

Parcel 1- Affordable housing. - The proposal for on-site affordable housing for the employees of this resort is good. Would like to see restrictions that the renters are also Tahoe Vista residents who live and work in the area. Who will monitor who lives in this complex? Who will decide if these units are for sale vs. if they are for rent? Will there be an on-site manager for the affordable housing separate from the manager of the resort? What types of deed restrictions will be required? Have CC&R's been prepared for the management of these units? Who will enforce the deed restrictions? What happens if the units can not be sold? Will all of them be rented? Will this be in perpetuity? In Truckee when the developers can't sell the units they have converted to market rate. Could this ever occur?

BB-4

Parcel 1 density will be 18 units per acre based on a parcel size of 26, 887 sf as per the document. Is this consistent with adjacent land uses? The EIR also states that 60 people will be living within the 10 housing units on this small parcel. Parcel 1 will be segregated from the rest of the development via a six foot tall fence. Thus 60 people confined to a parcel that is barely over 1/2 acre provides for limited open space for these employees. What amenities will be provided to them? Who will manage this complex? Why does this have to be separated from the rest of the development when current thinking is to integrate employees into mixed use projects with no segregation.

BB-5

Parcel 2- The majority of the development will be on a parcel that is approx. 4.9 acres in size. This is approximately the same size piece of property as the neighboring Vista Pines where only eight (8) single family homes of approx. 3000 sf have been constructed. It is inconceivable to imagine 45 units ranging in size from 1900 sf to 3000 sf plus a clubhouse, admin building, seven garage buildings for 40 cars, surface parking and swimming pool, spa and other amenities etc on a piece of property the same size as Vista Pines. (Please refer to photo). How is this in keeping with the residential character of the area in any way? A model of this proposed development should be provided to the public and to the agencies in order to clearly understand the impacts of the density and on-site massing. A field visit should also be conducted of the Community when the snow melts as a comparison of what exists today vs. what is proposed for the future. The project proponent should also provide an analysis of existing residential density in the Tahoe Vista area in comparison to what is proposed here. What are the standard units per acre that currently exist in Tahoe Vista?

BB-6

64 parking spaces are proposed for 45 units. This assumes 1.4 parking spaces per unit. Some of the units are four bedrooms and could conceivably hold over 8 to 10 people. Other alternatives propose more three bedroom units. The Placer County Design standards for parking do not adequately address parking for fractional developments. They only discuss tourist accommodation requiring 1 space per unit in the code. However recently approved projects- for the Cal Neva and Topol fractional project on the west shore were required to increase parking based on the number of bedrooms. A more realistic evaluation of parking would include:

BB-7

- 1 space per 1 bedroom unit
- 1.25 spaces per two bedroom unit
- 1.5 spaces per three bedroom unit
- 2.0 spaces per four bedroom unit

It makes logical sense that Motel rooms of 300 sf would require one parking space per unit but the size of the Sandy Beach units at 1900 sf to 3600 sf can hold more people

than a small hotel room and will probably have additional cars to accommodate the additional people.

Thus based on the above formula between 66 and 64 parking spaces should be required just for the tourist accommodation portion of the project. In chapter 14 of the document only 1 space per unit or 45 spaces are proposed.

BB-7
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If parking is not found to be adequate where the overflow parking be placed? What will prevent parking from occurring along Highway 28 as currently occurs with Tonopalo? How will this be monitored? Is there a back up or contingency plan?

Parcel 3- Will the restaurant continue to be available to the general public in perpetuity? What is to prevent the developer from getting permits and then privatizing this facility like Wild Goose was done for Northstar? Who will live in the apt above the restaurant? Is this available to an on site manager?

BB-8

3.4.2 Building Height

Five of the buildings will exceed height standards. Why do these buildings have to be so tall? Is this height consistent with surrounding uses? What other buildings are 39 feet tall on adjacent parcels? Will these five units be visible from the Lake? How large is the club house building? Why are there no feasible alternatives requiring less additional height (7)? Make the project less massive and lower the height. The unit sizes are very large and not in keeping with the traditional tourist accommodation type development. What uses are in these buildings that have to be so tall? I would like to see an alternative that proposes height that does not exceed codes or require excessive findings to have to be made.

BB-9

3.4.3 Utilities

Has the project proposal site plan received will serve letters from the trash company for location of dumpsters?
Has the fire dept approved the access roads and turnarounds for their vehicles? Will any fire variances be necessary? If so what? Where is the alternative access out of the site in case of fire?

BB-10

3.4.4 Coverage

Site coverage of 62% is misleading when considering existing conditions. Currently the site is not paved (soft coverage) and there are many trees providing a forested feel. The existing RV Park does not have many permanent structures. The new proposal involves removal of many trees and paving the site where compacted dirt currently exists. Further in the EIR it states that 95% of the site would be graded for roadways and driveways. The entire feel and character of the site will change when it becomes an "asphalt jungle" with new building and development. Based on Exhibit 3-4 the site will lose its forested feel and open space will be limited if almost non-existent based on the proposed layout.

BB-11

3.4.5 Verified uses

BB-12

The EIR states that "at one time" there were eight hotel rooms on this site. When were these uses discontinued? The EIR further states that CFA has to be transferred upstairs to continue an office operation. Was the change of use from tourist to commercial done with permits? Are there traffic trips associated with these hotel rooms still valid?

BB-12
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Tourist Accommodation allocations needed for this project have been identified from both Kings Beach as well as Tahoe Vista according to the EIR. What are the impacts of relocating the TAU's from Kings Beach into Tahoe Vista? What will happen to the TAU's that are transferred in? Are they viable businesses now or banked units?

3.4.6 Site Grading

How is it possible that 85% of the site will be graded in order to construct roadways, improvements, etc in order to create this project? TRPA codes encourage stepped foundations for buildings. Foundations just on grade will create a flat looking plane not in keeping with a mountain environment. The project will look like row houses.

BB-13

Why is the project not utilizing the existing site conditions better? Why does so much fill have to be added? Why is the basement of the clubhouse 12- 13 feet deep? What is in this basement?

3.4.7 Tree Removal

This project proposes removal of approx. 89% of the existing trees that were once on the site since 2005. Since the trees were already felled and 181 unhealthy trees were removed one could presume that the remaining 284 trees are healthy. (181 trees plus 25 trees) = 206 unhealthy trees out of a total of 490 trees. 131 more trees are proposed to be removed leaving 153 trees on the property. Of the existing trees on the site today approx. half will be removed. Why was this project not designed to allow more trees to remain as is keeping in a mountain setting? It will take years to replant trees that are as large as the trees proposed to be removed thus resulting in a very urban and bare project. Where does the money go that is paid into the Placer County Tree preservation fund? How does this directly benefit the Tahoe Vista Community?

BB-14

Exhibit 3-14 Tree Removal and Coverage Relocation

This chart is confusing. It would be clearer if the exhibit shows proposed coverage over existing and new coverage proposed where coverage currently does not exist. What is the distinction between gravel base and compacted dirt? In other words, where is the existing open space that is not currently disturbed located on the site now? Where is it in the future?

BB-15

3.4.8 Property Management

Who will be responsible for snow removal? How can one manager be responsible for 292 guests and employees, enforcing CC&R's and also for nightly rentals? More detail on the operations of this resort needs to be provided. What are the tasks of the three full time and four part time personnel?

BB-16

3.4.9 Population and Maximum Occupancy

The number of people proposed for an approx. 5.5 acre site is very dense considering adjacent residential subdivisions of approximately 1 unit per ¼ acre.

BB-17

Snow Removal

How much of the site has been reserved for snow removal and is it adequate? What are the impacts of snow during the winter on parking availability, and on-site circulation? What are the impacts if the roadways do not conform to current Placer County standards from large snow events? This would include emergency vehicle access in case of fire.

BB-18

Alternatives

None of the alternatives stick out as being that different from each other (A, B or C) except for the "no project" alternative. All the alternatives propose grading of 95% of the site, all of the alternatives propose removing more than 80% of the trees from 2005 conditions, and all of the alternative site plan maps offer very little open space. The units appear to be jammed on top of one another with little regard for working around the existing trees. It begs the question- Why do these second home timeshare fractional units have to be so large on a small site?

If Alternative C were to have units no larger than those proposed under Alternative A i.e. 1800 sf to 3000 sf max would this result in less tree removal and less land coverage of the site? Could the developer reduce the size of the units to 2600 sf? How did the developer decide on 39 units instead of 45 units? Why not 30 units or 25 if they are to be so large? If density is important then keep the density but reduce the unit size. Most timeshare units are 2-3 bedrooms and do not exceed 2500 sf in size. (please refer to Attachment A).

BB-19

The neighboring Tahoe Sands homeowners were inventoried and one of the amenities that they love about their existing resort is the open space/lawn- room for the guests to play in the summer and spread out. The three design alternatives proposed by Tahoe Vista Partners offer very little open space for users of this facility jamming almost 300 people in just 5.5 acres.

If the massing were reduced to a more realistic second home size then all of the other environmental impacts would be reduced. This includes less tree removal, less impervious coverage, adherence to Placer County roadway standards, less parking, and more open space. All alternatives also propose 95% site grading. Does this even meet TRPA code?

Alternative C also describes a kayak/bicycle concession. Does this concession even exist on this site currently? Is this a viable summer time operation for the public who frequents Sandy Beach rec area? Alternative C proposes shared day use parking in the commercial building parking lot. This is a good feature of Alternative C as there is very little available parking for this beach and it is very crowded on summer weekends. How would the public know that parking for the beach is available on the project site? Again for Alternative C how were the 39 units derived?

A less dense and less massive alternative (E) should be analyzed as part of the environmental review process in accordance with State CEQA guidelines section 15126.8 (C). This alternative should look at reducing the size of the units and providing more open space and trees.

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Land use

The EIR evaluation of land use impacts fails to address the impacts as part of the adjoining uses all which are less dense than this existing project proposes. The Community Plan never envisioned expansion on this site of over 500 daily vehicle trips or of adding 300 persons to this site. The community plan envisioned the same number of tourist accommodation units to remain in Tahoe Vista with some transfers in and some transfers out. The character of the neighborhood although tourist serving would change by the addition of the massive and tall buildings on such a small site in comparison to surrounding uses.

BB-20

Additionally, timeshare residential is a special use in the community plan thus requiring that special use findings are required by TRPA to be analyzed as part of project approvals. I do not see where the EIR evaluator discusses these findings in this document.

BB-21

Mitigation of closure of sandy beach campground- loss of recreation- The mitigation suggested is to pay the NTPUD a fee for potential relocation for future campground facilities yet there is no current project proposed to provide campgrounds as part of the NTPUD master plan and any such project would require its own environmental document. This may never ever occur as the NTPUD is currently operating at a recreation budget deficit. Does it not make more sense to allow this money to go into the NTPUD general recreation fund to enhance their existing recreational opportunities for the Tahoe Vista Community?

BB-22

If a campground is never constructed by the NTPUD where is the money to be used? Is there a time period before the money can be used for other purposes? In other words a campground operated by the NTPUD may just be a pipe dream and very unrealistic. The money could be put to a better use and should be.

Mitigation measures for land use also include payment of a fee for recreation unless 1.29 acres of on-site recreation is provided. Again, where does the fee collected by the County go and how does this benefit the Tahoe Vista Community? The project proponent should provide on-site recreation if they are increasing density by 300 people. The impacts of an increased population on this site to the NTPUD Park and Sandy beach should be more extensively evaluated.

BB-23

Attachment A

Fractional Share (timeshare) units and Condos for size comparison.

The Ridge Resorts, South Lake Tahoe

http://www.ridgetahoeresort.com/ridge_naegle.html

1450sqft. 2 bedrooms

Tonopalo, Tahoe Vista - (Most of the Community is unhappy with this development)

<http://www.storiedplaces-laketahoe.com/pdfs/Home3.pdf>

2,215 sq ft 3 bedrooms

<http://www.storiedplaces-laketahoe.com/pdfs/Home6.pdf>

1947 sq ft 3 bedrooms

http://www.storiedplaces-laketahoe.com/pdfs/floorplan4_c.pdf

1647 sq ft 3 bedrooms

Marriott Grand Residences, South Lake Tahoe

http://www.grandresidenceclub.com/en-us/tahoe/property_floor_index.jsp

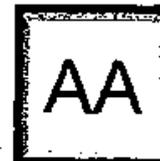
1,341 sqft 2 bedrooms

Brockway Springs Condos, Brockway (Kings Beach)

1325 sqft 3 bedrooms (currently on the market)

Kingswood Village Condos Kings Beach

1422 sqft 2 bedroom , 1566 sqft 3 bedrooms (currently on the market)



From: Janet Juttie
To: advances@trpa.org; Maywan Kracht
Subject: Tahoe Vista Redevelopment
Date: Saturday, March 08, 2008 3:56:56 PM

Greetings,

My husband and I bought the Rustic Cottages in Tahoe Vista in 1996, then the "Tahoe de Casa" property, at the west end of Tahoe Vista, in 2002. Both were "distressed" properties when we bought them, but with a little vision and hard work we've been able to build a successful business in this small town. We were attracted to these properties because of their age (built in 1925 and 1945 respectively), because they are two of the few remaining cottage resorts left at Lake Tahoe, and because of their location on the quiet side of Lake Tahoe. They are now places where people can come to experience Lake Tahoe in a relaxed atmosphere with an "Old Tahoe" ambience in relative peace and quiet.

I'd like to think that what we've done with our resorts over the years has helped the community—through the additional TOT we've collected, though the improvements we've made to our properties, and by attracting more tourist dollars to the North Shore. There are certainly easier ways to earn a living—but it's worth the hard work, knowing that we've been able to build our business significantly without impacting the community in a negative way.

So what does the future hold for Tahoe Vista? Why is Tahoe Vista in the crosshairs of so many developers lately? I'm all for some redevelopment—but why such high density in so many proposed projects? I don't understand why it would even be considered. I do not want to pass judgment on anyone—and most certainly not on anyone I don't know personally—but it sure looks like there is a small contingent that wants to take advantage of the fact that the Community Plan hasn't been updated yet. I'd like to think that we all have the best interest of our community at heart. Unfortunately, appearances contradict that hope.

We are very fortunate to live and work in one of the few small towns left at Lake Tahoe. We can make Tahoe Vista better—we just need a shared vision for our future. Once we go down the road of high-density, over-built

AA-1

developments, there is no turning back. The chance for small and tasteful will be gone forever—and our legacy to future generations will be lots of people (and their cars) crammed into a small area. It doesn't make sense to make such drastic, overwhelming changes to this small community—especially in such a short amount of time. It would be in everyone's best interest to put together a plan that will keep the small-town ambiance of Tahoe Vista, and then proceed with any plans for redevelopment very carefully. Let's not ruin this quiet little town forever.

AA-1
Cont'd

Janet Tuttle
Rustic Cottage Resorts, LLC



From: Lana Tipton
To: Placer County Environmental Coordination Services
Subject: Tahoe Vista
Date: Tuesday, February 26, 2008 9:54:09 PM

Hello, my name is Lana Tipton and I'm a long time homeowner (over 30 years) in Tahoe Vista.

My husband Don and I bought here for the quiet, small town environment. Over the past several years we have faced issues with our own property so another resident could have a larger home by disrupting our street. This has been an emotional process and ultimately we found Indian artifacts stopping the project for awhile.

This said, we want to keep our small town, small. We don't like the South Shore and have been following the proposed Kings Beach development explosion. Tahoe City is not to our liking either-too much traffic and too many people year round.

Tahoe Vista has always been a sleepy little bedroom community spattered with small hotels/motels and a few nice restaurants. Tonopalo is an abomination and should never have been built in Tahoe Vista. It is an eyesore and does not look like the rest of the community.

I hope you will take in consideration, the full time residents do want to maintain the small town quality and don't want large timeshare type developments.

Lana and Don Tipton
PO Box 517
Tahoe Vista, Ca 96148

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|---|---------------|
| 4. aistent with" Community Plan, which the proposed development is not. This type and scale of project was never conceived or discussed in the Community plan process. | I-3
Cont'd |
| 5. There is insufficient snow storage on site. The current winter storms have demonstrated the lack of available local sites for excess snow storage. The proposed on site capacity is certainly not based on a normal winter snowfall. The snow would have to be hauled off the site which imposes burdens on the surrounding area to absorb this impact. Snow is often hauled long distances and/or dumped in "any expedient" location. The DEIR does not identify these impacts. | I-4 |
| 6. The Traffic section calculates the incremental increase in VTB (299) during the summer use of the campground facilities, fully occupied about three months of the year. However, the proposed development as residential tourist accommodation will enable year round use for an additional nine months of 522 VTB's. The EIR only refers to summer (offset by campground VTB's) and winter traffic. This technique gives a false impression of the year round impact which would be the 522 VTB for about nine months. | I-5 |
| 7. Grandfathering in a 62% land use coverage, which was based on the campground use described in Item 5 above, does not reflect the immediate impacts on the environment and infrastructure that the proposed project will incur. The use is changing significantly and is very close to single family residences. The housing density should be reduced to approximately 30%. Typical housing density for this area of Tahoe Vista is five/acre. This project is ten/acre and is not consistent with the character of the community as required in the presently governing community plan. | I-6 |
| 8. The TRPA is currently developing a Regional Plan for the Lake Tahoe Basin. It will not be approved until 2009. Since the Tahoe Vista Community Plan will then be developed within the scope of the Regional Plan, all land use changes should be postponed until that time, including this development. | I-7 |
| 9. Under Vegetation and Noise sections there is no identified impact of increased noise levels on nearby residential neighborhoods from highway 28 due to the removal of trees. | I-8 |
| 10. The proposed removal of 85% of the existing trees, coupled with the 62% land coverage, will significantly degrade the environment by reducing air quality, reducing rainwater absorption, increasing surface runoff into Lake Tahoe, and impairing the visual beauty of the property, not in keeping with the character of Lake Tahoe. How can any amount of revegetation replace this loss? | I-9 |

PO Box 289, Tahoe Vista, California 96148-0289

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11. The transfer of TAU's should be analyzed further. If the TAU's are from motel rooms of 300 to 500 sq. ft. and are being used to build the proposed 1900 to 3000 sqft units, there are growth impacts that are not identified.

I-10

12. The Cumulative Impact section is inadequate. The payment of Air Quality Mitigation fees to TRPA and Traffic mitigation fees to Placer County does not address the accumulation of physical vehicles on the roadways or increased air pollution. Regional programs to encourage mass transit displace very few of the VTE's generated by projects targeting the demographic of the proposed project. Based on the logic of traffic impacts in the DEIR, any cumulative analysis could conclude "less than significant impact" even though several thousand additional vehicles occupy existing roadways. The methodology is inadequate to assess true cumulative impacts because it still looks at individual projects first making a judgment of their impacts. Then that judgment of level of significance is applied in relation to the general area. Traffic generated by all projects needs to be added together first to produce a physical incremental vehicle count. Only then can the true impact be judged as to its significance.

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13. The currently proposed Community Enhancement Projects in Kings Beach will also add to traffic and infrastructure demands which must also be included for a comprehensive cumulative impact.

I-12

14. There are several major developments within one-square mile of Tahoe Vista: 1) Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership Development, 2) North Tahoe Marina expansion (more than doubling in size), 3) Tahoe Sands Time Share expansion (doubling in size), 4) the adjoining Vista Village Affordable Housing Development, last proposed at 72 rental apartments, and 5) the Tahoe Vista Recreation Area parking lot. In addition, there are several smaller projects along Route 28, and the proposed expansion of the North Tahoe Regional Park. These will effectively double the population in that area.

I-13

15. The selection of Alternatives is biased in favor of full development of the parcel and is therefore inadequate. Alternative B reduces the number of units but increases the interior space of the units to an admitted difference of only 600 sq.ft. Therefore, there really is no alternative presented that reduces impacts significantly from Alternative A.

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For the above reasons, the North Tahoe Citizen Action Alliance believes that the Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership Development Draft EA/EIR is substantially inadequate in current facts, and the scope and depth of impacts on the Tahoe Vista and

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surrounding community. Action must be taken to mitigate these adverse impacts in a physical, not financial, way.

I-15
Cont'd

Sincerely,
NORTH TAHOE CITIZEN ACTION ALLIANCE

Gerald J Wotel, President

Dave McClure, Vice President

PO Box 289, Tahoe Vista, California 96148-0289



Feb. 21. 2008 2:07PM

No. 0798 P. 1/1

NORTH TAHOE FIRE PROTECTION DISTRICT

DUANE WHITELAW, CI

P.O. Box 8879
300 North Lake Boulevard
Tahoe City, CA 96145
(530) 583-8930
Fax: (530) 583-8909



February 20, 2008

Subject: Sandy Beach Project,
Interval Ownership Resort
6873 North Lake Blvd.
Tahoe Vista, Placer County
APN 117-071-029

EIR Corrections

Ms. Stacy Wyden
Placer County Planning Department
545 West Lake Blvd.
Tahoe City, CA 96145

Dear Ms. Wyden:

The North Tahoe Fire Protection District, has reviewed the Draft Environmental Assessment/Environmental Impact Report for the above referenced project. Corrections and noted requirements need to be added to the document.

1. Fire Apparatus Access Road - As identified in the NTFPD Project Review letter dated July 6, 2007, this project is required to have either a looped fire apparatus access road or an emergency fire apparatus access road to Topon Road. None of the alternatives presented meet this requirement.
2. Impact 17.A-3 - On page 17-8, impact 17.A-3 shall be updated to reflect that the project site is located in a "Very High Fire Severity Zone".
3. Forest Fuel Modification - This project shall meet the fuels modification standards as identified in the California Public Resource Code 4291.

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F-2
F-3

For communication pertaining to the fire requirements for this project, contact Steven D. Hook, Fire Protection Technician at (530) 583-8930.

DUANE WHITELAW
Fire Chief

Steven D. Hook
Fire Prevention Technician
Division Fire and Life Safety

Co. Alan Beach, Placer County CDRA
File

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Fund to Reduce VMT) and 14.A-1b (Contribute to Placer County Road Network Traffic Limitation Zone and Traffic Fee Program) as identified in Chapter 14, "Traffic, Parking and Circulation."

Please also see Common Response 4, "Adequacy of Payment of Mitigation Fees as Mitigation," regarding use of mitigation fees.

NTDW -Response to Sandy Beach

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February 18, 2007

North Tahoe Development Watch
P. O. Box 429
Tahoe Vista, California 96148

Maywan Krach
Placer County Community Development
Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603
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Theresa Avance
Environmental Review Services
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449
E-mail: tavance@trpa.org

Re: Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership
Development Draft EAEIR

Dear Ms. Krach:

We respectfully submit these comments to help ensure that agency decision-makers fully comply with the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321 et seq., with respect to the proposed Project.

NTDW is an organization whose mission is to influence well planned development through managed growth that maintains a healthy, vital, community embracing our social, scenic, recreation and community values. Our purpose is to support redevelopment of our blighted areas and protection of our natural resources, while addressing our infrastructure needs and balancing economic development with responsible growth.

We believe a comprehensive community master plan should be created inclusive of

- > Carrying capacities
- > Social impacts
- > Cumulative impacts
- > Redevelopment of existing blighted areas
- > Revitalization of substandard development
- > Identified infrastructure deficiencies and planned improvement

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A comprehensive public process for the future should include responsible planning, good design with review and mitigation of cumulative impacts, education and buy in from communities along with a stakeholders committee made up of citizen's, property owners, business owners, project proponents, and representatives from public utilities districts, recreation, fire, and police.

NTDW is deeply concerned about the environmental impacts the proposed Project may have on Tahoe Vista as well as the far-reaching environmental impacts of this Project together with the myriad of other projects. Like all concerned members of the public, NTDW relies heavily on the Environmental document required by CEQA and NEPA for an honest evaluation of the environmental impacts that would result from implementation of the proposed Project and other development in the region. The Environmental Impact Report for this proposal should be of the highest quality, giving both decision-makers and the public a full opportunity to understand and analyze the environmental effects of, and alternatives to, the Project. Unfortunately, after carefully reviewing the "Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership Development Draft EA/EIR", we have concluded that it fails in numerous respects to comply with the requirements of CEQA and NEPA. As described below, the DE/EIR violates CEQA and NEPA because: (a) it fails to analyze the significant environmental impacts of the Project and propose adequate mitigation measures to address those impacts, and (b) fails to undertake a legally sufficient study of alternatives to the Project. NTDW strongly supports the County's efforts to promote affordable housing and revitalization in the Lake Tahoe region. However, the development of this housing cannot and should not proceed at the expense of the environment.

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). Likewise, NEPA requires that federal agencies "consider every significant aspect of the environmental impact of a proposed action . . . [and] inform the public that [they have] indeed considered environmental concerns in its decision-making process." *Earth Island Institute v. U.S. Forest Service*, 351 F.3d 1291, 1300 (9th Cir. 2003) (citations omitted).

Where, as here, the environmental review document fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of their actions, it does not satisfy the basic goals of either statute. See Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information

J-2
Cont'd

EDAW

Comments and Responses to
Comments on the Draft EA/EIR

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Tahoe Vista Partners, LLC Affordable Housing and Interval
Ownership Development Final EA/EIR
Placer County and TRPA

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about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”); 40 C.F.R. § 1500.1(b) (“NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.”).

As a result of the Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership Development Draft EA/EIR numerous and serious inadequacies, there can be no meaningful public review of the Project. Placer County must revise and recirculate the document as a revised DEA/DEIR in order to permit an adequate understanding of the environmental issues at stake.

J-2
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In addition to these serious deficiencies in the DEA/DEIR, it is our opinion that the County and TRPA should delay consideration of the proposed project until such time as the County has completed an updated Community Plan for Tahoe Vista, linked to the Pathways Regional Master Plan. Given the amount of development pressure in the Tahoe Vista, Kings Beach and North Shore areas, such a master planning process would allow the County to adequately plan for future land use development while, at the same time, protecting the exceptional and spectacular natural resources of Lake Tahoe.

I. THE DEA/DEIR FAILS TO COMPLY WITH CEQA AND NEPA.

a. The DEA/DEIR Fails to Adequately Analyze and Mitigate the Project's Environmental Impacts.

As discussed above, the role of an EIR is to inform the public and decision-makers of the environmental effects of their decisions before they are made. To do this, an EIR must be detailed and complete, and reflect a good-faith effort at full disclosure. The document should provide a sufficient degree of analysis to inform the public about the proposed project's adverse environmental impacts and to allow decision-makers to make intelligent judgments. See CEQA Guidelines § 15151. Any conclusion regarding the significance of an environmental impact not based on analysis of the relevant facts fails to achieve CEQA's informational goal. As set forth below, the DEA/DEIR is riddled with conclusory statements regarding environmental impacts, unsupported by facts and analysis.

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1. The DEA/DEIR Fails to Adequately Analyze the Project's Impact on Community Character.

The DEA/DEIR evaluation of land use impacts fails to address impacts to the existing residential community adjacent to the proposed Project site. A neighborhood consisting of 32 homes is located immediately North of the Project site with neighboring backyards abutting the project area. These neighborhoods have experienced the impacts of the existing use; noise, smoky campgrounds,

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etc. and will certainly be impacted by more development on this site. The proposed Project would replace undeveloped land with 65 units of housing, 10 affordable and 45 fraction-share ownership.

Rather than analyze how these buildings and density might impact the existing community, the DEA/DEIR concludes, absent any evidence or analysis that the Project would not impact the community because the land uses in the area are mixed residential, tourist, and recreation. We disagree; by any land use-planning standard, increasing density and year round use in a low-density summertime use area constitutes an abrupt land use transition. Moreover, because the Project is contemplated in a setting such as Lake Tahoe, the potential impacts become more significant. "An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area." CEQA Guidelines § 15064(b).

J-3
Cont'd

Had the DEA/DEIR actually conducted an adequate analysis, it would have discovered that the proposed Project would significantly affect the character of the existing community. Perhaps the most compelling evidence of this Project's incompatibility with the surrounding area comes from a review of the Tahoe Vista Community Plan itself. Indeed, the Community Plan simply never contemplated a use as intense as the proposed project at this location.

The Tahoe Vista Community Plan's vision encouraged the expansion of overnight camping facilities in Special Area #2, not the removal. The suggested mitigation of relocating the campsites to the North Tahoe Regional Park or Firestone Property is undetermined. The Tahoe Vista Community Plan also noted that Tahoe Vista area was at 75 percent build out (based on existing development in 1996, the age of the TVCP). The North Tahoe Community Plan EIR/EIS states:

The major conclusion of the TVCP is that Tahoe Vista should continue as a regional tourist and recreation center with some industrial and commercial uses. An emphasis of the plan will be on redevelopment of existing facilities, to upgrade the appearance of the area, along with environmental improvements. The existing land use patterns are expected to remain essentially the same, although incrementally improved through redevelopment. The plan targets and addition of 7,500 sq ft of new commercial development.

J-4

*All 7500 sq ft of commercial floor area has been used and no CFA is currently available in Tahoe Vista.

Additionally, the North Tahoe Community Plan EIR/EIS states

J-5

A. Significant Impacts

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1. Significant impacts would occur from additional land use that may result in significant environmental impacts. Proportionate increase in traffic, parking demand, congestion, hazards to pedestrian safety, impacts to scenic values, noise degradation, and air quality degradation.
2. Because of historic land use conflicts and current economic trends, there is the potential to permit land uses that conflict with the Vision of the Plan.

J-5
Cont'd

The traffic from the Project would certainly not be compatible with existing uses, as it would increase current land use from a Summer Season use application expanding to year-round use. The Tahoe Vista Community Plan and the North Tahoe Community Plan EIR/EIS did not project this type of increased use in their analysis.

J-6

Construction of the Project, in and of itself, would dramatically impact the character of the residential neighborhoods to the North of the project site. If approved, the local community would have to endure two to three consecutive phases of construction activities including earthmoving, grading, and excavation, delivery of construction materials, each of which is estimated to take months to complete. Given the proximity to existing residential uses, the construction-related traffic, noise and particulate air pollution from this type of sustained construction activity would, in no way, be compatible with existing uses.

J-7

In sum, the proposed Project is not in harmony with the site or its surroundings; is not compatible with other properties in the neighborhood; would have a detrimental impact on nearby residential and commercial property, particularly in its mass and scale and traffic; and is, quite simply, inconsistent with the community's vision for this location. Had the DE/DEIR accurately analyzed the Project's land use impacts, it would also have recognized the need to identify mitigation and/or alternatives capable of minimizing these impacts. The DE/DEIR should be revised to provide this analysis.

J-8

2. The DE/DEIR Analysis of and Mitigation for the Project's Transportation Impacts are Inadequate.
 - a. The DE/DEIR Inappropriately Focuses Only on Dry Roadway Conditions.

J-9

One of the DE/DEIR most glaring deficiencies is its failure to adequately disclose, analyze and mitigate traffic and circulation impacts on the affected local community. The DE/DEIR purported analysis is crippled in large part because of the document's failure to analyze traffic from the proposed Project during snowy and icy conditions. Of critical concern is the Project's impact on Highway

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28. Hwy. 28 is the primary route along the north shore of Lake Tahoe. Clearly, the characteristics and operations of these roadways change considerably during snowy and icy conditions, when snowfall causes the roadways' travel lanes to become narrow and far slicker. Roadways become more treacherous as visibility diminishes from falling snow, snow built up, and vehicles lose traction from ice. Highway 28's three lanes are reduced to two and passing becomes impossible. All of these factors can often result in a slowing of traffic as well as a marked increase in the potential for accidents. Additionally, in the winter Cal-Trans is transporting snow collected throughout the North Shore from the center barge on Highway 28 into Tahoe Vista, up National Avenue and dumps it at the North Tahoe Regional Park. Given the changed operational characteristics during snowy and icy conditions, one would expect the DE/DEIR to have carefully analyzed impacts of the Project's traffic on these roadways during wintertime. The failure to provide this analysis is a critical oversight, which warrants revision and recirculation of the document.

J-9
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b. The DE/DEIR Fails to Adequately Analyze Impact to local highway, streets and intersections.

Although the Project would greatly impact the surrounding community by adding between 299 (summer) - 522 (winter) new daily trips the DE/DEIR all but ignores impacts to existing residents and businesses because it relies exclusively on a level of service ("LOS") methodology for its analysis of traffic impacts. The LOS quantitative analysis of traffic impacts is essential, but it is a means to an end. The purpose of such an analysis is to understand what is going to happen to intersections and traffic flow in the area if the Project is built. In this instance, the LOS analysis does not depict the change in potential traffic hazards or quality of life that residents would experience with the increase in traffic from the proposed Project. CEQA requires such an analysis. The CEQA Guidelines state that a project would have a significant impact on traffic, parking and circulation if it causes an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system. CEQA Guidelines, Appendix G. It is all the more disturbing that the DE/DEIR does not evaluate impacts to the local circulation system since the environmental document itself relies on this criterion as a standard of significance.

J-10

In comparison to the existing number of vehicles utilizing Highway 28 the increase in traffic from the Project would be substantial, yet the DEIR inappropriately ignores this impact. The DE/DEIR failure to identify these impacts as "significant" within the meaning of CEQA has serious consequences. By failing to acknowledge this increase in traffic as a significant impact, the DE/DEIR attempts to avoid its obligation to develop mitigation measures or alternatives to address the traffic's impact on the surrounding community and flow through traffic. The EIR only analyzed peak summer trips and not winter trips and since the campground was only open in summer made a conclusion that they did not have to mitigate the other 200 trips created by making this

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project a year round use. Additionally the EIR only proposes to pay a mitigation fee on the 299 added number of Summer trips disregarding the 622 added winter trips, all but ignoring this additional impact, therefore an inadequate and flawed analysis. The revised DEA/DEIR must analyze traffic impacts. Such an analysis would include a detailed description of the roadways' current operational characteristics taking into account the roadway widths, curves, and grades, any areas with limited sight distance, pavement condition, parking, all as related to Winter and Summer use.

The DEA/DEIR also fails at the essential task of analyzing the increase in impacts and potential hazards to the commercial uses located on National Avenue. The intersection of National Avenue and Highway 28 is located only a .5 of a mile from the project site. The intersection provides the only access to about 120 homes and over 20 businesses, including the U.S. Post Office, the North Tahoe Public Utility District, the North Tahoe Regional Park, the North Tahoe Hebrew Community Center, Leon's Trucking, B&G Excavation, Tahoe Vista Preschool, Karen's Playkool, Placer County Animal Control, North Tahoe Storage, Sierra Pacific Electric, Charter Cable, and the North Tahoe Public Utility District Administrative Offices and Maintenance Yard, many of which would be frequented by the patrons of the proposed project.

J-10
Cont'd

c. The DEA/DEIR Fails to Provide An Adequate Analysis of the Proposed Project's Construction-Related Traffic Impacts.

The DEA/DEIR provides no evidentiary support that the Project would not result in significant construction related traffic impacts. Project construction would occur in two to three consecutive phases. Based on this scenario, area roadways would be impacted by construction vehicles and equipment for several seasons. The slow movements and larger turning radii of construction trucks reduce road capacity. Construction-related truck and vehicular traffic typically coincide with peak period roadway traffic, again impacting roadways. In short, construction of this project would tremendously impact existing residents, businesses and highway traffic flow, yet this issue remains unanalyzed in the DEA/DEIR.

J-11

The DEA/DEIR must prepare a Traffic Control Plan as mitigation for the Project's construction impacts. It is wholly inappropriate to delay critical details associated with construction traffic until after project approval. See *Gentry v. City of Muncie* (1995) 36 Cal. App. 4th 1359, 1396 (rejecting mitigation measures allowing project applicant to comply with report and measures regarding the Stephens' kangaroo rat developed after project approval). Critical details such as truck haul routes, truck turning movements, traffic control signage, restrictions on hours of hauling activities, locations of staging areas and traffic control measures must be identified in this document. The revised DEA/DEIR must provide this information.

d. The DEIR Fails to Adequately Analyze the Project's Cumulative Traffic Impacts.

CEQA requires lead agencies to consider cumulative impacts, or the incremental effects of the proposed project viewed together with the effects of past, current, and probable future projects. Pub. Res. Code § 21083(b); Guidelines § 15130(a)-(b). An EIR will be invalidated if it fails to provide sufficient information concerning the cumulative impacts of the project under review. See, e.g., *Los Angeles Unified Sch. Dist. v. City of Los Angeles*, 58 Cal.App.4th 1019, 1025-28 (1997) (EIR inadequate for failure to consider all reasonably foreseeable consequences of project); *San Joaquin Raptor*, 27 Cal.App.4th at 738-39 (EIR inadequate for failure to list and consider effects of project along with other development projects under consideration in vicinity); *Kings County*, 221 Cal.App.3d at 718 (EIR inadequate for failure to consider and provide reasonable analysis of relevant cumulative impacts of similar projects in vicinity).

The courts have repeatedly emphasized the importance of the cumulative impacts analysis. See, e.g., *Bozung v. Local Agency Formation Commission*, 13 Cal.3d 263, 283 (1975). A legally adequate "cumulative impacts analysis" views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." CEQA Guidelines § 15355(b).

J-12

Here, the DEIR/DEIR cumulative analysis of study area intersections misses the mark entirely because it never actually analyzes the traffic impacts caused by other land use projects in the area. Instead of estimating the trip generation and trip distribution for the projects identified in Table 18-1, the DEIR/DEIR simply applies a growth rate of one (1) percent per year to estimate peak hour traffic volumes. The DEIR fails to provide any explanation as to why it does not actually analyze the traffic impacts of these projects. An adequate cumulative traffic analysis would have identified the trip making characteristics of each of the projects identified in Table 18-1, distributed the trips across the roadway and intersection network and actually analyzed how these roadways and intersections would operate under cumulative conditions.

Moreover, the DEIR/DEIR list of related projects omitted several projects, including the following:

Past Projects

- 23 Single Family Homes greater than 3000 sq ft permitted from 2008-2008
- Perennial Nursery and Commercial Office Complex Expansion
- Turner Toyon Road Town home Duplex (1 of 2 duplexes on Toyon Rd)

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- Duplex- another builder for a total of six new residences on previously vacant land

Future Projects

- All Community Enhancements Projects proposed for the Kings Beach area

The revised DEA/DEIR traffic analysis should analyze the traffic from the Past, present and future projects identified inclusive of the above listed projects. Moreover, the revised document must expand its study area beyond the intersection of Hwy. 28/Hwy 267. The interdependence of these neighboring communities are connected due to only one highway access, Highway 28.

3. The DEA/DEIR Fails to Adequately Analyze the Project's Hydrological Impacts.

a. The DEA/DEIR Fails to Adequately Analyze Impacts of Surface Water Runoff.

The Project site is located within the Lake Tahoe Hydrologic Unit of the Lahontan Basin and Lake Tahoe is the receiving body of water for runoff from the site. As stated in the Regional Water Quality Control Board ("RWQCB") Plan for the Lahontan Region ("Basin Plan"): Development of the watershed has greatly accelerated natural erosion rates and increased nutrient loading in storm water. Disturbance of soils and vegetation...has reduced the natural treatment capacity for nutrients in storm water. Impervious surfaces collect pollutants from vehicles and atmospheric sources and discharge them in storm water. Infiltration of precipitation is greatly reduced; surface runoff dramatically increases, and downstream silt and gully erosion are increased. Water quality thresholds applicable to the Project related to storm water runoff quality for both surface and groundwater are currently in non-attainment. Only one of the seven water quality thresholds are considered to be in attainment and the overall conclusion is that water quality protection actions in the Basin need to be intensified.

Despite this assessment, the DEA/DEIR bases its analysis of water quality impacts on preliminary, unverified data and relies on Best Management Practices ("BMPs") of questionable efficacy to mitigate potential impacts. The Project would increase the amount of impervious surfaces on the site and therefore has the potential to increase surface water runoff from the site. The DEA/DEIR, relying on the potential implementation of BMPs to reduce runoff and contaminants in runoff, concludes that the Project would have a less than significant impact on water quality. However, the document lacks the evidentiary support to conclude that BMPs would effectively protect water quality.

J-12
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J-13

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The DEA/DEIR does not adequately analyze the increased surface runoff due to the concentrated flows caused by paving and winter use verses current conditions with no winter use. The DEA/DEIR should also analyze the benefits of treating for the 100 year storm instead of a 20 year storm.

The BMPs proposed for the Project include construction of detention basins that are intended to detain water for a period of time to allow for sediment removal before the runoff water is infiltrated into the ground. According to Planning Guidance (2001) provided by the Lahontan RWQCB, soil percolation rates are the principle consideration when planning infiltration basins because the effective removal of dissolved constituents is highly dependent on soil type.

Despite the importance of site-specific soil information in analyzing the effectiveness of the proposed detention/infiltration facilities, the DEA/DEIR inappropriately defers soil and percolation tests to a later date. The consulting engineers to the Project applicant point out that this information is not yet known. Indeed, the applicant has not verified "the actual available area to locate a detention basin" and has not verified "the soil permeability in the areas designated for infiltration." Deferring the evaluation of site-specific soil studies until after Project approval is impermissible under CEQA. In *Sundstrom v. Mendocino County*, 202 Cal.App.3d 298 (1988), Mendocino County attempted to satisfy CEQA by approving a project subject to conditions requiring the applicant to prepare two hydrology studies for planning staff review and to adopt mitigation measures recommended in those studies. The court rejected this approach because by requiring that the applicant prepare the hydrology studies, the county improperly delegated its legal responsibility to assess a project's environmental impact. *Id.* at 307. The court emphasized that CEQA requires the lead agency itself prepare or contract for the preparation of impact assessments (citing CEQA § 21082.1), that such assessments reflect an agency's "independent judgment," and finally, that the Board of Supervisors, not County planning staff, be responsible for reviewing and certifying the assessment. *Id.*

The fundamental concern underlying *Sundstrom* was that even if the required conditions of project approval had been adequate, the need for post-approval studies demonstrated the inadequacy of the County's environmental review prior to project approval. *Id.* Similarly here, the fact that the DEIR calls for deferring soil and percolation tests until after Project approval highlights the substantive inadequacies of the DEIR. Given the Project site's proximity to Lake Tahoe and the importance of protecting water quality downstream from the Project site, and the fact that the project relies on BMPs to reduce impacts to water quality, this information is integral to the environmental analysis and cannot be deferred to a future date.

There is potential for a sewer spill in the event of a wastewater conveyance system pump failure. The DEA/DEIR lacks any evidentiary support to conclude that such a pump failure would not occur. Therefore the revised

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DEA/DEIR must analyze the magnitude of such a sewer spill and evaluate its potential impact on water quality.

J-14
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b. The DEA/DEIR Fails to Take into Account the Effects of Climate Change on Storm water Storage Needs.

There is increasing evidence of climate change that is expected to change precipitation and other local climate conditions. Although the precise consequences of climate change are not known, there is likely to be an overall trend toward more intense storm events, higher temperatures and a higher percentage of rain versus snow that will result in fewer days of below-freezing temperatures and less snow pack coverage. See U.S.

EPA, *Climate Change and California*, September 1997; CA EPA, *California Climate Action Team Report*, March 2006 and LTEEC *Lake Tahoe Report #08, How Will Climate Change Affect the Sierra?* December 2004. The potential combination of these trends, which would affect permeability and increase the amount of runoff, would produce conditions that would result in even larger storm water runoff storage needs than proposed by the Project. This would in turn implicate the design of the proposed Projects' storm water runoff facilities, which could leave the area susceptible to overflow of the facilities and flooding that could lead to contamination of receiving waters. The revised DEA/DEIR's hydrological analysis should take climate change into account.

J-15

c. The DEA/DEIR Lacks Evidence To Support Its Conclusion that Mitigation Would Reduce Water Quality Impacts to Less-Than Significant Levels.

The DEA/DEIR relies on the implementation of BMPs to conclude that water quality impacts from the proposed Project would not adversely impact Lake Tahoe. What the document fails to acknowledge, however is that sediment removal efficiencies can vary greatly with the type of structural BMP implemented. Many BMPs installed as standard measures are only somewhat effective for removal of fine particles and dissolved nutrients, such as phosphorus and nitrogen – two constituents that are particular culprits in effecting water quality in Lake Tahoe. (See Planning Guidance, 2001 Chapter 10 at 10-2). Moreover, the DEA/DEIR does not provide specific information about construction-related BMPs to determine whether they would be adequate to protect water quality. For example, one of the measures states, "temporary erosion control facilities shall be installed to prevent the transport of earthen materials and other waste off the property." The DEA/DEIR provides no information on the number, type, and location of the facilities to be installed. Without this information, it is virtually impossible for decision-makers to assess whether these BMPs will be effective and to what extent they may reduce impacts. To conclude as the DEA/DEIR does, that an impact is less than significant, substantial evidence must demonstrate that mitigation measures will reduce an impact to a less-than-significant level. Substantial evidence consists of

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"facts, a reasonable presumption predicated on fact, or expert opinion supported by fact," not "argument, speculation, unsubstantiated opinion or narrative." Pub. Res. Code § 21080(a)(1)-(2). Because the DE/DEIR' conclusion of insignificance is premised on unsupported assumptions, it falls far short of this threshold.

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In addition, pre-grading prior to construction would leave the site vulnerable to sedimentation and erosion. Impacts related to site clearance and soil erosion could be mitigated by restricting site grading to individual phases.

J-17

d. The DE/DEIR Fails to Adequately Analyze Cumulative Hydrology and Water Quality Impacts.

The DE/DEIR fails to actually analyze the effect of the Tahoe Vista Project together with related projects on water quality. Here too, the document dismisses its obligation to do so claiming that these related projects must comply with applicable water quality regulations and implement water quality protection measures "that reduce project-related effects on water quality to less-than-significant levels." Merely requiring compliance with agency regulations does not conclusively indicate that a proposed project would not have a significant and adverse impact. In *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 716 (1990), for example, the court found that the fact that the EPA and the local air pollution control district had issued the necessary air emission permits for the construction of a coal fired cogeneration plant did not nullify the CEQA requirement that the lead agency analyze the significant air quality impacts of the entire project. Moreover, as the *Kings County* case also confirms, an EIR must include objective measurements of a cumulative impact when such data are available or can be produced by further study and are necessary to ensure disclosure of the impact. See *Kings County*, 221 Cal.App.3d at 729. Despite this mandate, the *Vista Village* DE/DEIR makes no specific attempt to measure how the development of related projects would impact water quality. While an individual project may not result in discharges of pollutants at levels that would violate water quality objectives or substantially degrade the quality of receiving waters. However, if the degraded runoff from the proposed Project is added to degraded runoff from other projects in the watershed, substantial water quality degradation could occur. The DE/DEIR certainly could have identified the increase in impervious surfaces and the increase in surface water runoff from these projects and analyzed how these factors could contribute to water quality impacts. The revised DE/DEIR must undertake this analysis and identify feasible mitigation measures to address these impacts.

J-18

4. The DE/DEIR' Analysis of Impacts to Biological Resources is Inadequate.

a. The DE/DEIR Relies on Inadequate Special Status Plant Surveys.

J-19

The DE/DEIR fails to ensure that special status plant species would not be impacted by construction of the Project because its analysis is based on insufficient botanical surveys. Although the document concludes that the Project site does not support any uncommon plant communities or sensitive plant species, it fails to support this conclusion with substantial evidence. Surveys must be conducted during the blooming period for Special status plant species such as the Carson Range rock cress, a California Native Plant Society (CNPS) List 1B species¹, which blooms in August. Surveys conducted outside of blooming periods will be undetected. There are seven sensitive plant species as identified in the North Tahoe Community Plan EIR/EIS:

- Sierra Sedge
- Tahoe Draba
- Cuplake Draba
- Toney's Buckwheat
- Long-petaled Lewisia
- Tahoe Yellow Cress
- Hidden-petaled Campion
- Tahoe Barbary

Disturbances and impacts as stated in the North Tahoe Community Plan EIR/EIS are as follows:

- Compaction of Surface Soil – degrades soil structure; impairs nutrient leaching; destroys nitrogen-fixing bacteria
- Clearing of Surface Vegetation – eliminates habitat; reduces or eliminates plant functions; increases runoff.
- Grading – Releases nutrients; changes runoff patterns; destroys surface features.
- Impervious Surfacing – Stops nutrient infiltration to soil; increases surface runoff; reduces groundwater recharge
- Noise – Alters wildlife habitat usage; impairs normal behavior
- Motion – Alters wildlife habitat usage
- Climatic Conditions – Species may not adjust to human-induced changes
- Insect and Disease Control Introduced Species – May affect ecosystem in unpredictable ways; non-native vegetation may outcompete natives and not provide wildlife habitat; non-native animals may displace natives through competition and predation.

These significant impacts are clearly notable in the proposed project. As stated in the DE/DEIR 95% of the site will be graded. Sixty Nine percent (69%) of all the trees that have been on this site will be removed. This includes over 50% of the trees currently on the site now.

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The revised DEA/DEIR should rely on appropriate survey protocols and survey for stated species during appropriate blooming periods. DEA/DEIR should also address stated disturbances and impacts as reported in the Community Plan EIR/EIS.

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b. The DEA/DEIR Fails to Adequately Analyze Potential Impacts to Special Status Animal Species.

Based on the California Natural Diversity Data Base search conducted for an adjacent project site, sensitive biological resources likely occur on and adjacent to the Project site. Again, the Community Plan EIR/EIS identifies the Sensitive, Threatened, Endangered or Indicator Animal Species as follows:

- Cooper's Hawk
- Sharp-shinned Hawk
- Goshawk
- Grouse
- Pileated Woodpecker
- Mallard
- Osprey

Additionally the Community Plan EIR/EIS states CP areas should pay close attention to:

- Pacific Fisher
- Pine Marten
- American Badger
- Bald Eagle
- Golden Eagle
- Willow Flycatcher
- Mt. Lyell Salamander
- California red-legged frog
- Mountain yellow-legged frog
- Northwestern Pond Turtle

J-20

Two species are known to the Tahoe Vista CP area. The Goshawks and Osprey have been observed, documented nesting in the Tahoe Vista CP area. The TRPA Protection Thresholds for these Special Interest Species are as follows

Goshawk – disturbance zone 0.5 miles and influence zone 3.5 miles

Osprey – disturbance zone 0.25 miles and influence zone 0.6 miles

Additionally, as noted in a previous EIR/EIS (EDAW) for a project abutting this site certainly within the disturbance and influence zones, the white-headed woodpecker and Northern Goshawks were identified with nests on the site.

From Vista Village EIR/EIS - The white-headed woodpecker is a U.S. Fish and Wildlife Service ("USFWS") listed Federal Species of Concern. The Vista Village Draft DEIR/EIS states that the site (located next to the proposed project site, Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership Development) contains suitable habitat for this species and that the species is not only likely to occur but also nest on the Project site. Additionally, a survey for Northern goshawks conducted in 2005 includes a bird list (presumably a list of birds the consultant witnessed while on-site) that includes the white-headed woodpecker. See Acoustical/Visual Survey for Northern Goshawks and Other Birds, Z. Smith, July 2005 at 2. The potential impacts to nesting special-status birds, raptors, and migratory birds, concedes that the Vista Village project "contains potential nesting and foraging habitat" for protected bird species, that the potential exists for these species to be present, and that the resulting impact would be potentially significant. As the Biological Resources Assessment prepared for the Project states, "many snags throughout the project site provide excellent nesting and food resources for birds of prey, woodpeckers, and insectivorous birds." North Fork 2002

The Community Plan EIR/EIS states that every effort should be made to avoid impacting the disturbance zone or urban raptors and projects in a disturbance zone must obtain the approval of the California Department of Fish and Game, Nevada Department of Wildlife and the U.S. Fish and Wildlife Service. Also stated are significant impacts as follows:

SIGNIFICANT IMPACTS

- Numerous large and small projects envisioned for this area have the potential to remove conifer habitat, impact mule deer, hawks and other animals, disturb *Rolippa* habitat, impact fish habitat, and increase non-point pollution runoff into Snow Creek and the Lake. These are potentially significant impacts
- The removal of conifers and understory habitat is significant and the extent of current vegetation should be surveyed and losses recorded and predicted
- Impact to wildlife is potentially significant. Surveys for indicator and sensitive species, especially canyon deer and goshawks, must be conducted in conifer habitat before a project is designed.

The DEIR/EIS should rely on appropriate survey protocols and survey for stated species. Development of the project could result in significant impacts to these, and possibly other sensitive species of plants and animals. The DEIR/EIS must be revised to evaluate how construction and operation of the Project would impact the white-headed woodpecker, goshawks and other sensitive species. The

J-20
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proposed mitigation for these impacts is preparation of a preconstruction survey and avoidance of trees during nesting season.

However, while these measures may avoid direct harm to nesting birds during nesting season they do nothing to mitigate for the loss of nesting and foraging habitat. The loss of this habitat is an impact that must be evaluated and mitigated appropriately.

Another sensitive species was identified on the neighboring site of the proposed Vista Village project - Special-status Bat Species:

Several bat species on the USFWS listed Federal Species of Concern have the potential to occur on site: long-eared myotis, fringed myotis, and yuma myotis. The DEIR/DEIS states these species have the potential to occur at the Project site. Specifically, the site has suitable foraging habitat and potentially suitable roosting habitat (spaces under bark and snags within woodland habitats) for the long-eared myotis. Id. Tree bark and snags on the Project site could provide roosting habitat. The removal of 1,620 trees, including a number of snags proposed for removal would impact the habitat of the bats.

c. The DEA/DEIR Fails to Adequately Analyze the Project's Cumulative Effects on Biological Resources.

The DEA/DEIR takes a cursory approach to assessing cumulative impacts related to loss of vegetation, loss of trees, and impacts on nesting special-status birds, raptors, and migratory birds. Similar to other cumulative impact analyses in the DEA/DEIR, the document does nothing more than reiterate the project-level impacts and related mitigation measures. This approach does not pass muster under CEQA.

Inexplicably, the document never actually uses its list of related projects to examine cumulative impacts to biological resources. A "revalidation plan" is necessary and must make reference to the actual conditions on the ground. However, the loss of Tahoe's diminishing forestland would not be mitigated.

Moreover, the issue at hand here is not whether the impacts of any proposed project alone comprise an impact or whether those project-related impacts are adequately mitigated. Rather, the issue is whether the loss of trees and/or habitat from all projects, together with the impacts caused by the proposed Project, would result in a cumulatively considerable impact. CEQA mandates that the public be informed of the totality of the impacts of those future projects along with the present project under consideration. The revised DEA/DEIR must therefore evaluate the potential loss of resources from all the past, present, and probable future projects in Tahoe Vista and the Placer County portion of the Tahoe Basin and identify mitigation capable of offsetting this loss.

5. The DEA/DEIR Understates the Project's Air Quality Impacts.

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J-22

The DEA/DEIR underestimates the air quality impacts of the Project because it inappropriately considers construction emissions as an impact distinct from the mobile emissions associated with long-term operation of the Project. Phasing of the Project would be generating operational emissions from mobile sources (trucks and automobiles) and on-site stationary sources, while construction activities associated with continued phases are ongoing. Pollutants from operational and construction sources would thus be emitted at the same time. The air quality impacts from a given pollutant are the same regardless of where the pollutant comes from; the document must therefore identify and analyze the increase in emissions from the entire Project and compare these emissions to the air quality thresholds.

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Segregated analysis is important as incorrectly reported data could conclude that, with mitigation, the Project's air quality impacts would be less than significant. Combining construction and operational emissions, the "mitigated" emissions would still exceed significance thresholds. Additionally, the proposal to pay a \$200,000 dollar fee to mitigate air quality impacts was calculated only from the increase in emissions from summer not inclusive of winter trips. Therefore, the DEA/DEIR conclusion that Project emissions would be mitigated to a less than significant level cannot be sustained.

8. The DEIR Fails to Adequately Analyze Impacts to Scenic Views.

Despite the Project's obvious potential to change to the visual character of the site and its surroundings, the DEA/DEIR erroneously concludes that the Project would not cause a significant visual impact. Such a conclusion is not supported by the facts presented and cannot be upheld under CEQA.

Sound principles of land use planning dictate that development be situated to protect the existing visual integrity of the area. California courts are also clear on this issue. As explained by the court in Quail Botanical Gardens Foundation, Inc. v. City of Encinitas, 29 Cal.App.4th 1507, 1808 (1994), it is "self-evident" that replacing open space with a subdivision will have an adverse effect upon "views and the beauty of the setting." Here, the DEA/DEIR ignores what is "self-evident" to conclude that the altered views would not be of consequence. Altering the scenic quality of the Project site, especially when the view is of Lake Tahoe, constitutes a significant impact. The loss of 50% of the trees, the increased height of the building to 39' foot (exceeding TRPA height standards), and the modular style of the buildings will alter the scenic quality of the project site.

J-23

The revised DEA/DEIR must include an accurate and objective analysis of these visual impacts. Such an analysis should include photo simulations or story poles to ascertain how the views would be affected. It is not until these visual impacts are adequately addressed may the DEA/DEIR identify feasible measures to preserve the integrity of the existing views.

Similarly, adjacent neighborhoods to the east and west and North of the Project site would experience significantly altered views. Views from the adjacent residences would be altered, this alteration would substantially degrade the visual character or quality of the neighborhood because views of the project complex would not be consistent with views of the surrounding residential and commercial buildings. Photographs of existing views from the adjacent neighborhoods show undeveloped, forested land. The surrounding area is best characterized as rural residential to the North and light Commercial on the East and West sides. Therefore, views experienced by residents would be forever altered from forest to partial views of mass buildings, parking lots, and roads. The DEIR must acknowledge this change in view from adjacent neighborhoods as a potentially significant impact and identify appropriate measures to mitigate this impact.

J-24

7. The DEA/DEIR Fails to Adequately Analyze the Project's Impact on Public Services and Utilities.

a. Water Supply and Water Storage

Water demand in the NTPUD has been increasing and is nearing supply capabilities. The NTPUD has indicated that additional water storage and treatment capabilities are needed to serve this increased demand from existing customers as well as those that would result from the Vista Village Project and other projects on the planning horizon. Acknowledging that this would constitute a potentially significant impact, the DEA/DEIR fails to analyze the severity and extent of this impact. The DEA/DEIR cannot merely label an impact potentially significant and move on to discuss mitigation; it must discuss the magnitude and consequences of that impact. This project proposes an additional 85,000 gallons per day. How much demand would the Tahoe Vista Projects cumulatively create? What is the extent and severity of the District's water storage and treatment capacity deficiencies? These issues must be addressed now; they are not merely project implementation issues that can be addressed after project approval. Fees are inadequate mitigation measures as the tanks to supply the increased demand are not in place.

J-25

The 1995 Community Plan EIR/EIS stated "the North Tahoe Public Utilities District water system has been developed historically in an unsystematic fashion. Many components of the system were originally private systems designed to supply minimal volume to domestic users, many in seasonal homes or campsites. In 1987 the NTPUD adopted a Master Water Plan that addressed the planned replacement or upgrading of many of these old or inadequate water lines and facilities", a plan that to date has still not been implemented. The 1995 EIR/EIS also states that Potential need for mitigation in the California portion of the Community Plan areas is tied to specific land-use decisions. Should golf

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course, RV Park, school or government office expansion be proposed, new or modified pumps are likely to be necessary to meet peak demands. A half-million gallon tank may also be required and, depending upon when these expansions would occur, additional staff may become necessary.

The Community Plan did not take into account the mass development that has occurred and is proposed; The increased density; the impacts of going from 300sf motel rooms to 1900sf to 3600sf fractional ownership and single-family dwellings. Tourist Accommodation projections of "no change in density-tourist units" allocation were proposed to be traded in and out with no net increase in density. This project alone proposes transfer in of density from other locations outside of Tahoe Vista.

The NTPUD District does not have specific plans for construction of a new water storage tank, the DEIR's mitigation measure nonetheless calls for the project proponent to provide a fair share payment to the District for this Project. Fee-based mitigation programs for public service impacts-based on fair share infrastructure contributions by individual projects have been found to be adequate mitigation measures under CEQA. *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, 87 Cal. App. 4th 99, 140 (2001). To be adequate, however, these mitigation fees must be part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing. *Id.* at 140-41. See also *Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173, 1188-89 (2005) (explaining that fee-based traffic mitigation measures have to be specific and part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the traffic impacts at issue). Here, in direct contrast to CEQA's clear requirements, the DEA/DEIR' proposed mitigation simply assumes that the payment will occur, that it will cause the water storage system to actually be constructed, and that it will adequately mitigate the impacts, without providing a reasonably enforceable plan to achieve those results. The DEA/DEIR should be revised to provide sufficient analysis and mitigation.

As with the document's treatment of other cumulative environmental impacts, the DEA/DEIR' purported analysis of cumulative water supply impacts offers no more information beyond that provided in the document's project specific analysis. Here too, the revised DEA/DEIR must quantify the potable water demand from all projects in the NTPUD and analyze the NTPUD's ability to provide this service. It is not sufficient to suggest that the NTPUD's upcoming Master Plan will include an analysis of current and future water supply and demand. CEQA requires this DEIR/DEIS to provide this analysis. CEQA Guidelines §15130.

b. Wastewater

J-25
Cont'd

J-26

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The DEA/DEIR acknowledges that upgrades to the existing wastewater conveyance system are needed to ensure an adequate level of pumping capacity to avoid the potential for sewer spill in the event of a pump failure. Here too, the DEA/DEIR looks to the payment of a fair share contribution to NTPUD for an additional pump at the National Avenue Pump Station to conclude that wastewater impacts would be mitigated to a less than significant level. As discussed above, the DEA/DEIR cannot rely on the payment of fees in the absence of a reasonable, enforceable plan or program.

As with the document's treatment of other cumulative environmental impacts, the DEA/DEIR's purported analysis of cumulative wastewater impacts offers no more information beyond that provided in the document's project specific analysis. The NTPUD needs a larger pump in their National Ave facility to handle a new tank, which has not been built. Here too, the revised DEA/DEIR must identify the cumulative increase in demand for wastewater service and analyze the ability of the NTPUD to provide this service.

c. Fire Protection Services

Fire protection is a critical issue. Foresters say that the threat of an uncontrollable fire in the Tahoe region is large and growing. "Protecting Lake Tahoe," Reno Gazette Journal, April 15, 2007. In light of this serious concern, the DEA/DEIR should have carefully evaluated the increased demand that the proposed project as well as other planned development, would have on fire protection. Rather than provide this detailed analysis, the DEA/DEIR simply mentions that the NTPUD has stated that current staffing and equipment may or may not be sufficient to address the increased demand on fire protection associated with the proposed Project. There is concern for inadequate site circulation to allow turn arounds for the fire trucks, there are no pullouts or hammerheads and the internal circulation roads don't meet Placer County standards. Additionally the fire dept has adopted new codes that go into effect on January 1, 2008. Can this project meet these codes?

As evidenced by the following statement from Dale Chamblin, fire protection resources in the area are insufficient:

On July 28, 2005, I attended an operations meeting of the NTPUD at their offices on National Ave. Also in attendance were Director Steven Rogers, counsel Neil Eskind, engineers Mike Geary and Lee Scheeg, and directors Lane Lewis and Jeff Lanini. The primary item of interest on the agenda for Tahoe Vista residents concerned the capacity in the area served by the NTPUD. Engineer Lee Scheeg began the discussion by apologizing for remarks he made at the last public meeting held at the Kings Beach Conference Center where he reported that there was sufficient system capacity for additional growth. After further study, he and his

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Cont'd

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associates determined that such is not the case, and that, in fact, during peak weeks, or even weekend periods, the storage tanks are drawn down to levels that are too low to guarantee a reliable source to all customers. Given this latter admission, how could we possibly fight a large fire with any hope of success?

E-mail from Dale Chamblin to Mike Cavanaugh, April 23, 2007.

Rather than grapple with this serious issue, the DEA/DEIR once again looks to the payment of developer fees to claim that this impact would be reduced to an insignificant level. The revised DEA/DEIR must address the bottom line: will or will not the NTFPD be able to adequately respond to fires once the Project, and all other planned projects in the region, are developed?

B. The EIR Does Not Adequately Discuss Alternatives to the Proposed Project.

An EIR must describe a range of alternatives to the proposed project, and to its location, that would feasibly attain the project's basic objectives while avoiding or substantially lessening the project's significant impacts. Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a). A proper analysis of alternatives is essential for the County to comply with CEQA's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code, § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6(a); *Citizens for Quality Growth v. City of Mount Shasta*, 198 Cal.App.3d 433, 443-45 (1986). As stated in *Laurel Heights Improvement Association v. Regents of University of California*, "[w]ithout meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials." 47 Cal.3d 376, 404 (1988). Here, the DEA/DEIR' discussion of alternatives fails to live up to these standards.

The primary flaw in the DEA/DEIR' alternatives analysis is its failure to identify and consider a reasonable range of alternatives that reduce project impacts, as CEQA requires. See CEQA Guidelines § 15126.6(c); *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 566 (1990). The discussion of alternatives must focus on alternatives capable of avoiding or substantially lessening the adverse environmental effects of a project, "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b). The

J-27
Cont'd

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alternatives to be discussed need not be identical to, or even substantially similar to the project as originally described by the applicant, so long as they can be accomplished within a reasonable period of time, taking into account economic, environmental, social and technological factors. Citizens of Goleta Valley, 62 Cal.3d at 574.

Specifically, the DE/DEIR fails to identify a range of alternatives, which avoid or substantially lessen the Project's significant impacts. Rather than imparting serious information about potentially viable alternatives that could reduce adverse impacts, the DEIR offers alternatives that serve as "straw men" to provide justification for the project. Such an approach violates the letter and spirit of CEQA. Citizens of Goleta Valley, 52 Cal.3d at 686.

The DEIR provides no explanation as to why additional alternatives were not proposed that offered features necessary to reduce the inevitable damage from the proposed Project. For example, the DE/DEIR did not consider an alternative with fewer smaller housing units. Alternatives (b) and (c) are 39 units. Alt. (a) is 45 units. Reduction of number of units occurred in alt (b) and (c) but with larger units up to 3800 sf in size from 3000 sf as in alt (a). So the conclusion is reduced density by 6 units but increased massing.

Not surprisingly, the DEIR also fails to fulfill CEQA's mandate of identifying an environmentally superior alternative. CEQA Guidelines section 15126.6 (e) (2). The question the DE/DEIR must answer is which of the proposed alternatives and the actual improvements they require is the environmentally superior alternative? The environmentally superior alternative may not be the proposed Project.

In sum, the DE/DEIR's failure to consider a reasonable range of alternatives as well as the environmentally superior alternative renders the document inadequate under CEQA. This critical omission makes the document of little utility to the public and decision-makers, who are left with no reasonable, less damaging option for development of this sensitive site.

The DE/DEIR should evaluate the impact of larger units, increased land coverage, traffic trips, parking, increase in population, impact to local services including recreation, and demands on infrastructure and occupancy. Additionally, analysis on the impacts of turning a seasonal operation into a year round operation.

II. Population and Housing

The North Shore Community Plan EIR/EIS states:

J-28
Cont'd

J-29

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The 1996 Tahoe Vista Community Plan Area has fifty-three residential parcels with 217 housing units and resident managers of twenty-nine apartment or tourist lodge complexes. The total occupied residential units are estimated at 246. At the County average of 2.21 persons per unit this represents a potential year-round permanent population of at least 544. Seasonal populations vary with vacancy levels in twenty-nine lodges including 305 tourist units. At peak occupancy there may be an additional 600 persons residing in the Plan Area (excluding campgrounds).

There is potential for population growth on vacant land in the planning area. There are forty on vacant parcels in the Special Areas. Eleven of these are found in Special Area 6 which is designated a residential area. Twelve are adjacent to National Avenue in Special Area 6, within an existing residential zone, and are designated Public/Industrial use and lie directly across the Avenue from industrial activity. Four lie at the northwest fringe of the planning area abutting the rear of tourist accommodation uses in Special Area 1, designated as a tourist area. (One of the four vacant lots, however, lies between two single-family residences.) Five of the remaining vacant lots lie within a single-family residential zone along Anderson Road. The lots and homes are bounded by tourist accommodations in Special Area 1, designated for tourist uses. The potential future permanent population at density minimums on vacant residential land is at least 60 persons.

J-29
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It is important to note that many of the projects listed in table 18.1 and past projects were not envisioned in the 1996 Tahoe Vista Community Plan. Tonopaho, the proposed sandy Beach campground conversion, and Vista Village were unforeseen proposed high-density development. The Hebrew Community Center and B&G Excavation project were also unplanned in the vision for Tahoe Vista. Additionally, researching active permits for only 2006 and 2007 indicate 23 new single-family homes over 3000 sq ft. Two areas have required new roads; the Vista Pines subdivision (8 homes) and the undeveloped hill across from Captain Jon's restaurant (5 homes). There are also many permits for additions/alterations that exceeded \$100,000.00 dollars, suggesting expansion of structures.

The current population of 870 individuals has exceeded the 1996 Tahoe Vista Community Plan EIR/EIS population projections of 544. This project alone proposes an increase in population of 292 persons, a 50% increase in our current population. This substantiates the need for a Community Plan update, new surveys and assessments to determine if we are at build out and what our infrastructure deficiencies actually are.

III. APPROVAL OF THE Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership Development SHOULD AWAIT COMPLETION OF A MASTER PLANNING PROCESS.

J-30

In addition to its concerns relating to CEQA AND NEPA compliance, the NTDW is deeply troubled by the timing of the Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership Development proposal. This Project is being proposed in the absence of a comprehensive planning process, which would consider all development proposals within Tahoe Vista and the greater region. NTDW therefore requests that the TRPA and the County defer further consideration of this Project until such time as an updated Community Plan for Tahoe Vista, linked to the Pathways Regional Master Plan, is prepared. Such a planning effort is necessary to set the preeminent policy and planning framework for Tahoe Vista. Through such a process, the County, TRPA, resource and regulatory agencies, development interests and members of the public would have the opportunity to discuss appropriate development levels and other planning considerations within Tahoe Vista as well as address cumulative environmental impacts from this development.

Such a master planning process is of paramount importance for several reasons. First, the Tahoe Vista Community Plan, the guiding document for land use related decisions, expires by its own terms in 2007. Community Plan at 1-1. An update to the Community Plan is long overdue. Mitigation monitoring required by TRPA code Section 14.7 requiring monitoring and periodic review of each community plan on five-year intervals to determine conformance with approved schedules, and to check the adequacy of programs, standards, mitigation and monitoring did not occur. This plan has not been reviewed, revised or monitored since its conception. Moreover, the proposed project was never contemplated in the Community Plan. In addition, the project would substantially increase the year-round population; given the current population is about 670 individuals and increase the density from our average 1 unit per ¼ acre of a typical subdivision to all almost 10 units per acre.

A major conclusion of the community plan is that Tahoe Vista should continue as a regional tourist and recreation center with some industrial and commercial uses. Major current considerations for planning in the area are: 1) condition of some motel facilities in the area, 2) high land coverage along shoreline and in the sand dune area, 3) existence of prime fish habitat, 4) outdoor recreation opportunities, and 5) opportunities for scenic restoration. Major objections for planning in the area included: 1) compatible urban design, 2) maintenance of economic health of the area, 3) improved alternative forms of traffic and circulation, 4) preservation of areas with environmental sensitivity, 5) adequacy of public facilities, and 6) enhancement of recreational opportunities.

Premature approval of the Project not only would conflict with that vision, but would also make a mockery of the extensive levels of public participation that the County undertook in connection with the Community Plan Process. Approval would open the floodgates for piecemeal projects to come in without a clear

J-30
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vision. Put simply, it is difficult for the community to embrace a project that so excessively counters its visioning process.

Second, the north shore of Lake Tahoe is under severe development pressure. This development is threatening the area's fragile ecosystem, wreaking havoc on the region's roads and severely taxing the public services and infrastructure. While the DEA/DEIR acknowledges over 40 projects proposed in the region, one need look no further than the DEA/DEIR' discussion of public services to understand that the region is in need of comprehensive planning. Indeed many of the area's public services including the local water storage and wastewater systems are sorely deficient in meeting future development demands. This level of development, and the infrastructure burdens which accompany it, warrant comprehensive assessment.

In the absence of such a planning process, the Lake Tahoe basin's natural resources will continue to be severely threatened. Development is destroying valuable wildlife habitat, destroys Tahoe's diminishing forests and causes increased nutrient loading which leads to a progressive reduction of clarity in Lake Tahoe. Indeed, as regards Lake Tahoe's water quality, several regulatory agencies are in the process of updating plans for management of the Lahontan Basin. The RWQCB is currently updating its Strategic Plan for protecting water quality in the Basin. And according to the Lake Tahoe Environmental Education Coalition, a research effort currently underway will result in development of a new water pollution standard known as the Lake Tahoe Total Maximum Daily Load ("TMDL"). This research will inform decision-makers as to the levels of pollutant reduction necessary to facilitate improvement in lake clarity..

In sum, if the Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership Development is approved before the culmination of a master planning process, the County and the TRPA would be prejudging the viability of this forest land for intensive development, without the benefit of understanding the cumulative environmental effects. It is this piecemeal development that poses the greatest threat.

IV. CONCLUSION

For the foregoing reasons, the North Tahoe Development Watch urges the County to (1) prepare a revised environmental document that fully complies with CEQA and NEPA and (2) delay further consideration of the Tahoe Vista Partners, LLC Affordable Housing and Interval Ownership Development until such time as the County has completed an updated Tahoe Vista Community Plan, linked to the Pathways Regional Master Plan.

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This response has been completed with the assistance and guidance of land use planners and professionals and the advice of our legal council.

J-31
Cont'd

Very truly yours,

North Tahoe Development Watch

Karen Van Epps

Karen Van Epps
Executive Director NTDW



From: Dale Chamblin
To: advance@TRPA.org; Marwan Knecht
Subject: Sandy Beach EIR
Date: Tuesday, February 19, 2008 8:46:14 AM

To whom it may concern;

Several months ago, the Tahoe Vista community met with the TRPA at the North Tahoe Community Center to discuss the proposed Vista Village (affordable housing) Project. Although there were many objections cited, the overwhelming theme centered on the issue of "density". That issue is again before us with the consideration of the proposed Sandy Beach development. Tahoe Vista is a small community that will change drastically if our small, seasonal, low impact rental facilities are replaced with large year round fractional ownership homes.

The community and all governing agencies admit that Tonopalo was a mistake; why would we consider a project in the same neighborhood of even greater density? Exhibit 3-4 (Alternative A) of the EIR tells the entire story. Where is the open space in this proposal? Is there any other development anywhere on the north shore as dense, massive and cluttered as this site plan portrays? While several tourist accommodation projects may propose the same number of units, they are substantially smaller, i.e. 250-300 sf cabins, not 1,900 to 3,000 sf residence type structures.

M-1

We would not suggest that the owners of Sandy Beach be forever condemned to living with the existing structures, however, other operators in the area such as Rustic Cottages, Red Wolf Lakeside Lodge, Tahoe Vista Inn, and the Woodvista Lodge have all remodeled their properties keeping the charm of the neighborhood. Your approval of their request to remove three-quarters of the trees on the site and replace them with buildings over the current height limitations will forever change the nature of our community.

M-2

We respectfully request that you send the owners of the proposed Sandy Beach Development back to the drawing board.

Pam and Dale Chamblin



RECEIVED

FEB 29 2008

ENVIRONMENTAL COORDINATION SERVICES

Maywan Knack
Placer County
3091 County Center Drive, Suite 190
Auburn, CA 95603

Theresa Avenue
TRPA
PO Box 5310
Stateline, NV 89449

My name is Cindy Curran. I am a full time local resident of Tahoe Vista. I moved to Tahoe because of the beauty, nature, and peaceful life that this community has to offer.

I have had to work multiple jobs in order to afford to live here. Now I see all these big development projects that have the potential to change my quality of life. I am in no way anti growth or anti redevelopment and love the charm that currently exists with many of the existing lodging properties and other commercial developments. I do however think that Tonopalo did not set the example of what the community character should be in any way.

In learning more about the Sandy Beach fractional project I realize that it is of the same scale as Tonopalo except it is not on the lake. This is unacceptable to me and should also be unacceptable to the agencies.

The resident population is shrinking. People who can afford to buy a second home buy their home and use it one month a year - These people have displaced the permanent population who are now moving away- They don't care about our community.

The enormous size of these vacation homes is three times the size of my full time residence. Why should you believe that this project is what we as a community want? Should we residents of Tahoe Vista who work multiple jobs to be able to stay here and live a much more simple life have to suffer the Aspenizing of Lake Tahoe?

Cindy Curran
PO Box 453
Tahoe Vista, Ca 96148

Cindy Curran

N-1



From: Laurie Gregory
To: Placer County Environmental Coordination Services: lavance@trpa.org;
smenick@benchmark.com; normasentia@edcpov.us; JeromeW@innercite.com; foxglove@tahoe.com;
Subject: Sandy Beach development in Tahoe Vista
Date: Tuesday, March 04, 2008 12:24:52 PM

March 4, 2008
 To: TRPA Board and planners
 Concerns about Sandy Beach development

I am writing again about the development issue in the Tahoe Vista area, particularly concerning the proposed Sandy Beach development.

As has been stated many times before there are too many projects, (about 16), being proposed in the small one mile strip of Tahoe Vista. This will increase the population of the area and the impact on the lake and surrounding environment by at least three times the current density in the area.

The current proposal for the time share development at Sandy Beach is proposed with too much density for the small area it covers. The buildings are too large and tall and take up too much of the coverage of that area. Tahoe Vista is one of the most beautiful shoreline areas on the lake and as these developments continue, such as Tonopelo, the large scale of the proposed developments is not in keeping with the current smaller hotels and single family homes that are in the area. These developments will impact the infrastructure, such as the water, sewer, post office, and of course the traffic pollution and increased noise pollution.

O-1

A main concern should be the impact on the lake itself with all of these large developments. It is imperative that any development is designed with the natural environment in mind to protect the watersheds and the lake's water quality. Any plans for development should consider the effect of the increased population density on water use, increased sewage and most importantly increased automobile traffic, which, as you know, has a large impact on the water clarity issue.

O-2

TRPA is who we, the residents and visitors to this wonderful natural resource that is Lake Tahoe, rely on to be the stewards of the lake and the surrounding area. One of the most effective ways to do that is to not allow rampant development to occur. Please do the job your office was created for, to design and maintain the healthy future of our lake, and not just go along with the pro-growth forces and developers. Please do not sacrifice the environmental health and natural beauty of the area for a few developers to make money.

O-3

What you do now will have a huge impact on the future of the lake and this area. Please consider reviewing all the proposed new projects in Tahoe Vista together to come up with a reasonable and appropriate master plan for this community to preserve what is here and create sustainability for future generations.

O-4

Conservation victories are temporary but losses are permanent, and you have the ability to control these losses. Thank you for your time and attention to these concerns so that we can avoid creating a new blighted area on Lake Tahoe.

Laurie Gregory
6550 North Lake Blvd.
Tahoe Vista, CA



RECEIVED

FEB 29 2008

ENVIRONMENTAL COORDINATION SERVICES

February 17, 2008

To: TRPA APC and Governing Board
Placer County Planning Commission
Staff of TRPA and Placer County

RE: Comments to the Tahoe Vista Partners, LLC Interval Ownership Development Project. SCH # 2086022100 (Sandy Beach development)

To Whom it may concern:

We are not opposed to a redevelopment project occurring on the above referenced site. We appreciate the opportunity to comment on the environmental document. Our concern has to do more with the process than this individual project. "As a community we need to work together to support re-development of our blighted areas, protect our natural resources, (open space, trees, small town character etc.) address our infrastructure needs (Public Services and roads) while balancing economic growth of the business community and embracing our social, scenic, recreation, housing and other community and threshold values and carrying capacities".

This is a direct quote from the North Tahoe Development Watch director- a local organization that supports responsible planning.

To do this we need a vision- this includes a comprehensive community master plan addressing cumulative effects of our projects- past, present, future, inclusive of all the items mentioned above.

These same comments were brought up when the Mourciatos family presented Vista Village to the Agencies last year. The community was united in their request that Tahoe Vista have a master plan in place before future development is proposed one project at a time in a piecemeal fashion. We have been told that Pathway 2007 is now Pathway 2009- it has been delayed.

A comprehensive new Master Plan for Tahoe Vista has not been prepared.

Unfortunately our current Tahoe Vista Master Plan has been in place for the past 20 years and is stale. In 1995 a EIR/SIS was prepared to address future growth for a limited number of uses in Tahoe Vista including the following:

- Residential projections of a total of 50 new residential units, of which 20-bonus units were for affordable housing.
- Have the 50 homes been built since the adoption of the Community Plan? Just last year approx. 15 new homes/duplex units were constructed in this area.

P-1

P-2

- 4. Commercial floor area allocation of 7500 sf was allocated to Tahoe Vista.
- All 7500 sf of commercial floor area has been used and no CFA is currently available in Tahoe Vista.
 - 4. Tourist Accommodation projections of "no change in density-tourist units" allocations were proposed to be traded in and out with no net increase in density.

P-2
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Some of the projects contemplated today were not analyzed or even envisioned in the 1996 North Tahoe Community Plans EIR/EIS. The largest of these include:

- Expansion of the Tahoe Sands from 64 units to 103 timeshares and 6 employee units;
- Vista Village at 155 to 72 new residential units on vacant land zoned for one residence and a guest house;
- Sandy Beach at 45 Units and 7000 sf of commercial; Currently a campground. Change of use to tourist accommodation is proposed.

P-3

What are the environmental impacts of the increase in density and the transfer in of units from elsewhere to allow a tourist accommodation project?

- 4. Recreation expansion included the Tahoe Vista Recreation Area additional 200 PAOTs (People at One Time).
- The NTPUD has prepared a Parks and Rec Master Plan which will increase density and population in the Regional Park. The environmental impacts of this expansion are unknown. As far as the Tahoe Vista Rec Area (Phase I is complete- Phase II proposes 41 car parking and 24 trailer parking on National Ave. Also recently approved and constructed in 2007 have been a soccer field, all weather track, 27 additional parking spaces and a few other amenities such as disc golf. This expansion is more than what was envisioned in the Tahoe Vista Community Plan.
 - 4. Future expansion of Government offices (NTPUD) to 20,000 sf -- 10,000 for maintenance and 10,000 for office.
- (Expansion of the NTPUD office and maintenance yard was studied by the NTPUD). No action was taken.

P-4

- 4. Total vehicle miles for all uses proposed as part of the future growth as outlined in the 1996 Tahoe Vista Community Plan per table 3.4 F- traffic generation of new land uses under community plan-Tahoe Vista were for a total of 531 daily new generated trips.
- (Sandy Beach alone proposes this many new vehicle trips per day). What are the cumulative impacts of the other projects in conjunction with Sandy Beach for traffic trips? For example, ALT D of Vista Village EIR/EIS in the draft stage proposes approx. 600 additional daily trips as only one project, not inclusive of past, present or future projects. Tahoe Beach will also be an expansion of daily vehicle trips. What is the specific mitigation of the increase in vehicle trips other than paying a fee to the community of Tahoe Vista?
- 4. The Community Plan has not addressed the impacts of going from 300 of motel rooms to 1900 of to 3000 of fractional timeshare residences. Tau's are needed for fractional timeshare uses.

P-5

What are these impacts of these larger units and can they be quantified? TRPA staff mentioned that in the Pathway 2007 process they are looking at a approximate 3:1 ratio of TAU's to fractional timeshare based on impacts of the larger units. Is this undergoing analysis and if so based on what data?

P-6

Have the impacts of larger units been evaluated for potential increase in land coverage, traffic trips, increase in population, impact in local services including recreation, and demands on infrastructure and occupancy? Currently campground use is seasonal but fractional use is year round. What are the impacts of a seasonal operation to a year round operation?

Does the parking ratio change from one parking space per unit to additional requirements based on the larger units? What is the impact to sewer and water of the larger units? What is the impact to the local recreation areas i.e. Sandy Beach which is already crowded in the summer? Should there be public bathrooms to support this increase in demand? What is the effect of the change in use on zoning and community character? What about snow removal? Snow storage? Vegetation removal? Impacts of soft coverage i.e. dirt to hard impervious surface of asphalt? Impacts of a year round population from a seasonal population?

P-7

Both Placer County as well as the NTPUD consider a change from nightly motel to fractional timeshare as a change from tourist accommodation to residential. How can this be quantified? Could a timeshare/fractional owner purchase multiple fractions and live there full time? What would be the impact to TOT tax? How many rooms will be available for nightly rental?

P-8

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Additionally, the Tahoe Vista Community Plan does not address:

- Specific streetscape or other improvements needed for sidewalks, lighting, and street design. Current projects are posting bonds until the future or are copying improvements already in place like Tenopala and the Tahoe Vista Rec area. Both Placer County as well as TRPA do not have a master plan for sidewalk type except for asphalt, lights, or even type of trees for the streetscape for Tahoe Vista. The Vista Pines sidewalk is different than the other sidewalks resulting in a mish mash or eclectic look in the area.

(A condition of approval should be a requirement to have a standard set of materials for future projects in Tahoe Vista including type of pavers, lights and street trees).

- Scenic requirements have changed since the Tahoe Vista Community Plan was prepared- for lakefront parcels or those within 300 feet of the high water line.

What mitigation measures as stated in the 1995 EIR/EIS have been implemented? TRPA staff mentioned the stop light at National Ave. What other mitigation measures are in place?

Additionally, as stated in the 1996 North Tahoe Community Plan EIR/EIS for Tahoe Vista:

A major conclusion of the community plan is that Tahoe Vista should continue as a regional tourist and recreation center with some industrial and commercial uses. Major current considerations for planning in the area are: 1) condition of some motel facilities in the area, 2) high land coverage along shoreline and in the sand dune area, 3) existence of prime fish habitat, 4) outdoor recreation opportunities, and 5) opportunities for scenic restoration. Major objections for planning in the area included: 1) compatible urban design, 2) maintenance of economic health of the area, 3) improved alternative forms of traffic and circulation, 4) preservation of areas with environmental sensitivity, 5) adequacy of public facilities, and 6) enhancement of recreational opportunities.

It is now 2008, 13 years later and the above objections are still real issues facing the community.

The NTPUD has determined that the new Tahoe Vista projects would require triggering the need for new water tank storage- a 500,000 gallon tank. There are concerns that during peak summer days that the existing water supply in the tanks are drawn to dangerously low levels.

Is it possible to build new projects when the tank is not available? Is there current capacity now to handle this project?

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