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PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

---OFFICE USE ONLY---

Last Day to Appeal 7/21/08 (5 pm) Appeal Fee \$ 495.00
 Letter _____ Date Appeal Filed 7/21/08 1 pm
 Oral Testimony Receipt # 08-00 52115
 Zoning 032 Tahoe Vista SA #1 + 2 Tourist + Commercial Received by EC
 Maps: 7-full size and 1 reduced for Planning Commission items Geographic Area East

---TO BE COMPLETED BY THE APPLICANT---

- Project name Tahoe Vista Limited Partners, LLC development, Sandy Beach Campground
- Appellant(s) Mark Earl Haas 530 546 8361
 Address PO BOX 103 Tahoe Vista CA 96148
Telephone Number Fax Number City State Zip Code
- Assessor's Parcel Number(s): _____
- Application being appealed (check all those that apply):
 Administrative Approval (AA-_____) Tentative Map (SUB-_____)
 Use Permit (CUP/MUP-_____) Variance (VAA-_____)
 Parcel Map (P-_____) Design Review (DSA-_____)
 General Plan Amendment (GPA-_____) Rezoning (REA-_____)
 Specific Plan (SPA-_____) Rafting Permit (RPA-_____)
 Planning Director Interpretation _____ (date) Env. Review (EIAQ-_____)
 Minor Boundary Line Adj. (MBR-_____) Other: _____
- Whose decision is being appealed: Planning Commission
(see reverse)
- Appeal to be heard by: Board of Supervisors
(see reverse)
- Reason for appeal (attach additional sheet if necessary and be specific):

(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s) Mark Earl Haas

July 16, 2008

Placer County Planning Dept.
3091 County Drive Center
Auburn, CA 95603

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RE: Summary of APPEAL of the Tahoe Vista Partners, LLC Interval
Ownership (Sandy Beach Project). PEIR T20050537, PCA 20080276, PMLD
20070810.

To Whom it may Concern:

Please consider this letter an appeal to the Placer County Planning
Commission decision to approve the technical adequacy of the EIR,
Conditional Use Permit and Minor Land Division for the Tahoe Vista
Partners Sandy Beach project as referenced above. Also enclosed in the
\$480 filing fee and an appeal application. The appeal is to the Placer County
Board of Supervisors.

495

- This appeal is based on the fact that the Final and Draft EIR are not technically adequate to be certified and that mitigation measures are not adequate to mitigate impacts to less than significant levels. Alternative E- developer preferred alternative is not substantially different than the other three Alternatives described in the document and therefore the comments that have been brought up by the community have not been adequately addressed. Public participation and noticing was not adequate. Discussion of Cumulative Impacts, Use of the Community Plan and Chapter 14.7 analysis have not been evaluated adequately. Additionally, during the July 10th hearing the Planning Commission chairman called the community names and showed obvious bias. The hearing was tainted by this prejudice and must be disregarded. (Refer to the tape of the July 10th PC hearing and comments below).

Background

A community member went to the July 10th Planning Commission hearing with a petition from 81 North Tahoe community members and as a representative of the community requested a continuance of the hearing to a local venue- The petition for continuance was not to discredit the project but to request a fair hearing in Tahoe to allow attendance by those in the community that work to attend and comment.

- During the hearing, after the request for continuance, the PC chairman was animated in describing the "apprehensive citizenry" of the Tahoe Vista Community as "hysterical" over their concerns about the future development being considered in the Community and that people are in a "panic" over the "sleeping giant" of change- wanting to keep things the way they have been for the last forty years. "

A Community that is standing up for their rights should not be exposed to such dismissive, denigrating treatment particularly from the chair. How could get the community get a fair shake from this hearing with the obvious bias of the commissioner? This type of behavior does not meet a Placer County standard and in fact any kind of standard at all. This commissioner should have recluse himself.

Additionally, this planning commissioner could have a potential conflict of office being an alternate on the TRPA Governing Board, the Placer County Planning Commission and a Tahoe Conservancy Board member of which the conservancy was a recipient of the beach directly across the street from the developers of this property and stands to benefit from its improvement. As all three agencies deal with the same issues and projects one individual can not fulfill their responsibilities to three different offices at the same time.

During the hearing, Planning Commissioner Larry Farina expressed concerns about the "fairness" of asking the community to respond with such short notice. He also was supportive of a continuance of the hearing to Tahoe so that the "public could get the participation that they deserve."

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Another commissioner flippantly commented that they have had plenty of time to comment and later stated "we wouldn't hear anything we haven't already heard."

His words intimated that the residents of Tahoe Vista have been sitting on their hands and only waiting until the last minute to voice any concerns - a "You snooze, you lose" mentality.

The community of North Tahoe deserves the right to a fair and honorable hearing

- The EIR is "the heart of CEQA." Laurel Heights Improvement Ass'n v. Regents of University of California, 47 Cal. 3d 376, 392 (1988) ("Laurel Heights I") (citations omitted). It "is an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of accountability." Id. (citations omitted).

In fact there have been very limited opportunities to comment to this project. The February 28, 06 scoping meeting for project was held in a blizzard in Truckee and not rescheduled to accommodate the community.

*The only well attended meeting was the one held locally with the developer on March 31st, 2008 where the community was actually able to participate. Many comments were received at this meeting the majority of them regarding a request for reduced density, participation in a master plan process and a more thorough analysis of cumulative impacts and physical nexus with mitigation measures that would benefit the community in which the project is located.

The role of the Planning Commission is to be the "principal advisory body to the Board of Supervisors on planning and land use matters, and

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regulations related to planning, land use and long range plans for development.” (Placer County web site).

We are appealing to the board of supervisors to correct the prejudice of this meeting and the comments of the commissioner showing obvious bias by dismissing this meeting completely. We request a new hearing to be held at the Lake with adequate notice so that the entire matter can be heard in a fair and equitable way.

I. Improper Notice

- Mailed notice came after meeting.-

Placer County Planning Staff report and notice of July 10th hearing to certify the EIR and approve the CUP with project conditions was received the day after meeting (July 11th) was held in Auburn. (Please refer to post mark stamp date on mailer- Attachment A).

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- Inadequate public comment period to respond to Final EIR Comments (7 days to read 260 page Final document over Fourth of July holiday weekend

Inadequate time was given to the public to respond to final comments in the Final EIR document for Tahoe Vista Partners, LLC - 260-page document. The EIR final was received by the public on July 1, 2008 during the Fourth of July holiday (busiest time of the year) with comments due on July 7th. The method that notice was given to the public might have been legal notice but it was not “Real Notice” to those who wanted to read this document and be heard. The EIR writer had from March 10, 2008 until June 26, 2008 (three and a half months) to respond to comments based on the draft document however the public was given less than a week to digest this information and check its accuracy.

- Conflicting and confusing meeting agendas

In June 08 Placer County notification was sent out regarding a subdivision application hearing for this project scheduled on the same day as a TRPA Governing Board meeting on a significant Tahoe issue- approval of the Kings Beach Commercial Core Improvement Project alternatives. Written requests were made to continue this hearing so that it did not conflict with the TRPA hearing. The next thing the public knew the entire project approval, including certification of the Final EIR, the subdivision and approval of the conditional use permit was scheduled to be heard two weeks later immediately after the Fourth of July holiday (perhaps the busiest holiday of the year at Lake Tahoe) at the July 10th Planning Commission hearing.

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According to the staff report "CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public premised upon a full and meaningful disclosure of the scope, purpose and effect of a consistently described project with flexibility to respond to unforeseen insights that emerge from the process. In short a project must be open for public discussion and subject to agency modification during the CEQA process. (Concerned Citizens of Costa Mesa, Inv vs. 33 Dist Agricultural ASSN (1986)).

It is the belief of the community that the lead agency was trying to circumvent the public process and limit public input and that provisions of the CEQA code as described above are not being met.

II. New information -Public Resources Section 21002- "Public agencies should not approve projects as proposed if there are feasible alternatives available."

New information was introduced into the final EIR of which the impacts were not adequately analyzed. (Final document proposes a secondary fire access road over adjacent property with potential impacts to residents of Toyon Road). Developer did not analyze or propose alternatives that would involve his own property i.e. a loop road on his own site as was also suggested by the fire dept.

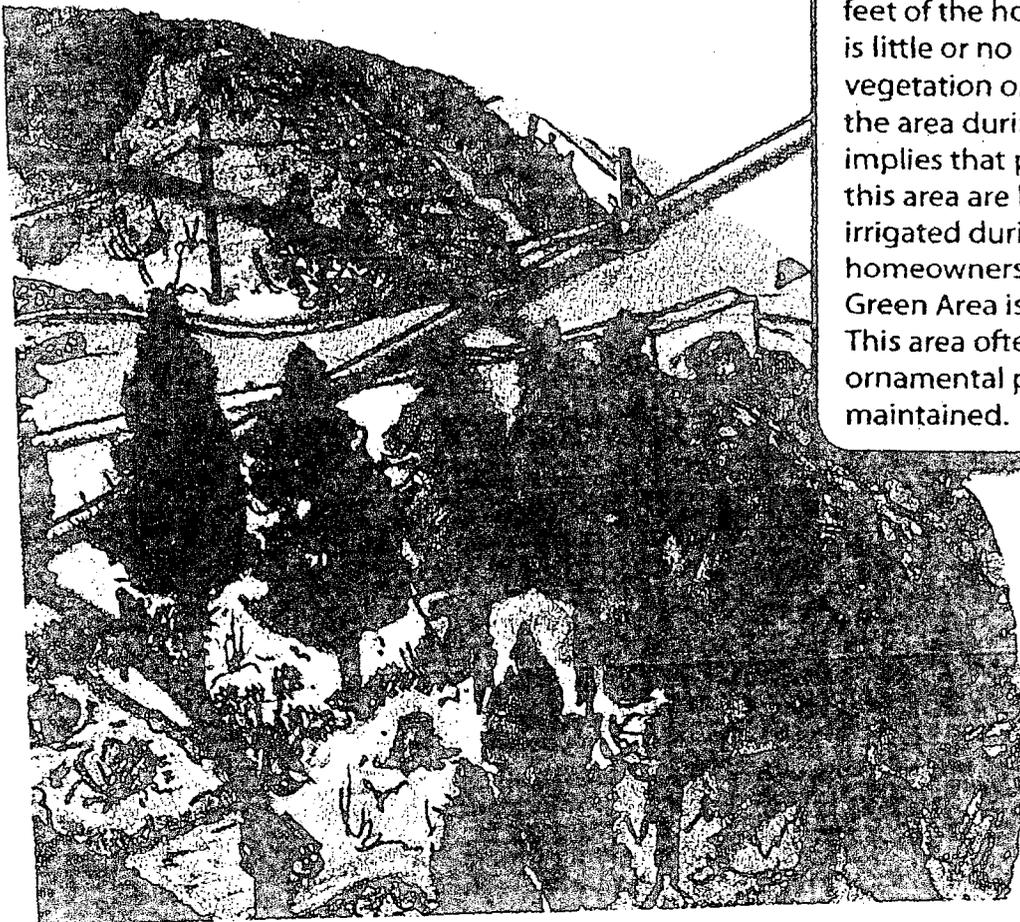
Living with Fire

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Lean, Clean and Green Area: For a distance of 5 feet to 30 feet from the home, there should be a Lean, Clean and Green Area. "Lean" indicates that only a small amount of flammable vegetation, if any, is present within 30 feet of the house. "Clean" means there is little or no accumulation of dead vegetation or flammable debris within the area during fire season. "Green" implies that plants located within this area are kept healthy, green and irrigated during fire season. For most homeowners, the Lean, Clean and Green Area is the residential landscape. This area often has irrigation, contains ornamental plants, and is routinely maintained.



LAKE TAHOE REGION OF PLACER COUNTY STANDARDS & GUIDELINES FOR SIGNAGE, PARKING & DESIGN

North Tahoe Community Plans:

Kings Beach

Tahoe Vista

(Adopted: April 30, 1996)

Tahoe City Community Plan

Tahoe City Area General Plan

West Shore Area of Placer County

(TRP A Adopted: February 24, 1994)

(Placer County Adopted: March 7, 1994)

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PARKING DEMAND TABLE

The following represents a minimum parking demand or requirements for projects. The maximum limit is established by multiplying the minimum number requirement by 1.1.

I. RESIDENTIAL

Employee Housing

Use Multiple family Dwelling Rate

Mobile Home

2 spaces / unit; and
1 space / 6 units (guest parking)

Multiple Family Dwelling

1 space / 2 beds; and
1/2 space per bedroom

1 space / bedroom

Multi-Person Dwelling

1 space / 2 beds; and
1 space / live-in employee; and
1 space / 10 beds (guest parking)

Nursing and Personal Care

space / 3 beds; and
1 space / employee

Residential Care

1 space / 4 beds; and
1 space / live-in employee; and
1 space / 2 other employee; and
1 space / 5 beds (guest parking)

Single Family Dwelling

Single family house - 2
other, e.g., condos, vacation rentals, guest houses, secondary residences, etc. - (Use Multiple Family Dwelling rate)

Summer Home

Use Single Family House Rate)

II. TOURIST ACCOMMODATION

Bed and Breakfast Facilities

Use Hotel / Motel Rate

Hotel, Motel, and other Transient Dwelling Units

1 space / full-time administrative employee; and
1 space / 2 other full-time employees; and

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1 space / 3 part-time employees; and
1 space / guest room or unit; and
1 space / 250 s.f. meeting/display area; and
1 space / 400 s.f. commercial-retail area

Time Sharing (Hotel / Motel Design)
Use Hotel / Motel Rate

Time Sharing (Residential Design)
Use Hotel / Motel Rate

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III. COMMERCIAL

A. Retail

Auto, Mobile Home and Vehicle Dealers
1 space / employee; and
1 space / 500 s.f. gross sales area

Building Materials and Hardware
1 space / 300 s.f. GFA; and
1 space / 200 s.f. gross site area

Eating and Drinking Places
1 space / 100 s.f. GFA; or
1 space / 4 customers or seats

Food and Beverage Retail Sales *none prep*
1 space / 150 s.f. GFA

Furniture, Home Furnishings and Equipment
Furniture 1 space / 500 s.f. non-storage area and
1 space / 1,000 s.f. storage area
Other 1 space / 300 s.f. GFA

General Merchandise Stores
Convenience Store 1 space / 150 s.f. GFA
Other 1 space / 300 s.f. GFA

Mail Order and Vending
1 space / 500 s.f. non-storage area; and
1 space / 1,000 s.f. storage area

Nursery
1 space / full-time employee; and
1 space / 300 s.f. GFA

Outdoor Retail Sales
1 space / employee; and

- Mitigation measures proposed by Planning Commission of “planting trees for screening may not be feasible or desired based on defensible space requirements of the fire department.” Refer to standards from “Living with fire”. Current defensible space standard require a moat of non flammable material i.e. no vegetation allowed within five feet of structures thus the mitigation of planting trees may not be allowed or desired. (Attachment B)
- The future bike trail use of this emergency access was also not evaluated for impacts and should have its own environmental review if proposed.

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III. Inadequate Parking:

Although parking is in accordance with the Placer County Codes, the Codes do not adequately address parking specifically for fractional developments only motel/hotel/timeshare all lumped together. This again brings up the question that fractional development was never considered at the time the Standards and Guideline for Signage, Parking and Design- North Tahoe Community Plans – adopted April 30, 1996. (Refer to Attachment C).

Residential parking requirements in the Placer County Guidelines and Standards are more fitting for a project of this size where over 50% of the units are three and four bedrooms. According to “the Automotive Parking Needs of Timeshare Resorts” 4-24-1998- Parking is the second or third largest land use at most timeshare resorts.”

- The current requirement for a four bedroom residence only needing one parking space when it can accommodate more than 10 persons is absolutely inadequate.

The staff report talks about shared parking with the restaurant, the fractional owners and those wanting to use the beach across the street. Restaurant parking was offered as mitigation to the increased use the beach will get from the 250-300 plus more people resulting from this project. However, the EIR also states that overflow from the fractional owners will also use this parking. If the parking is inadequate on site then people will park on the highway and in the restaurant spaces leaving no parking available to the public using the beach. Additionally,

the EIR states that the restaurant is currently not open for lunch. Will there be a permanent deed restriction placed on the restaurant requiring it to be permanently closed for lunch?

A contingency and monitoring plan must be prepared to address the future parking demand needs so that extra parking spaces can be added if this project overflows onto the State Highway as does Ton Palo several doors down for the entire summer. Land coverage for future parking areas should be reserved to mitigate the impacts of additional cars using this site.

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IV. EIR Alternatives not significantly different

TRPA Code of Ordinances Section 53.A and Section 15126.6 of the State CEQA Guidelines require that Draft EA/EIR's describe a reasonable range of alternatives to the proposed project that could feasibly attain most of the project objectives while avoiding or substantially lessening any of the significant environmental effects of the project.

None of the development alternatives are significantly different or represent a good range of alternatives including Alternative E, which according to the developer was created in response to public comment. The community had already reviewed the Draft document with two 39 unit alternatives (B and C) and found these to be unsatisfactory. Comments included requests for additional on-site open space, fewer units, smaller units, reduced mass, retention of more habitat and trees, room for snow storage, on-site recreation, and other low impact development.

Alternative E does not offer significantly greater benefits than any of the alternatives identified in the draft document as:

- Number of bedrooms is only reduced by three (113 bedrooms) compared to 116 for Alternative A which is a 45 unit alternative.
- the unit sizes are increased in size, up to 3200 sf or more
- no reduction of traffic trips,
- 155 trees are being removed, (60% of the total sites trees with trees already gone)
- the site grading is still at 95%

- roadway widths are increased from 20 to 26 feet, (more impervious coverage)
- Alternative E impacts off-site neighbors as part of emergency fire access requirements.
- Alternative E is lacking in an analysis of an on-site loop road for fire access or a hammer head
- Density is also not decreased as to what was proposed in alternatives B and C already reviewed by the public in the Draft document.
- In addition, this alternative does not provide adequate on site recreation and results in the removal of a low impact summer use campground replacing it with a high density tourist resort.
- Land Coverage reduction is also minimal as to not be significant. (Less than .05% difference as compared to Alternative A.)
- Mitigation measures to offset significant impacts do not alleviate cumulative impacts or provide any nexus to this project.

V. Cumulative Impact study not adequate. CEQA Section 15130 and Placer County Code Section 18.20.030. Traffic is the only cumulative impact studied in the Final EIR.

The Final EIR document states that cumulative traffic impacts will result in approx 8600 new cars a day based on including the Kings Beach and Boulder Bay CEP projects along with Vista Village and expansion of the North Tahoe Marina. This represents a 30% increase in roadway capacity over current conditions yet the EIR writer dismisses this increase as "less than significant." The EIR writer also discusses two methods used to determine future traffic- a 1% growth rate used to calculate future traffic growth and the analysis of the probable future projects. According to discussions with other traffic engineers a 1% growth rate projection is low and therefore more traffic than what was analyzed in the document. Additionally traffic trips for Boulder Bay (1600 per day) may be inaccurate as casino floor area issues have not been resolved.

LOS at the Estates Drive intersection will go from a LOS C to a LOS D making conditions worse.

The cumulative impacts of other resource topics such as tree removal, noise, land coverage, water quality, scenic quality, habitat removal, and

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----- Original Message -----

From: Dale Chamblin

To: caaron@ntpud.org ; ischeeg@ntpud.org ; tavance@trpa.org ; jsinglaub@trpa.org ; tferrell@ftcivil.com ; Mbresnik@trpa.org

Sent: Thursday, July 17, 2008 12:41 PM

Subject: Sandy Beach

Att. D
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Re: Sandy Beach, Tahoe Vista

Chapter 27.3 B of the TRPA Code of Ordinances states that all projects shall have adequate water supply systems. Additional development requiring water shall not be approved unless there is distribution and storage or pumping systems to deliver an adequate quantity and quality of water to the development for domestic consumption and fire protection. I do not believe that the Sandy Beach project, with the large number of planned units, can be adequately supplied without endangering the supply levels for all customers.

Over the last two years there have been several meetings with conflicting information regarding the true water situation for the NTPUD during summer peak times. In an O & P meeting two years ago, we heard the district engineer state that in busy summer months the tanks are drawn to levels that cannot guarantee a reliable source of water for all customers.

The Sandy Beach environmental document offers money towards construction of a new tank as mitigation, but unless and until the tank is up and running, mitigation does nothing to ensure sufficient capacity.

What is the district's policy regarding new connections for larger scale projects into its current system when they admit that they are over capacity during summer months now? The

NTPUD letter written March 10, 2008, in response to comments in the Draft EIR is confusing and contradictory. On the one hand the district states that there could be sufficient infrastructure to support the project and then further states that more information is needed to be provided by the applicant before an analysis can be made.

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I was a Berkeley resident during the 1990 Oakland/Berkeley hills fire, and for 12 hours I assisted residents in loading their cars and escaping from the area. My most vivid and shocking memory of that day was watching fireman hook up to dry hydrants, only to abandon those homes to fire as they moved on. We do not want this avoidable tragedy to occur at North Tahoe. As we know from recent Tahoe fires, helicopter assistance is only available during daylight hours when the wind is sufficient to blow out the smoke, but not too strong, either. We must rely on the storage capabilities of the NTPUD for adequate fire protection, and further large development without sufficient capacity is sheer folly.

Sincerely,

Dale Chamblin
pamndale@sbcglobal.net

demand on public services and utilities, and on-site and off-site recreation etc have not been addressed in context with the other present projects, past projects, and probable future projects.

- Significant impact of infrastructure needs not addressed.

Chapter 27.3 B of the TRPA Code of Ordinances states that all projects shall have adequate water supply systems. Additional development requiring water shall not be approved unless there is distribution and storage or pumping systems to deliver an adequate quantity and quality of water to the development for domestic consumption and fire protection. This code also addresses fire flow requirements. Fire flow for Tourist Plan areas is 1000-1500 GPM for two hour duration.

The cumulative impacts analysis regarding infrastructure demand is critical. Over the last two years there have been several meetings with conflicting information regarding the true water situation for the NTPUD during summer peak time use. In a committee meeting the district engineer stated that in "busy summer months the tanks are drawn to levels that cannot guarantee a reliable source of water to all customers." This indicates that demand could be exceeding supply and that the water system is at capacity now during peak periods. (Letter written by Dale Chamblin to TRPA and NTPUD- Attachment D).

The response to comments page 2-151 Comment P-11 admits that the project will result in an "increased water demand." NTPUD staff indicated that improvements to the "existing water supply treatment, distribution, and or storage systems may be needed to serve increased water demands." Auerbach Engineering provided a summary of existing average and peak water demands and wastewater flows and updated estimated average and peak day water demand and wastewater flows for the project (approx. 32,000 gallons) based the project uses.

In 2006 a final study report by CDM - a consulting engineering firm was prepared of the NTPUD hydraulic model showing that additional storage is needed to service the existing customers as well as future projects.

Collection of a fee is not a tank in the ground.

Based on the recent Angora fire and the fires in many parts of California the true state of affairs for our local utility should be

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disclosed in context with the other planned projects (past, current and future). (The EIR for Tahoe Vista Partners does not adequately address cumulative impacts especially for utility requirements and therefore this should be listed as a significant impact).

VI. Use of the 1996 Tahoe Vista Community Plan

Chapter 14 .7 of the TRPA Code requires Community Plans shall be reviewed by TRPA at five year intervals to determine conformance with approved schedules of development and adequacy of programs, standards, mitigation and monitoring. (They do not necessarily have to be updated).

Chapter 14 gives TRPA the ability to defer approval of projects within community plans, if the review indicates approved goals, targets, and requirements are not being achieved. This is not a desired outcome but neither is unchecked growth outside the limits of what was envisioned for the Tahoe Vista community or inadequate evaluations of cumulative impacts.

No documentation has been provided that review of the Tahoe Vista Community Plan and the EIR/EIS for the North Tahoe Community Plans has ever taken place by either Placer County and or TRPA staff. Chapter 14.7 analyses were required to be done in both 2001 and 2006 (five year increments to inform conformance with the plan based on development).

EDAW states that commenter were not specific as to how the current Community Plan is outdated despite letters in the draft that speak specifically to this concern. They appeared to not be familiar with the EIR/EIS that was prepared in October 1995 to address the North Tahoe Community Plans.

An analysis of The 1996 Tahoe Vista Community Plan EIR as pertains to this project evaluated the following (Please refer to page I-9 of the October 1995 EIR/EIS Draft-

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- ✦ Residential projections of a total of 50 new residential units, of which 20-bonus units are to be set aside for affordable housing. *How many homes have been built?*
- ✦ Tourist Accommodation density to remain unchanged from existing conditions. The EIR inventoried approx. 320 TAU's in Tahoe Vista as of 1996. Tourist units were envisioned to transfer in and transfer out with no increase in inventory.

Who has tracked the TAU's in and out since 1996? What is current inventory?

- ✦ Community Plan provision to expand the Sandy Beach Campground and RV Park.

Fee mitigation in lieu of campground replacement is being proposed.

- ✦ Traffic - Page IV-6 of the TVCP requires that Tahoe Vista "attain a fair share reduction of vehicle miles traveled by the required implementation of mitigation measures. The estimated CP fair share is estimated to be a reduction of 130 VMT by 2007. For the VMT reductions to offset the 334 VMT increase from land use changes and to meet the overall target certain mitigation measure were required such as:"
- ✦ Construction of bike trail on SR 28 and NTPUD Dollar Hill to Tahoe Vista connection.
- ✦ Kings Beach shuttle
- ✦ Construction of SR 28 improvements- sidewalks on both sides of the highway
- ✦ Pedestrian facilities
- ✦ Parking management program
- ✦ etc

What mitigation measures have been installed to date?

(Since 1996 the commercial floor area of 7500 sf has been used up, new homes have been built, and tourist accommodation units have traded both in and out of the TVCP with no tracking. VMT data to date has not been analyzed based on the level of development since 1996.

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Additionally mitigation measures that were required to be implemented as part of the EIR/EIS for the Tahoe Vista Community Plan have not been analyzed for conformance with Plan goals.

Besides traffic listed above targets for beach access, restoration of SEZ, water quality improvements, and recreation are unknown. Some of the projects contemplated today were not analyzed or even envisioned in the 1996 North Tahoe Community Plans EIR/EIS).

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↓ Evaluation of TAU's

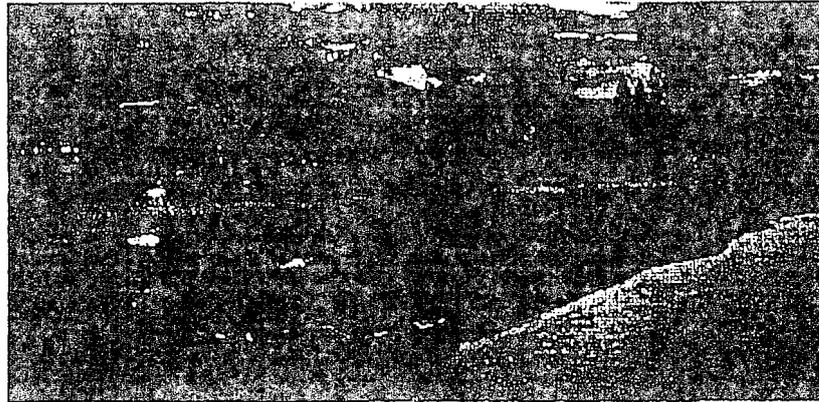
The draft document does not identify where all of the 39 TAU's are proposed to be transferred from except for those that were grandfathered with the site (8 TAU's) and those that will be purchased from the conservancy (11 TAU's). The impacts of transfer for the remaining TAU's needed for the project should be analyzed. As the TVCP does not envision an increase in TAU capacity i.e. transfer in - an analysis would be required to determine conformance with the current TVCP. (No net increase in capacity).

↓ Density and Community Character

- Developer representative stated in the Planning Commission hearing that Alternative E is a 48% reduction in density at the allowed 15 units per acre density for timeshare use. While this might be true, he neglected to mention that the size and mass of this project is larger than any other project that currently exists in Tahoe Vista including Ton Palo. Ton Palo is a fractional development built in 2002 which has been the topic of much controversy in the community due to its size, mass and density. Many insist that Ton Palo is a mistake.

Sandy Beach proposes:

- 94,000 sf of building mass compared to 42,000 sf for Ton Palo
- Ton Palo is 8 units per acre compared to 9.1 for Sandy Beach
- Sandy Beach proposes heights of 39 feet compared to Tonopalo at 34 feet.



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(Tonopalo from Lake)

Although many discussions of community character are subjective in nature they are the heart of the problem. (Please refer to Attachment E) letter from a local hotel owner in Tahoe Vista that describes this issue.

The larger argument however is the fact that small one bedroom motels or tourist accommodation units are being converted to large three and four bedroom residential type uses called fractional ownership: They are more residential in nature than motel like in nature.

- Interpretation of the TVCP

When the community plan was written fractional development did not exist. Twenty years ago it was common knowledge that the size of an average motel unit was 200 to 300 sf. This was the size that was common and that was contemplated at the time the original document was written. Even multiple unit timeshare was uncommon and if motels were converted the resultant rooms were small. (Red wolf Lakeside Lodge- Edge Lake Resort).

- The EIR writer rationalizes that there are no codes regarding size of motel units converting to fractional – “it’s a discretionary decision that can be judged only by the decision makers.”

- The TRPA definition of a Tourist Accommodation Unit is : “ One bedroom or a group of two or more rooms with a bedroom with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis.” The key here is “one bedroom.” Chapter 2- TRPA Code of Ordinances.
- Also the definition of residential Timeshare Use which is the closest to Fractional Use –“ A right to exclusively use, occupy or possess a tourist accommodation unit of a residential design with kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years”. Note the use of the word TAU.
- TRPA code requires bed and breakfast facilities to have one tourist accommodation per bedroom however these three and four bedroom units are only utilizing one TAU for the entire unit.

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Sandy Beach Fractional units proposed are more than one bedroom. Alt E proposes 40% two bedroom units and 60% three and four bedroom units.

Fractionals are Interval owned designed to be occupied for more than one week. They are basically houses owned by multiple owners.

We maintain that these fractional units are not motels they are more similar to single family residences based on size and limited number of owners. The use of motel entitlements morphing into these larger units is a loop hole that needs to be addressed immediately by the board.

The following is an excerpt from the Wyndham web site showing the marketing of these units as residential.

Wyndham web site:

“Where Will I Stay?”

From studios to three-bedrooms...it's your choice!

Wyndham Vacation Resort units are a far cry from standard hotel rooms. Our beautifully appointed resort units are designed to make you feel at home wherever you go.

And the amenities! Most units feature full-sized kitchens, plus washers and dryers. And we've incorporated plenty of "little extras" — from VCRs to fireplaces to private whirlpool tubs (at selected resorts and units) — for your ultimate convenience and comfort.

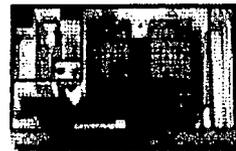
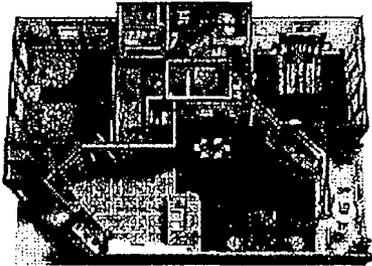
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Compare Unit Size

What accommodations would you prefer?

Typical 2-Bedroom Vacation Unit	Typical Hotel Room
1200 Square Feet	300 Square Feet



The literature for Tonopalo/ "Storied Places" would also support the theory that these fractional developments are more appropriately classified as residential not a motel units and should be treated as such.

"Storied Places® Private Residence Clubs at Lake Tahoe provide an escape to extraordinary settings with advantaged access to all the best a destination has to offer. Unlike many other vacation home ownership options, ownership in Storied Places® is flexible, worry-free and effortless. Owners have a deeded interest in an exquisite home, with access to a private, privileged community for

the times they choose. Fractional ownership of vacation homes is a relatively new concept that allows you to enjoy up to three months of home ownership at a top of the line luxury resort but a fraction of the cost of whole ownership. Fractionals offer you the opportunity to purchase a deeded share."

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Wyndymn and Tonopalo market fractionals as homes shared by a few multiple owners not motel units or timeshares. The literature based on their web site does not describe motel or hotel use. In fact, Tonopalo does not allow rentals on a nightly basis at all as is common for traditional motel or hotel use.

There has been no discussion whether or not Sandy Beach will be rented nightly and if so a permanent deed restriction should be placed on its CC&R's.

VII. Impacts to Community via Payment of fees not adequate mitigation. Impacts to Sandy Beach Public Beach by increased population not adequately mitigated.

A common and recurrent theme for this project has been that impacts should be mitigated in a physical rather than a strictly financial way as there is no direct benefit to the community or nexus with the project.

The EIR writer (EDAW) response is that CEQA allows the use of fees as a means of providing mitigation for significant impacts. Section 15130 (a) 3 " A projects' contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact."

We do not agree that payment of a fee provides adequate mitigation for the cumulative impacts or even the impacts of this project.

According to the Section 2.5.4 of the Final Eir- fees as mitigation are being collected for Replacement of Campsites, Parks and Recreation

Facilities, Measure C, Air Quality Mitigation fee and Traffic Mitigation fee. (Water Quality Mitigation fees are not discussed).

- Replacement of Campsites

The Tahoe Vista Community Plan's vision encouraged the expansion of overnight camping facilities in Special Area #2, not the removal. We have no issue with the project proponents request to redevelop the site for another use. However, the suggested mitigation of relocating the campsites to the North Tahoe Regional Park or State Parks property at Burton Creek is undetermined and unlikely.

- The Planning Commission voted on July 10th, 2008 to change the one condition that may have provided some local money and nexus for recreation in the local community. The Draft EIR fund of \$236,088 of mitigation fees to be collected would have been kept for five years in a fund for campground replacement. If not used then this money would be divided between NTPUD and the State Parks for local recreation opportunities.

The County changed this mitigation to increase the time frame to 10 years and the money would go to the State. There is no guarantee or likelihood that the State will ever construct campground facilities at Burton Creek and therefore this money will be lost locally forever. (No documentation was provided that committed the State to construct future facilities at Burton Creek). We would request that the Board of Supervisors over turn the Planning Commission decision and return to the original mitigation as described in the Final FIR and staff report.

- Parks and Recreation

Mitigation Measure 7.A-3 requires 1.51 acres of on site recreation be provided or payment of a facilities fee. We would request that the \$52,000 remain locally for the North Tahoe Regional Park.

- Measure C Funds:

Again the EIR is lacking on identification of mitigation with local nexus. Project approval should identify projects in the ground that

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will occur as part of the Sandy Beach project in order of priority. This could include purchase of more land for the public to use for beach access, permanent bathrooms for the Sandy Beach public beach across the street, pedestrian improvements such as sidewalks in Tahoe Vista and bike trail linkages. Approximately \$120,000 of Measure C funds was identified.

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- Air Quality and Traffic Quality Mitigation fees

Monies collected by the Agencies for these fees should be specifically targeted for sidewalk and bike trail linkages in Tahoe Vista and not go into the general fund to be used elsewhere.

VIII. To enhance maintenance of the Sandy beach recreation area across the street from the property.”

Although this was stated as a purpose of the project in the staff summary there is no follow up discussion on what this entails. A more detailed discussion is required. Is this intended as a mitigation measure?

VIII. Conflicting data regarding true population/occupancy of proposed project in document.

- EDAW states maximum occupancy in three and four bedroom units are for 6 people. (Draft EIS)
- Wyndym (the marketer of this project) web site states 8-10 people per three and four bedroom units. Www. Wyndym
- The Civil Engineer uses 5 people per three bedroom unit and 6 people for four bedroom units to calculate water demand of 32,000 gallons per day at peak.
(Final EIR).

(Discrepancy could result in an increase of additional population of up to 84 more persons whose impacts have not been adequately analyzed in the document including increase traffic, noise, cars, impacts on infrastructure, demand for additional housing, more water storage etc.).

IX. Purpose of Project objectives not adequately addressed in EIR

- “To create very high quality, low-density affordable homes.” We support an affordable housing component to this project but wanted to point out that:
- (Seven three bedroom 1100 sf units on a .22 acre site behind a 6 foot tall solid fence is not low density or low impact).
- The seven housing units will house a population of 42 persons with only 714 sf of lawn or open space translating to .04 sf of open space per person.

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Conclusion:

The Board of Supervisors has the discretion to review this appeal and make an informed planning decision. The community does not want to kill this project but insists that reduced density and adequate mitigation are put in place. The cumulative impacts of this project in conjunction with other projects must be discussed. The developer proposed Alternative E is deficient for the following reasons:

- Based on size of units and massing the fractional project is more likely consistent with residential type density of four to five units per acre not 9 units as is currently proposed. A five acre density project would be 25 fractional units not 39.
- Parking is deficient based on one space for a four bedroom unit and shared use with the restaurant, affordable housing component the state beach. A reduced density alternative would allow more room for parking, snow storage, open space, and consistency with other neighborhood developments.
- The Full time population of Tahoe Vista will be increased by approx 40%. The EIR is not consistent in portrayal of number of people per unit or overall occupancy this resort will accommodate. The TVCP targets are for a reduction in 130 VMT not an increase. (Page IV-6).
-
- Project massing does not meet vision of the TV CP as it is double that of Tonopalo which too many has been a mistake.

- EIR/EIS has not been evaluated as to plan conformance under chapter 14.7 requirements as required as part of CP. TVCP may be already at capacity with existing inventory based on the planned future projects.
- Inadequate cumulative impacts study. Discussion on infrastructure needs is confusing and contradictory. Is the infrastructure currently in place to accommodate this project and the other currently planned projects?
- The Sandy Beach Project as proposed in Alternative E is out of scale with the other existing developments with the exception of Tonopah which is not desirable as reflected by many.
- No evaluation of on-site loop emergency fire road requirements discussed which would result in developer being responsible for his own impacts.
- 95% site grading - significant impact.
- Overall removal of 60% of the trees - significant impact.
- Inadequate room for snow storage.
- Inadequate area for on-site recreation and open space.

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A Reduced density alternative of 25 fractional on this site can be derived two ways.

#1 five units per acre would be more consistent for this project based on a residential density with a 20% increase for being located in a Community Plan.

#2 Bedroom count - The Placer County staff report states that the fractional portion of the property will be on 4.7 acres. With a motel density of 15 units per acre this would be 71 units. (Motel type units).

The project proposes 113 bedrooms in 39 units. If you divide the bedrooms into units then each unit would average 2.9 bedrooms. So if you assume 71

units and divide them by 2.9 bedrooms the density would be 24.4 or 25 units.

Is it ludicrous to think that any government planning agency would accept 15 (2000) sf single family homes on one acre.

Respectfully Submitted,



Mark Haas
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PLACER COUNTY

PERMIT RECEIPT

RECEIPT NUMBER: 08-0052115

APN: 117-071-029-000
 DATE ISSUED: 21-JUL-2008
 PERMIT: PCPA T20080276
 SCOPE: CUP TYPEA
 SITE ADDRESS: 6873 N LAKE BLVD
 SUBDIVISION: L 18 AGATE BAY
 CITY: TAHOE VISTA,

PERMIT OWNER: JOSEPH LANZA AND RALPH MILLER
 ADDRESS: P.O. BOX 1411
 CITY/STATE/ZIP: TAHOE CITY, CA 96145

Payment Received From MARK E HAAS
 P.O BOX 103
 TAHOE VISTA CA 96148-0103 530-546-8361

<u>Date</u>	<u>Fee Code</u>	<u>Description</u>	<u>Paid to Date</u>	<u>This Receipt</u>	<u>Balance Due</u>
21-JUL-2008	PL-APLBOS	APPEAL BEFORE THE BOARD OF SUPERVISORS	\$0.00	\$495.00	\$0.00
13-MAY-2008	PL-CUPA	CONDITIONAL USE PERMIT - DEPOSIT	\$3,635.00	\$0.00	\$0.00
Totals:				\$495.00	\$0.00

<u>Payment Code</u>	<u>Description</u>	<u>Amount</u>
CHECK	CHECK #2229	\$495.00

Tendered: \$495.00
Change: \$0.00
Balance Due: \$0.00

100