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VIA E-MAIL CDRAECS@PLACER.CA.GOV
AND FEDEX

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

Re: Comment Letter on Draft EIR for Village at Squaw Valley Specific Plan (PSPA 20110385, State Clearinghouse No. 2012102023)

Dear Ms. Krach:

Thank you for the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the proposed Village at Squaw Valley Specific Plan (the "Project"). This letter is submitted on behalf of the Squaw Valley Lodge Owners Association ("SVLOA"). SVLOA is a 218 member/unit condominium style hotel located on Squaw Peak Road, past the Cable Car building, and adjacent to the Project area.

SVLOA is enthusiastic about the potential opportunities the Project will bring to Squaw Valley, and encouraged by the revisions the applicant has made during the application process in response to community concerns. This optimism is tempered, however, by the need to fully understand and appropriately evaluate the potential environmental impacts of the Project. In that respect, the DEIR fails on several issues.

"CEQA is essentially an environmental full disclosure statute." (*Rural Landowners Assn. v. City Council* (1983) 143 Cal.App.3d 1013, 1020.) The purpose of public review "is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." (*Id.* (citing Pub. Res. Code § 21061.) Put another way, it "demonstrate[s] to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." *(Schoen v. Department of Forestry and Fire Protection* (1997) 58 Cal.App.4th 556, 573.)

The DEIR falls short of its purpose of disclosing and mitigating potentially significant impacts, and neglects to demonstrate that the County has in fact fully analyzed environmental impacts resulting from the Project. Specifically, the DEIR:

- Fails to analyze and mitigate traffic impacts at a key Project intersection: Squaw Valley Road and Squaw Peak Road;
- Utilizes an improper threshold of significance to analyze construction noise impacts, and fails to analyze feasible mitigation measures to mitigate the significant and unavoidable impacts on both a Project and cumulative level;
- Omits analysis of impacts related to potential removal/relocation of propane facilities which currently serve users outside of the Project area; and
- Impermissibly defers analysis related to operational impacts of proposed water supply wells and associated facilities.

A. Traffic/Transportation

One of the most glaring omissions of the DEIR is its failure to analyze potential traffic impacts at the intersection of Squaw Valley Road and Squaw Peak Road. This intersection presents unique and potentially significant impacts because of the confluence of uses, including skier drop-offs, residents accessing SVLOA and Granite Chief homes, PlumpJack guests, First Ascent Condo owners accessing their parking garage, and pedestrians/skiers walking to and from the tram and tram plaza.

The DEIR states that study intersections and roadways were selected for analysis based in part on comments raised in response to the Notice of Preparation ("NOP"). (DEIR, p. 9-1.) In its November 8, 2012 comment letter on the NOP, SVLOA specifically requested that the DEIR evaluate the Squaw Valley Road/Squaw Peak Road intersection, declaring that "[c]urrent traffic patterns also create pedestrian/vehicle conflicts near the intersection of Squaw Valley Road and Squaw Peak Road. And, parking along Squaw Valley Road and Squaw Peak Road in this area has created unsafe conditions during snow events." SVLOA also requested that the DEIR evaluate specific mitigation measures to lessen Project related impacts at this intersection. Despite these very specific requests, which plainly identified potentially significant impacts at this intersection, the DEIR bafflingly ignored this vital Project intersection.

To appropriately evaluate a project's potential environmental impacts, an EIR must examine changes to the existing physical conditions expected to result from the project. (Guidelines §15126.2(a).) In conducting this assessment, an EIR ordinarily compares the impacts anticipated by the project with preproject environmental conditions. (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 321; *see also Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal.App.4th 273, 289, overruled on other grounds in *Hernandez v. City of Hanford* (2007) 41 Cal.4th 279 (a physical change "is identified by comparing existing physical conditions with the physical conditions that are predicted to exist at a later point in time, after the proposed activity has been implemented. [Citation.] The difference between these two sets of physical conditions is the relevant physical change.").) Use of the proper baseline is critical to a meaningful assessment of a project's environmental impacts. (*Communities for a Better Env't,* 48 Cal.4th at 320.)

The DEIR excludes any baseline information regarding the Squaw Valley Road/Squaw Peak Road intersection. This intersection is a major circulation corridor for both pedestrians and vehicles. It serves as the primary access point for pedestrians/skiers to access the mountain. It is also used for vehicular travel by residents, lodging guests, and commercial vehicle deliveries. The DEIR should include a description and analysis of current usage patterns, user conflicts, and safety information regarding this intersection. Based on this baseline information, the DEIR must then analyze whether the major changes with regard to circulation and parking proposed by the Project (e.g. new parking areas, new commercial vehicle access points, changes to employee access, tour bus drop-offs, etc.) will result in potentially significant impacts.

The omission of the Squaw Valley Road/Squaw Peak Road intersection is a fatal flaw in the DEIR, which must be remedied by recirculation to allow for meaningful public review and comment. (Pub. Res. Code §21092.1.) The analysis of this intersection must include not only traffic counts, but also information regarding traffic congestion, pedestrian usage, conflicts with parked cars during snow events, and the overall safety of this intersection. (*Taxpayers for Accountable School Bond Spending v. San Diego Unified School District* (2013) 215 Cal.App.4th 1013, 1055, fn. 29; Guidelines, Appen. G, § XI, subd. (d)[1] (in determining whether a project will have significant impacts, a lead agency should consider whether the project will "[s]ubstantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?").)

[1] The Guidelines for implementation of CEQA are contained in Title 14 of the California Code of Regulations and are herein referred to as "Guidelines".

Of particular concern is congestion at this intersection, and how Project related circulation impacts may create barriers for emergency vehicular access. Without an appropriate analysis and mitigation of the circulation impacts of this intersection, there is no way to ensure a free flow of traffic to allow for unimpeded emergency vehicular access up Squaw Peak Road. Storm and snow events further compound this issue, and because of congestion and illegal parking in this area, snow plows are often unable to access Squaw Peak Road, and it is left unplowed, further hindering access to the homes and condominiums up Squaw Peak Road. The unique design and circulation features of this intersection, coupled with Project generated vehicular and pedestrian usage, have the potential to lead to significant safety impacts that must be analyzed in the DEIR.

In addition, the cumulative impact analysis section of the DEIR must be revised to assess the impacts of the PlumpJack redevelopment project on this intersection, in conjunction with Project impacts.

Only after a Project and cumulative level analysis of this intersection is completed can the County assess feasible mitigation measures for any resulting significant impacts. Feasible mitigation measures for this intersection that should be evaluated in the DEIR include the following:

- Construction of a third right-turn only lane southbound at the intersection of Squaw Valley Road/Squaw Peak Road;
- Reconfiguration of the Squaw Valley Road roundabout to allow cars to turn left into the First Ascent parking garage without having to loop around to Squaw Peak Road;
- Traffic control and traffic officers during peak hours;
- Enforcement plan for restricted parking areas on Squaw Peak Road;
- Pedestrian safe sidewalks and barricades separating pedestrian areas from the street.

B. Construction Noise

The DEIR erroneously evaluates potential construction noise impacts only in relation to Placer County's liberal noise ordinance, which exempts construction noise from standard thresholds if conducted within daytime hours (6:00 a.m. and 8:00 p.m., Monday through Friday, and between 8:00 a.m. and 8:00 p.m. Saturday and Sunday). (DEIR, p. 11-14; 11-17.) Under CEQA, however, a Project may result in significant noise impacts even if it meets the standards

contained in an agency's noise ordinance. (*Keep our Mountains Quiet v. County of Santa Clara* (May 7, 2015) 236 Cal.App.4th 714, 732-33.) Any analysis relating to noise impacts must consider whether the Project would result in substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, and if so, it must appropriately mitigate those impacts. (*Id.;* Guidelines, Appen. G, § XI, subd. (d).) The DEIR failed to do this, and therefore, underestimated the significance of noise impacts many sensitive receptors will face during years of construction.

With regard to cumulative impacts, the DEIR notes that several approved and proposed projects within the Valley could be constructed at the same time as the Project, (including the adjacent PlumpJack Hotel redevelopment) and combine with Project-related construction noise. However, the DEIR concludes that daytime construction activity would be exempt per the Placer County noise ordinance, and therefore, would not substantially increase exposure of sensitive receptors to excessive noise levels during the more sensitive time of the day or result in a substantial temporary increase in noise. (DEIR, p. 18-33 - 34.) Again, the DEIR erroneously utilizes a threshold of significance that exempts construction noise from mandatory noise standards, leading to a gross undervaluing of the significance of cumulative construction noise impacts.

The failure to properly analyze construction noise impacts may have also resulted in the DEIR's exclusion of basic, feasible mitigation measures that could lessen significant and unavoidable noise impacts. CEQA requires that an EIR describe feasible mitigation measures that can minimize the project's significant environmental effects. (Guidelines §§15121(a), 15126.4(a).) If several measures are available to mitigate a significant adverse impact, the EIR should discuss each measure and identify the reason for selecting a particular measure. (Guidelines §15126.4(a).) An agency cannot approve a project if it is feasible to adopt mitigation measures or alternatives that would substantially reduce the project's significant environmental impacts. (Pub Res C §§21002, 21002.1(b); Guidelines §15021(a).)

The DEIR blatantly omits consideration of a patently feasible mitigation measure, which was identified in SVLOA's May 24, 2014 comment letter on the revised NOP. The proposed measure would limit noise generating construction activities near sensitive areas to the hours of 9:00 am and 5:00 pm. This restriction would eliminate construction noise during early morning (6:00 am - 8:59 am) and evening (5:01 pm - 8:00 pm) hours, times where sensitive receptors are particularly susceptible to such noise impacts. This mitigation measure must be assessed as part of the environmental review for the Project.

C. Public Services and Utilities

The DEIR correctly notes that SVLOA currently receives propane service from an aboveground 20,000 gallon tank located just south of the Red Dog Maintenance Building, on property owned by the applicant. (DEIR p. 14-9.) What the DEIR does not disclose, is whether this tank will be removed as part of the Project, and if so, how replacement service will be provided to the current users.

Page 14-39 of the DEIR provides that "[a]ny changes to propane or electricity infrastructure needed to deliver these utilities to the Specific Plan area are included as part of the project and the environmental effects of implementing these improvements are evaluated throughout this DEIR." This analysis improperly focuses on changes to utility infrastructure needed to deliver utilities only to the Specific Plan Area. The DEIR fails to consider how any changes to the utility infrastructure may impact those areas adjacent to the Specific Plan Area that are currently served by the utilities in question, and whether there may be any environmental impacts resulting from the change in utility service/facilities. If the existing propane tank serving SVLOA and other users is proposed to be removed or relocated as part of the Project, the DEIR should include a mitigation measure requiring the Applicant to install appropriate infrastructure and provide adequate facilities to serve these users from the relocated/new facilities.

D. New Water Supply Wells

The DEIR concludes that six new wells are required to meet both Project and future demands, however, it impermissibly defers analysis and mitigation of impacts related to the specific location of the wells/pumphouses. While the DEIR depicts well sites within the vicinity of sensitive residential and lodging uses, it does not analyze the impacts that operation of the wells in each location may have. Further, if alternative locations are chosen for the wells, the DEIR only requires subsequent information related to water quantity and quality, and does not require any further analysis of potential operational impacts the well/pumphouses may have on adjacent uses, including aesthetic and noise effects. At a minimum, the DEIR should include mitigation measures for the wells that set specific performance standards for noise impacts, and appropriate measures to reduce operational noise. The wells should also be subject to Mitigation Measure 8-2b, which requires Design Review approval from the Placer County Design/Site Review Committee. Such Design Review should include an analysis of the compatibility of the well/pumphouses with the Plan Area Development Standards prescribed in Appendix B of the Specific Plan.

Based on the foregoing, SVLOA respectfully requests that the DEIR be revised to address these outstanding issues, and that the traffic analysis be recirculated so that the public can review and provide meaningful input on potential traffic and safety impacts related to the Squaw Valley Road/Squaw Peak Road intersection. Thank you for your attention to our comments.

Respectfully,

Greg C. Gatto

cc: Squaw Valley Lodge Owners Association Board