private recreation enterprises (golf courses, movie theaters, etc.). However, the heavier use of a private recreation facility is a social impact, as such is not considered significant under CEQA (See Guidelines Section 15131, social (and economic) effects are not treated as significant effects on the environment).

I22

Maywan Krach

From: John Barnhart <jbarnhart1@frontiernet.net>
Sent: Thursday, July 16, 2015 6:09 PM
To: Placer County Environmental Coordination Services
Cc: Placer County Planning; Alexander Fisch
Subject: Village at Squaw Valley Specific Plan

Placer County Planning Department,

Please accept this comment on the Draft EIR for the above referenced project.

(State Clearinghouse # 2012102023).

Please note two distinct traffic impacts anticipated to worsen without sufficient appropriate mitigation should the above referenced project be approved :

1. Intersection of Squaw Valley Road and Squaw Peak Road (ie adjacent to the Squaw Valley Ski Area Cable Car Bldg). Visitor vehicles block the intersection to unload skiers and equipment. Visitor vehicles make a U Turn in the intersection. Visitor vehicles park in the intersection to hand over their vehicle to the Valet Parking (may need to be relocated). Pedestrian traffic both to and from the Ski Area is crossing the road in continuous movements not allowing vehicles to pass. This can be a very congested intersection with multiple conflicting vehicle and pedestrian movements occurring simultaneously. Congestion seems to directly correlate with Village occupancy and skier count. Access to and from Squaw Peak Road can be blocked for minutes at a time and moving through the intersection can be very hazardous. This situation will only worsen with additional Village units and vehicles. Please require appropriate mitigation to improve this situation. I22-1

2. Intersection of Squaw Valley Road and Hwy 89. Traffic can be backed up for MILES in either direction depending upon time of day. In the afternoon on busy weekend or holiday ski days, traffic exiting the Ski Area parking lots is blocked from merging onto Squaw Valley Road because traffic is backed up to the above referenced intersection (and sometimes all the way to Truckee or Tahoe City). In the morning on busy weekend or holiday ski days, northbound and southbound traffic on Hwy 89 turning west onto Squaw Valley Road can be backed up several miles due to insufficient vehicle capacity of Squaw Valley Road. This situation will only worsen with additional Village units and vehicles. Please require appropriate mitigation to improve this situation. I22-2

Thank you.

John Barnhart.

201 Squaw Peak Road Unit 3352

Olympic Valley, CA. 96146

Thank you.

John Barnhart.

201 Squaw Peak Road Unit 3352

1

I22 John Barnhart
July 16, 2015

I22-1 The commenter describes an existing congestion issue regarding how visitors block access at the intersection of Squaw Valley Road and Squaw Peak Road. See the Master Response regarding traffic issues at Squaw Valley Road and Squaw Peak Road.

I22-2 The project's traffic-related impacts at the intersection of Squaw Valley Road and SR 89 are addressed in Chapter 9, "Transportation and Circulation," of the DEIR on this intersection. Mitigation is identified therein to reduce significant and potentially significant impacts. Some impacts related to this intersection, however, would be significant and unavoidable even after mitigation. These impacts are identified in Section 18.2, "Significant Environmental Effects Which Cannot Be Avoided," of the DEIR.

I23

VILLAGE AT SQUAW VALLEY SPECIFIC PLAN PROJECT DEIR COMMENT

Att: Maywan Krach

We are Bruce and Ingeborg Bartlett, land owners in Squaw Valley since 1949 and second homeowners since 1964, located on 1670 Christy Lane. In that time period we have witnessed many changes and we are not opposed to a reasonable and sustainable development in the Valley. We have also skied and visited many winter resorts both in the US, Canada, and overseas.

In reference to the Project Objectives (2.1.3,) we believe this Valley is unique and should not try to compete with many of the larger and overdeveloped resorts, such as Whistler/Blackcomb (Canada,) Park City (Utah,) or even Vail or Aspen (Colorado.) I23-1

Therefore, we feel compelled to comment on the DEIR before it is too late to change the scope of this project.

The County has identified 13 major resources (1.2) where the proposed project has the potential to result in "significant environmental impacts." All of these impacts will have an even larger cumulative negative effect than if considered separately. I23-2

The DEIR also identifies 23 "significant and unavoidable environmental impacts" (2.2.1) following the implementation of feasible mitigation measures. The staggering number of all these existing unavoidable impacts should be reason enough to reject the Specific Plan as presented. I23-3

Under "Alternatives to the Proposed Project" (2.3) it would be opportune to include a total revision of the 1983 SVGPLUO in order to address present-day environmental concerns and facts, which have changed significantly since 1983, before any sizable specific project is considered for approval. I23-4

The "Background" description (2.1.1) of the DEIR states that the proposed Specific Plan would amend the permissible land use previously approved for the plan area in the SVGPUO. Therefore, if one developer can have such impact on the 1983 I23-5

SVGPLUO, would it not be more appropriate at this point to involve the public to redefine the SVGPLUO? I23-5 cont.

Also, one important feature which should be considered for this project is the financial stability of the applicant. History has shown that unexpected financial and economic upheavals can detrimentally affect even the largest entities, and how would the County deal with half-finished projects and buildings? Smaller projects can more easily be rescued by someone else. An eye-sore could possibly remain for years to come. What assurances does the County have that each phase of this project will be completed as permitted? I23-6

A Placer County Policy, 1.G.1, states that "The county will support the expansion of existing winter ski and snow play areas and development of new areas where circulation and transportation system capacity can accommodate such expansions or new uses and where environmental impacts can be adequately mitigated." Since none of the 13 resource impairments, plus the 23 impacts, can adequately be mitigated, it would appear that this project needs to be downsized and re-adjusted. 1.G.1. seems to preclude the implementation of this oversized project as presented. I23-7

Under "Areas of Controversy" (2.4,) the water supply is still an open question. There is only one aquifer and water studies need to include a progression of draught years. Also, we did not find a mitigation measure related to the SVMWC (the very first water company in the Valley) on impact 6-13 (mitigation 13-4.) Who will be responsible if their well runs dry or is contaminated by additional drilling and establishment of wells to the west? I23-8

The "Visual effects of tall buildings" (impact 8-1) cannot be mitigated with merely planting trees. If the project is permitted, the total heights of the buildings should not exceed the heights of the Intrawest buildings. I23-9

Impact 9-8 (Construction on Squaw Valley Road) should include a request for a deposit of 100% of road repair during the projects duration. This cost should not be paid for by the County, and ultimately the tax payers. A sufficient enough bond should be posted. I23-10

Impact 11-1 (Construction Noise) - The mitigation measure is inadequate and the work hours need to be changed to a more acceptable time, maybe 8:00AM - 5:00PM on weekdays with limited work on weekends. Occasional exceptions could I23-11

be granted when proven necessary. Impact 18-31 & 32 (cumulative shortterm construction and ambient long term noise levels) state that there are no additional feasible mitigation measures available to reduce this cumulative impact to less-than-significant levels. Therefore, the Placer County construction hour policy should not apply to such a large project, especially at the end of the Valley where the noise level is enhanced from three sides by the surrounding granite formations. I23-11 cont.

There are still a number of erroneous assumptions in the DEIR, such as the choice of years for an average snow year in the traffic study, the total population count, and the total disregard of day skiers and the pass holders, among others. I23-12

Considering the CEQA requirement (PRC Section 21002, CCR Section 15093,) it would be impossible for us to understand the approval of this project by the County with a "statement of overriding considerations." I23-13

We suggest the County recommend that the applicant re-evaluates the project under the "Reduced Density Alternative" with 50% or fewer bedrooms, lower heights, and shorter work hours. I23-14

And just one more question before closing, why does Squaw Valley have to absorb the entire expansion desires of a large developer who also has the opportunity to engage Alpine Meadows in his plans? I23-15

Thank you for all your time and effort to not only read and respond to our concerns, but also for your public devotion to do the right thing for all of us and generations to come.

Sincerely,
Bruce and Ingeborg Bartlett
1670 Christy Lane, Squaw Valley
530-581-4235 email:
bearpen2@gmail.com

Ingeborg Bartlett
B H Bartlett

Mailing Address:
46 Vill. Way, PMB 111
Port Ludlow, WA 98365

I23 Bruce & Ingeborg Bartlett
July 17, 2015

I23-1 The comment provides an opinion regarding the merits or qualities of the proposed project and does not address the content, analysis, or conclusions in the DEIR. The Placer County Planning Commission and Board of Supervisors will take the commenter's opinions into consideration when making decisions regarding the project.

I23-2 The comment suggests that the impacts, together, are cumulatively more substantial than considered individually. All impacts are listed together in the summary chapter of the DEIR, Chapter 2. The significant unavoidable impacts of the project are listed together in Chapter 18.2 of the DEIR. Also, the project's cumulative impacts when considered with other past, present and future projects are addressed in Section 18.1, "Cumulative Impacts," of the DEIR.

I23-3 See the Master Response regarding significant and unavoidable impacts. The Placer County Planning Commission and Board of Supervisors will consider the number and magnitude of the significant unavoidable impacts when making decisions regarding the project.

I23-4 See the Master Response regarding the *Squaw Valley General Plan Land Use Ordinance* (SVGPLUO) and the Master Response regarding the Reduced Density Alternative. Note that while there may or may not be merit to revising the 1983 SVGPLUO, the SVGPLUO is separate and apart from the project; it is a guiding document for all of Squaw Valley; therefore, revising the SVGPLUO would not be an alternative to the proposed project (even if it were a separate proposal to fully review and amend the SVGPLUO).

I23-5 See the Master Response regarding the SVGPLUO, as well as response to comment I23-4.

I23-6 The financial stability of the project applicant is not related to the content, analysis, or conclusions in the DEIR. The Placer County Planning Commission and Board of Supervisors may consider the applicant's financial stability when deciding on the project, including assured financing for mitigation measures.

I23-7 See the Master Response regarding significant and unavoidable impacts, including a discussion of Placer County General Plan Policy 1.G.1.

I23-8 See the Master Response regarding water supply.

The comment states that "we did not find a mitigation measure related to the Squaw Valley Mutual Water Company (SVMWC) (the very first water company in the Valley) on Impact 6-13 (Mitigation Measure 13-4)." The comment is correct in that Mitigation Measure 13-4 in the DEIR does not apply to SVMWC; rather, it is applicable to SVPSD. The mitigation measure ensures that groundwater pumping will be managed within certain criteria to avoid adverse effects on the groundwater basin. If SVMWC's wells go dry, it would be as a result of actions from others and not the actions of SVPSD or the proposed project as Mitigation Measures in the EIR require monitoring of groundwater levels and maintenance of the aquifer in a manner that ensures sustainable withdrawals. If wells become contaminated, the entity responsible for the contamination would be responsible for any necessary corrective actions. There is no evidence that the proposed project would result in contamination of SVMWC wells.

I23-9 The project's potential to create an adverse effect on a scenic vista is described under Impact 8-1 in the DEIR (see pages 8-47 through 8-50). Both construction and operational

impacts are included therein. Mitigation Measure 8-1 would require the installation of screening fences during construction; however, the DEIR concludes that even with this mitigation, the impact during construction would be significant and unavoidable.

Regarding operational impacts, the project would adhere to the VSVSP Development Standards and Design Guidelines, which include architectural design, exterior treatments and colors, and landscaping. Nonetheless, the DEIR concludes on page 8-50 that this impact would remain significant and unavoidable to residents during project operation.

The comment also states that, if the project is permitted, the total heights of the buildings should not exceed the heights of the Intrawest buildings. The Reduced Buildings Heights Alternative, which would reduce building heights to conform with the existing Intrawest Village (i.e., 75 feet), similar to what the comment suggests, was considered, but not evaluated further in the DEIR. The rationale for why this alternative was not evaluated further in the DEIR is described on page 17-12 of the DEIR. However, as described in Section 2.1, "Project Modifications," of this FEIR, the applicant has proposed changes to the proposed building heights in response to concerns expressed by the Squaw Valley Design Review Committee and members of the public.

I23-10 Mitigation Measure 9-8 (see page 9-67) in the DEIR requires the project applicant to prepare a Construction Traffic Management Plan, which will include items such as "monitoring for roadbed damage and timing for completing repairs." In addition, as stated in Mitigation Measure 9-8, the plan must be prepared to the "satisfaction of the Placer County Department of Public Works and the Engineering and Surveying Division." Therefore, the County will have direct input in ensuring road repair requirements are acceptable and implemented. Any monetary deposits for repairs would be determined though discussions between the applicant and the County.

I23-11 See the Master Response regarding noise for a discussion of construction hours. Moreover, the commenters request for reduced construction hours will be reviewed and considered by the Placer County Planning Commission and Board of Supervisors before a decision on the project is rendered.

I23-12 The comment does not provide specific reasons specifying why the assumptions in the DEIR are erroneous and what the correct assumptions should be. Therefore, a response cannot be provided. Nevertheless, see the portion of the traffic Master Response addressing use of 2011-2012 ski season data representing existing winter conditions, the Master Response regarding occupancy assumptions, and the Master Response regarding the visual impact analysis for definition of viewer groups.

I23-13 The comment is directed towards the project approval process and does not address the content, analysis, or conclusions in the DEIR. Therefore, no further response is provided here. All comment letters submitted during the DEIR public review period will be reviewed and considered by the Placer County Planning Commission and Board of Supervisors before a decision on the project is rendered.

I23-14 See the Master Response regarding the Reduced Density Alternative.

I23-15 No specific issues related to the content, analysis, or conclusions in the DEIR are raised in this comment. No further response is provided here.

I24

Maywan Krach

From: Nancy Bartusch <njrygg@gmail.com>
Sent: Friday, July 17, 2015 11:02 AM
To: Placer County Environmental Coordination Services
Subject: Draft EIR for the proposed Village at Squaw Valley

Placer County Community Development Resource Agency
Attention: Maywan Krach

I have owned a house at 1480 Squaw Valley Road in Squaw Valley since 1979. It was for a long time a second home but is now my primary residence. The "significant and unavoidable impacts" of the proposed Village at Squaw Valley described in the Draft EIR would affect me greatly, but would also have an extremely negative impact on the entire North Tahoe region. I believe the Draft EIR has not adequately addressed the affect of the project on our water aquifer, traffic, views, and noise. I particularly object to the proposal that a 109 foot high, 90,000 sq. ft. "Mountain Adventure Center" might be approved without an examination of what it might contain (artificial water features?). The entire project is way too big for our fragile valley, and should be scaled back. I24-1

Your policy 1.G.1 states that "The county will support the expansion of existing winter ski and snow play areas and development of new areas where circulation and transportation system capacity can accommodate such expansions or new uses and where environmental impacts can be adequately mitigated." I24-2

This project does not meet those criteria.

Water Aquifer:

The Water Supply Assessment for the project was done in 2011 before the current 3 year drought. I understand a reassessment is due this July and should be included in an amended EIR. The draft EIR also did not address the water quality impact of the proposed development. I understand they will need to drive pilings into the aquifer to support the village buildings. What impact will that have? Also not addressed was the potential for toxic spills from the maintenance area proposed at the west end of the village near Squaw Creek, or the piping that will carry propane from there to the village buildings. I24-3

Traffic:

The studies included in the draft EIR were made during a drought year and not at peak times. Having owned a home in Squaw Valley since 1979, I have observed extreme traffic congestion for considerably more than the few days cited. This problem has not been successfully mitigated by cones that turn a two lane road into a, probably illegal, three lane road (there is insufficient room on either side). Traffic control at a few intersections also does not mitigate the back up. Snow days make conditions worse. Emergency vehicles have difficulty entering and exiting the valley during those times. Unlike Vail, Park City, or other resorts located on multi-lane roads or highways or in larger valleys, we cannot accommodate the increase in traffic a development of this proposed size will bring. The EIR needs to reassess this. I24-4

Views:

According to the draft EIR "Squaw Valley Road is a designated Placer County scenic route and is considered a scenic highway". It goes on to state that "Views from Squaw Valley Road of the meadow and surrounding I24-5

1

peaks, would not be blocked or altered with project implementation." I think this statement is made in error. The very large Mountain Adventure Center, in particular, located right at the entrance to the Village area and adjacent to Squaw Valley Road, would massively obstruct views. The two story parking lot, along with its lighting, will also obstruct the scenic view along Squaw Valley Road. I24-5 cont.

The statement in the draft EIR that "The natural terrain dominates the view, and as a consequence, the structures in the near foreground are not visually prominent" is not true if you are a pedestrian or traveler along Squaw Valley Road. It is also not true that "the visual impact from ongoing operation will impact only the long term residents". Visual impact will affect all of the 20-30,000 season pass holders and every visitor to the valley. I24-6

I would request that a village plan of reduced density, and lower building heights be considered. The draft EIR considered a lower density alternative, but did not consider a plan with lower building heights. The MAC should be scaled down. Perhaps some low profile hotel/condominium units could be built above some of the massive area designated as two story parking? Parking could remain on the first two floors, but something more attractive above that? I24-7

Noise:

As a resident along the Squaw Valley Road close to the project, I am going to be affected more than many by the "significant and unavoidable" impact of construction noise day, and sometimes night. I am also affected by increased truck traffic passing close to my house. The draft EIR addresses the fact that "Project-generated traffic noise levels during the summer peak would cause noise levels to exceed the Placer County exterior noise level of 60dB for transportation noise sources along the segment of Squaw Valley Road located between SR 89 and Squaw Creek Road." It goes on to say "Existing residences in this area likely already have dual pane windows and insulation that effectively attenuates noise to below the 45dB noise standard for interior spaces, and therefore impacts to interior spaces is not expected to occur." This statement uses an unexamined assumption and makes a flawed conclusion regarding interior space noise levels. I24-8

Not all of my windows are double pane on the side of my house facing the road. I am quite sure other houses along Squaw Valley Road may have inadequate sound insulation for the increased project-generated traffic noise. A possible mitigation might be to require the applicant to assist in providing sound insulation (double pane windows, for example) for "existing sensitive receptors". A project of smaller size would create fewer noise impacts over a shorter period, but mitigations should still be required.

In Summary:

Thank you for allowing me to share some of my concerns about the Draft EIR for the proposed Village at Squaw Valley Specific Plan Project. I think the many "significant and unavoidable" impacts identified in the draft EIR argue against a project of this size and scale. I could possibly support a Reduced Density Alternative, but with lower building heights, and continued examination in the final EIR of water and traffic issues. I24-9

Please send me all future notices related to the project and EIR.

Kind regards,

Nancy J. Bartusch
P.O. Box 2165
1480 Squaw Valley Road
Olympic Valley, CA 96146

email: njrygg@gmail.com

2

I24 Nancy J. Bartusch
July 17, 2015

I24-1 The comment provides a summary of detailed comments provided below. See responses to the detailed comments below.

The comment regarding the MAC and the size of the project provides an opinion regarding the merits or qualities of the proposed project and does not address the content, analysis, or conclusions in the DEIR. The Placer County Planning Commission and Board of Supervisors will take the commenter's opinions into consideration when making decisions regarding the project.

I24-2 See the Master Response regarding significant and unavoidable impacts, including a discussion of Placer County General Plan Policy 1.G.1.

I24-3 See the Master Response regarding water supply.

Water quality impacts, including potential impacts to the aquifer from pile driving, are addressed in Chapter 13, "Hydrology and Water Quality," of the DEIR (see Impact 13-2 on pages 13-47 through 13-49). Mitigation Measures 13-2a and 13-2b would ensure that construction phase, site-specific risks to water quality would be fully addressed and avoided.

For a discussion of propane, see the Master Response regarding the mountain maintenance facility.

I24-4 The comment identifies multiple issues related to the DEIR traffic analysis. See the Master Response regarding traffic where each of these issues is addressed.

I24-5 See the Master Response regarding the visual impact analysis. The impact analysis was based on site visits and simulations of project structures. The impacts are described from key viewpoints, as identified in Chapter 8 of the DEIR. It is acknowledged, however, that additional view blockage could occur in areas not simulated, and in particular as a viewer moves closer to buildings. This is an issue of visual perspective, and even a single-family home would block a view if the viewer is close enough to the building. However, the analysis in the DEIR is reasonable, and concludes visual impacts would be significant and unavoidable.

I24-6 See the Master Response regarding the visual impact analysis for definition of viewer groups.

I24-7 The Reduced Density Alternative and its potential effects as compared with the proposed project are described on pages 17-24 through 17-31 of the DEIR. Specifically, visual impacts associated with this alternative are described on pages 17-27 through 17-28. As described therein, visual impacts would be similar to the project, but overall less under this alternative given the flexibility to site and size buildings to minimize viewshed blockages. See also the Master Response regarding the Reduced Density Alternative.

I24-8 It is acknowledged that some residents may not have sufficient sound insulation, and additional mitigation has been added to the EIR as a result. See the Master Response regarding noise.

I24-9 See the Master Response regarding significant and unavoidable impacts. The comment also provides a summary of detailed comments provided above. See responses to the detailed comments above.

I25

Maywan Krach

From: Stan Bennett <bennett1280@gmail.com>
Sent: Friday, July 17, 2015 2:00 PM
To: Placer County Environmental Coordination Services; Alexander Fisch
Subject: "Village at Squaw Valley Specific Plan Project DEIR Comment"
Attachments: Comment Letter.pdf

Please **VERIFY** that you received my Comment Letter. I25-1
Thank you
Mary Bennett

Stan Bennett| Partner/Betmar Construction

Betmar Construction | WBE/DBE/SBE/WOSB
PO Box 3757| Olympic Valley, CA 96146
T: 530/583.9363 | **F:** 530/583-9364

Website: www.betmarconstruction.com
E-mail: bennett1280@gmail.com

1

PRELIMINARY COMMENTS ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
VILLAGE AT SQUAW VALLEY SPECIFIC PLAN PROJECT, SCH NO. 2012102023

1.0 Authority to Comment

I have received a copy of the Draft Environmental Impact for the Village at Squaw Valley Specific Plan, dated May 2015 (DEIR or EIR) for the proposed Village at Squaw Valley Specific Plan. Pursuant to Sections 21082.1(b) of the California Environmental Quality Act, as amended (CEQA), codified in the Public Resources Code (PRC), and Sections 15044, 15084(c), and 15201 of the Guidelines for the Implementation of the California Environmental Quality Act (State CEQA Guidelines), codified in Title 14 of the California Code of Regulations (CCR), I am submitting the following comments to the County of Placer (County), in that agency's role as Lead Agency, in response to information presented in the DEIR. I25-1 cont.

These comments are submitted to the County within the public comment period established by the Lead Agency and shall become part of the environmental review record for the proposed project.

2.0 Lead Agency's Response to Comments

In undertaking its review of the DEIR, I have not independently conducted focused technical studies to validate (or invalidate) the conclusions and assertions presented therein. The requirements of CEQA and its implementing guidelines and related laws and authorities place the obligation for the adequacy of the technical analyses on the Lead Agency, and not on the affected public. As a result, the focus of these comments are intended to direct the Lead Agency toward those issues where further technical review is required or deemed appropriate to ensure a full disclosure of this project's direct, indirect, and cumulative environmental implications.

Referencing the Discussion following Section 15088 of the State CEQA Guidelines, the evaluation and response to public comments is an essential part of the CEQA process. As required under Section 15002(j) of the State CEQA Guidelines, Aunder CEQA, an agency must solicit and respond to comments from the public and other agencies concerning the project. Referencing the Discussion following Section 15088 of the State CEQA Guidelines, the evaluation and response to public comments is an essential part of the CEQA process. I25-2

Section 21091(d) of CEQA mandates that the Lead Agency shall consider any comments it receives on a draft environmental impact report and shall prepare a written response thereto. Based upon that obligation, I am formally requesting that the County provide written response to each comment it receives, and to any and all additional comments which have been previously submitted or which may be subsequently submitted by the public concerning the proposed Village at Squaw Valley Specific Plan (VSVSP) and its potential environmental impacts.

One of the stated objectives of the VSVSP is to "Provide a cohesive building design and circulation patterns that integrate project elements with each other, existing development, and the mountain/ski facilities," (VSVSP, p. 3-8). Therefore, one would assume that existing development would include recognizing the importance of existing relationships with neighbors who live and work in Squaw Valley. Since it is the stated purpose of the VSVSP, I believe that in order to demonstrate that commitment the Lead Agency should solicit and maximize opportunities for existing residential and commercial owners located in proximity to the project site to fully participate in the environmental review and decision-making process. I25-3

Section 21092.5 of CEQA requires that at least 10 days prior to certifying an environmental impact report, the lead agency shall provide a written proposed response to a public agency on comments made by that agency which conform to the requirements of this division. Proposed responses shall conform with the legal standards established for responses to comments on draft environmental impact reports. Although I acknowledge that I am not a "public agency" within the meaning of the above excerpt, I am formally requesting that the Lead Agency provide me with a minimum ten day opportunity to review the County's draft responses to the comments included herein or subsequently submitted during the project's public comment period. Following my review of the Lead Agency's draft responses and based on the adequacy of the County's responses in addressing the issues raised herein, I am reserving my right to submit additional comments to the Lead Agency and requests the inclusion of those additional comments, if any, into the project's administrative record. I25-4

3.0 Time Extension Request for Additional Public Comment

As authorized pursuant to Section 15087(c) of the State CEQA Guidelines, "review periods for draft EIRs should not be less than 30 days nor longer than 90 days from the date of the notice *except in unusual situations*" (emphasis added). Based upon both the size and complexity of the DEIR, I believe that the current review period is insufficient to complete provide for a thorough review of the DEIR and to formulate a comprehensive set of comments for submittal to the Lead Agency.

Based on the long-term nature of the project and the project proponent's request to make certain discretionary actions ministerial, resulting in a minimization of future CEQA review requirements for the project, it is imperative that both the public and affected public agencies be provided with sufficient opportunity to thoroughly review the all volumes which comprise the DEIR. As a result, I am formally requesting that the review period for the DEIR be extended for an additional 60 days. I25-5

4.0 Future Comments

I reserve the right to submit subsequent comments to the County resulting from further review of the information contained in the DEIR. I also further reserves the right to submit additional comments to the Lead Agency based on the County's draft responses to those written comments submitted by myself or by others and included as part of the administrative record for the project. Although subsequent comments may be submitted following the close of the public and agency review period as established by the Governor's Office of Planning and Research (OPR) and/or the County, I am formally requesting that the County consider all written comments received by the Lead Agency prior to the publication by the Lead Agency of the draft Final Environmental Impact Report (draft FEIR) and to include both the comments and the County's draft responses to each of those written comments therein. I25-6

5.0 California Public Records Act Request

Since certain information critical to the understanding and assessment of the project has not been disclosed and access to that information has been denied, pursuant to the disclosure provisions of the California Public Records Act, I am requesting all copies of the previous draft documents, submitted by consultants or their representatives which were utilized by the Lead Agency to form the basis for the analysis as contained in the May 2015 DEIR. I25-7

The Lead Agency, in the DEIR, has made certain assumptions about the efficacy of the standards and guidelines presented in the 1983 Squaw Valley General Plan and Land Use Ordinance and the DEIR's preliminary conclusions are based upon specific performance in accordance with those standards and I25-8

guidelines. The County's reliance on a **32-year old** General Plan and Land Use Ordinance for a project of this magnitude is considered "ill-advised." As noted in Placer County's General Plan (pg. 2), "Community and area plans (hereafter referred to as community plans), adopted in the same manner as the Countywide General Plan, provide a more detailed focus on specific geographic areas within the unincorporated county. The goals and policies contained in the community plans supplement and elaborate upon, but do not supersede, the goals and policies of the Countywide General Plan." Moreover, "Unincorporated territory covered by a community plan is subject to the specifications of the *land use and circulation plan diagram* (emphasis added) contained in the applicable community plan" (pg. 2). I25-8 cont.

Based upon the significance of the Squaw Valley General Plan and Land Use Ordinance to the understanding of the project's potential impacts, it is imperative that the County first update the 1983 General Plan and Land Use Ordinance, with rigorous public review before an DEIR for the VSVSP is prepared and presented to the public.

As required under Section 15084(e) of the State CEQA Guidelines, before using a draft prepared by another person, the Lead Agency shall subject the draft to the agency's own review and analysis. The draft EIR which is sent out for public review must reflect the independent judgment of the Lead Agency. The Lead Agency [and not the project proponent] is responsible for the adequacy and objectivity of the draft EIR.

In order to determine whether the project proponent was provided unreasonable access in the drafting of the DEIR, I am requesting copies of all correspondence between the County and the project proponent relative to the information, analysis, and preliminary findings as contained in the DEIR. That documentation should include, but is not limited to: (1) copies of any and all technical reports submitted to the County directly by the project proponent or by any consultants operating under contract to the project proponent; (2) informational requests submitted to the project proponent by the County or by technical consultants operating directly under contract to the County, including the applicant's written responses to those requests; (3) copies of any earlier screencheck draft versions of DEIR documents prepared by or on behalf of the County; (4) any written comments concerning those screencheck draft DEIR documents, including red-lined copies and copies containing margin notes authored by the applicant or the applicant's technical consultants, submitted to the County or the County's consultants; and (5) all correspondence submitted to the County by the project proponent's legal counsel. I25-9

It is very difficult to believe that a project of the magnitude does not have the **legally-binding** Development Agreement proposed between the Project Applicant and the County as part of this Project, included in the DEIR for the public's review. Since a Development Agreement would further serve to implement the VSVSP and would contains long-term commitments on both the part of the applicant and affected public agencies, it is imperative that a draft agreement be prepared, and fully disclosed and considered concurrently with the project's CEQA documentation.

In all probability, the Development Agreement between the project proponent and the County would be executed concurrently with the adoption of the ordinance. Since the Development Agreement provides assurances to both the County and the property owner regarding the regulations applicable to the property, it is important to ensure consistency between those regulations and the assumptions presented in the DEIR. Therefore, the public has the right to review that document with the DEIR. Similarly, whether through the Development Agreement or through other proposed financing actions and/or infrastructure implementation agreement, a mutual commitment must be made by the Lead Agency or other public entities concerning the actions by all parties. Those actions may include, but are not limited to, the provision of any public subsidies (e.g., reduced development fees; public financing of I25-10

requisite infrastructure improvements), the commitment of public financing, and the phasing of public and private improvements. Again, the public has the right to know what potential infrastructure subsidies are being planned by the County, as part of the analysis in the DEIR.

Referencing Section 65865.2 of the California Government Code (CGC), a development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement...The agreement may also include terms and conditions relating to applicant financing or necessary public facilities and subsequent reimbursement within a specified time.

Since a development agreement is required to specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes and may include conditions, terms, restrictions, and requirements for subsequent discretionary actions (Section 65865.2, CGC), *it is imperative that the full text of the proposed Development Agreement be provided for review to allow the public to independently verify that the stipulations in the VSVSP, the Land Use Ordinance, and that the Development Agreement is internally consistent* (emphasis added). The EIR would then need to fully examine not only each of the project components but also the environmental effects associated with each of the commitments being made by the applicant and obligations of the Lead Agency thereunder. In addition, since the development agreement is required to include provisions requiring periodic review at least every 12 months, at which the applicant...shall be required to demonstrate **good faith compliance** with the terms of the agreement (Section 65865.1, CGC), the public must be provided an opportunity to review the performance standards against which the applicant's compliance efforts will be judged. I25-10 cont.

6.0 General Comments

As required under Section 15088.5(a) of the State CEQA Guidelines, Aa lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As defined therein, significant new information includes a disclosure that: (1) *A new significant environmental impact would result from the project* or from a new mitigation measure proposed to be implemented; (2) *A substantial increase in the severity of an environmental impact would result* unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) *A feasible project alternative or mitigation measure considerably different from other previously analyzed would clearly lessen the significant impact of the project, but the project's proponents decline to adopt it*; and (4) *The draft EIR was so fundamentally and basically inadequate and conclusionary in nature that meaningful public review and comment were precluded* (emphasis added). I25-11

Based on the comments submitted herein, significant new information has been introduced or will be introduced in response to these comments warranting recirculation of the EIR. Additionally, the document presented for public review is inherently biased toward the proposed project and is replete with substantiated, conclusionary comments which are not supported by factual information now in the project's administrative record. In order to cure the EIR's technical deficiencies, substantial new

information will be required and the document must, therefore, be recirculated for additional public review. I25-11 cont.

Under CEQA, the public and affected agencies are to be presented with an EIR 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 the [project's] environmental consequences (Section 15151, State CEQA Guidelines). By failing to accurately and consistently describe the pending project, the DEIR presents an incomplete assessment of the project's direct, indirect, and cumulative impacts. In order to correct the document's analytical defects, the DEIR necessitates major revisions to both fulfill minimum standards of adequacy and facilitate informed decision-making in a manner consistent with CEQA and its implementing guidelines. I25-12

Referencing Section 15003(f) of the State CEQA Guidelines, ACEQA was intended to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. As required under Section 21061 of CEQA, an environmental impact report is an informational document. Pursuant to Section 21005 of CEQA, it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency or with substantive requirements of this division may constitute a prejudicial abuse of discretion within the meaning of Section 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions. I25-13

By failing to accurately and faithfully describe the project's potential direct, indirect, and cumulative effects, the Lead Agency has produced a document which fails to fulfill the intent of CEQA (i.e., fullest possible protection to the environment).

As indicated in Section 15064(e) of the State CEQA Guidelines, *some examples* of consequences which may be deemed to be a significant effect on the environment are contained in Appendix G (emphasis added). As further indicated under the Discussion following that section, this section provides *general criteria* to guide agencies in determining the significance of environmental effects (emphasis added). General criteria, absence of measurable yardsticks against which to objectively evaluate residual impacts, should not be utilized as the basis for a project-level approval.

By failing to formulate a reasonable set of performance standards for each of the topical issues presented in the DEIR, the Lead Agency has both ignored the precedent which both the County has established on previous environmental studies and has presented affected agencies and the general public with an incomplete and artificially limited basis to evaluate the significance of identified environmental effects. I25-14

In order to ensure that a complete and accurate set of standards are represented in the DEIR, the Lead Agency should identify those additional or alternative threshold criteria (if any) which were either initially considered and subsequently rejected or which have been utilized to assess project-related and cumulative impacts associated with other recent projects processed by those agencies. The County should examine other related and previously certified document to ascertain whether any of the threshold standards contained therein are applicable to the pending project. Each significance thresholds identified in the DEIR should be restructured in a fashion conducive to an objective assessment (e.g., contain precise performance standards) of each identified impact relative to the stated standard. Definitive, measurable threshold standards should apply.

As required under Section 15064(b) of the State CEQA Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful judgement on the part of the public agency involved, *based to the extent possible on scientific and factual data* (emphasis added). CEQA mandates that the Lead Agency shall determine whether a project may have a significant effect on the environment based upon substantial evidence in light of the whole record (Section 21082.2, CEQA). An accurate depiction of significant or potentially significant environmental effects is, therefore, of paramount importance in the DEIR. As indicated in the Discussion following Section 15064 of the State CEQA Guidelines, the determination of significance is one of the key decisions in the CEQA process since it will direct agencies to explore feasible alternatives and mitigation measures to reduce or avoid those significant effects.

As discussed herein, the DEIR fails to accurately describe the significant impacts associated with the proposed project, **underestimates** the significance of many of the impacts identified, **overestimates** the effectiveness of mitigation measures to reduce or avoid those effects, and **fails** to examine feasible alternatives and mitigation measures which would accomplish the project's objectives but at lesser environmental costs. In light of the entire environmental review record, it is evident that the Lead Agency has **failed** to consider factual and authoritative data concerning the project's potential environmental impacts and has failed to address many of the substantive issues raised in correspondence submitted to the County in response to the dissemination of CEQA notices. I25-15

In an effort to assist the Lead Agency is formulating a reasonable definition of significance, specific information contained in the guidelines which accompany the National Environmental Protection Act (NEPA) are directly applicable. As indicated in Section 1508.27 of the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508) (CEQ Regulations), the term significant requires consideration of both context and intensity. In defining context, Section 1508.27(a) indicates that the action must be analyzed in several contexts such as society as a whole, the affected region, the affected interests, and the locality...in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short-term and long-term effects are relevant. As indicated therein, it is the effects upon the *local community* which should influence the Lead Agency's determination of significance.

In defining intensity, Section 1508.27(b) states that a number of factors should be considered in evaluating project-related impacts, including: (1) the degree to which the effects on the quality of the human environment are likely to be highly controversial; (2) the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks; (3) the degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration; (4) whether the action is related to other actions with individually insignificant but cumulatively significant impacts (i.e., significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment); and (5) whether the action threatens a violation of federal, State, or local laws or requirements imposed for the protection of the environment (e.g., exceedance of local air quality standards). I25-16

Based upon the above outlined federal definition of significant effect, the DEIR should reexamine the threshold criteria presently outlined in the DEIR and formulate additional standards which present a reasonable basis for the evaluation of project-related and cumulative environmental effects. Each of the qualitative threshold standards contained in Appendix G of the State CEQA Guidelines, which are referenced in the DEIR, should be revised to contain **specific quantitative values** which can then be used by the Lead Agency to evaluate the significance of the pre- and post-mitigated impacts.

For each of the threshold standards presented in the DEIR, what is the precise quantitative measure which the County has formulated to evaluate project-related impacts? To evaluate cumulative impacts? For each of the qualitative terms contained therein (e.g., substantial), what exact criteria or performance standard has been developed to ensure an objective evaluation of the project's environmental consequences? I25-16 cont.

In *Concerned Citizens of Costa Mesa v. 32nd District Agricultural Association* (42 Cal. 3d 929) the court held that the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions. In citing *Laurel Heights Improvement Association v. Regents of the University of California* (47 Cal. 3d 376), the Discussion following Section 15126 of the State CEQA Guidelines indicates that this Court, therefore, held that under CEQA an EIR *must include a meaningful discussion of both project alternatives and mitigation measures* (emphasis added). As drafted, the DEIR fails to provide a reasonable analysis (e.g., **rigorous analysis** and concrete substantial evidence) of both a reasonable range of alternatives and mitigation measures. I25-17

The Lead Agency is obligated under CEQA to describe measures which could minimize significant adverse effects...This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR (Section 15126(b), State CEQA Guidelines). By failing to include feasible mitigation measures for each significant effect, the DEIR has failed to comply with this mandatory obligation.

Referencing the Discussion following Section 15093 of the State CEQA Guidelines, the court in *Citizens for Quality Growth v. Mount Shasta* (1988) 198 Cal. App. 3d 433, held that when an agency approves a project that will significantly affect the environment, CEQA places the burden on the approving agency *to affirmatively show* that it has considered the identified means [mitigation and/or alternatives] of lessening or avoiding the project's significant effects (emphasis added). Based upon the Lead Agency's failure to prepare a technically adequate EIR which is responsive to the comments received by the Lead Agency and its failure to seek to mitigate the significant environmental effects of the project and those related project activities identified in the DEIR, the County is precluded from adopting a statement of overriding considerations accepting on behalf of the affected public the deleterious environmental impacts resulting from project implementation. I25-18

Based upon the Lead Agency's current failure to prepare a thorough, objective analysis of the proposed project's direct, indirect, and cumulative environmental effects, both the general public and affected public agencies have been required to submit a significant body of comments for the purpose of soliciting from the County full environmental disclosure of the project's potential effects. In accordance with Section 21005 of CEQA, the County's noncompliance with the informational disclosure provisions of CEQA has precluded relevant information from being presented for public review. This noncompliance constitutes a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5 of CEQA.

When making those findings required under Section 15091 of the State CEQA Guidelines, the Lead Agency must: (1) make the ultimate finding called for in the statute; (2) support the finding with substantial evidence in the record; and (3) present some explanation to supply the logical step between the ultimate finding and the facts in the record (see Discussion following Section 15091, State CEQA Guidelines). The DEIR contains unsubstantiated and unsupported suppositions concerning the effectiveness with which the identified mitigation measures will reduce environmental impacts. In most instances, the identified measures will have limited effectiveness in reducing or avoiding the identified I25-19

environmental impact. Notwithstanding that lack of effectiveness, the DEIR concludes that, for many impacts, the recommended measures will reduce the identified environmental effect to a less-than-significant level. There is presently no information in the record that supports that conclusion. I25-19 cont.

As indicated in Section 15148 of the State CEQA Guidelines, the EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR. Over 100 reference sources have been cited in Section 20 (References) in the DEIR (DEIR, pp. 20-1 to 20-26); however, few footnotes or document citations (i.e., source; page number) appears throughout the entire document. As a result, it is not possible for a reader to independently determine the accuracy of any of the information included in the environmental analysis since no opportunity has been provided to cross-check any of the data or assumptions presented therein.

Additionally, many of the technical reports cited in the DEIR are unpublished studies which are not presently in the public domain. The location of these materials has not been referenced nor have their relevancy (i.e., what information has been extracted from each document) to the analysis been provided. As indicated in Section 15002 of the State CEQA Guidelines, the basic purpose of CEQA is to inform and disclose. By creating a highly complex document which draws extensively from the technical studies, the Lead Agency has failed to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its actions (Section 15003(d), State CEQA Guidelines). I25-20

Pursuant to Section 15141 of the CCR and the Placer County Code, Chapter 18, Section 18.20.030, the text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages. Section 15123(c) of the CCR further states that the summary should normally not exceed 15 pages. As presented in the DEIR, the summary is 94 pages, the text of the DEIR is 437 pages, and the entire document comprises numerous separate volumes and appendices, comprising an over 1,000 pages. Based upon the size and complexity of the DEIR, and the **limited period** provided under the Notice of Completion for the submittal of comments, the public has been **unreasonably deprived** the opportunity to provide meaningful comments concerning the proposed project and its potential environmental impacts. I25-21

7.0 Village at Squaw Valley Specific Plan

The following comments are submitted in response to the VSVSP. Since the VSVSP constitutes a component of the project which is the subject of the DEIR and since the project, as defined in Sections 15357 and 15378 of the CCR, constitute the basis for the environmental assessment as presented in the DEIR, the following comments relate directly and indirectly to the potential environmental effects of the project.

As mandated under Section 65454 of the California Government Code (CGC), no specific plan may be adopted or amended unless the proposed plan or amendment is <u>consistent</u> with the general plan. As further required under the CGC, after the legislative body has adopted a general plan, the planning agency may, or if so directed by the legislative body, shall, prepare specific plans for *the systematic implementation of the general plan* for all or part of the area covered by the general plan (emphasis added). As indicated in the VSVSP, the project site exists within Placer County. Absent from both the DEIR and the VSVSP is an analysis addressing how the VSVSP accomplishes the systematic implementation of the general plan. Again, the Squaw Valley General Plan was prepared in 1983, 32-years ago. This Plan and Land Use Ordinance must be update first, under the full scrutiny of public I25-22