

ATTACHMENT M

Response to Public Comments from the October 16th Board Meeting

This document provides responses to comments raised during the October 16, 2023 Board meeting on the Tahoe Basin Area Plan (TBAP) amendments. The responses are categorized by topic areas for ease of reference.

The common remark from many commenters is that the TBAP amendments would increase density and therefore impact traffic congestion, wildfire evacuation, and lake clarity, among other things. However, the changes that are being proposed with the TBAP amendments do not add uses and do not increase density. Instead, what are being proposed are minor changes to the Area Plan that have been brought forward to encourage new workforce housing and to facilitate and encourage small-scale lodging and mixed-use development to fill vacant store fronts. These changes are intended to encourage lodging in Town Centers that could, in turn, reduce the number of STRs in neighborhoods. Also, with the redevelopment of derelict or vacant properties, County-required Low Impact Development projects would actually improve lake water quality. Additionally, the Placer County Sheriff's Office provided clarity on handling of wildfire evacuation responses, which assists in showing that these amendments do not negatively impact evacuation impacts. Responses on specific areas are explained further below.

COMMENTS ABOUT CEQA / ENVIRONMENTAL CONCERNS

1. TRPA Environmental Review, IEC and Findings

TRPA requires an Initial Environmental Checklist (IEC) that complies with federal environmental regulations. This was prepared for the TBAP addendum and errata and TRPA staff are currently reviewing it. The IEC is not required for Placer County Board of Supervisors approval, but will be available for public review with other meeting materials for the TRPA Advisory Planning Commission on December 13, 2023.

2. Implementation of Mitigation Measures

The Tahoe Basin Area Plan Environmental Impact Report (EIR/S) requires projects to implement and complete mitigation measures related to topics including but not limited to transportation, mobility, housing, and total maximum daily load/lake clarity. Limited projects have come forward since adoption of the TBAP in 2017; therefore, there haven't been as many opportunities for mitigation measure implementation as anticipated. To date, 21 implementation projects have been completed, 11 are in progress, nine haven't started, and two have been abandoned. Nonetheless, the current status of implementation of the mitigation measures are described in Attachment K to the staff report.

3. Changed Circumstances / New Information

Commenters expressed concern that circumstances have changed since the 2017 TBAP Environmental Impact Report / Environmental Impact Statement (EIR/S) which would require a subsequent EIR instead of the Addendum to the EIR (Staff Report, Attachment D) prepared for the project. CEQA Guidelines sections 15162 through 15164 provide the framework for when supplemental environmental review is needed after an environmental impact report is certified by

a public agency. Section 15162 states clearly that “no subsequent EIR shall be prepared ... unless the lead agency determines, on the basis of substantial evidence in light of the whole record” that one of three triggers have occurred (changed project, changed circumstances or new information of substantial importance). All three triggers have an underlying requirement that changes must be substantial or major to be considered for supplemental review. In addition, changes by themselves, do not result in a subsequent EIR unless those changes result in new significant environmental effects or substantial increases in already-significant environmental effects.

Changed Project

CEQA Guidelines section 15162(a)(1) states that a project change occurs when “substantial changes are proposed in the project which will require major revisions of the previous EIR” Considering subsequent review in the context of a changed project, the question is whether the proposed project modification would be expected to have a more severe or more significant impact than previously analyzed. The supplemental review is specifically looking at the increment of impact resulting from the amendments themselves, not the impact from the Area Plan as a whole, because the Area Plan’s impact was already analyzed in the 2017 TBAP EIR/S.

Changed Circumstances

CEQA Guidelines section 15162(a)(2) states that changed circumstances occur when “substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR....” In the case of changed circumstances, it is critical that any changed circumstances must create new or more severe significant impacts than those considered in the original CEQA document. In addition, the phrase “significant effect on the environment” in sections 15162 through 15164 is specifically defined in a manner that does not include the environment’s effect on the project. (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 377–378 [“ ... it is the project’s impact on the environment—and not the environment’s impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions.”].) As a result, local agencies are not asked to analyze the impact of existing environmental conditions on a project’s future users or residents, nor are they asked to analyze future unidentified environmental impacts on the project.

New Information

CEQA Guidelines section 15162(a)(3) states that new information is “information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete” When the Guidelines refer to new information, they specifically refer to new factual information, not regulatory changes or agency guidance. (*Save Lafayette v. City of Lafayette* (2022) 85 Cal.App.5th 842, 856 [“Courts analyzing whether new information necessitates an SEIR look to the physical characteristics of a site and the actual environmental effects of a project, not to mere regulatory changes”].) The key consideration is also whether the new information was not known, and could not have been known at the time of the prior EIR (here the 2017 TBAP EIR/S). Information that was known at any level, or could have been known at the time of the certification of the original EIR does not trigger the need for a Subsequent EIR.

Analysis

With the CEQA analysis the County has determined that none of the conditions for subsequent review under the CEQA Guidelines have been triggered, and an addendum is the appropriate

document to cover these minor changes. What this means is the amendments would not result in any new, substantially more severe significant effects than were identified in the Area Plan EIR/S. The framework identified here is explained with respect to specific issues in the sections below.

The changes to the Area Plan policies and regulations proposed with these amendments further support implementation of the land use pattern envisioned in the TBAP and analyzed in the Area Plan EIR/S, so they would not result in new or more severe impacts than what was analyzed in the Area Plan EIR/S.

As noted in the addendum for the amendments, no changes are proposed to the regional growth control system. In other words, the Area Plan and the Area Plan EIR/S have the backstop of TRPA's Regional Plan. The amendments will not increase the overall development potential in the Area Plan because the total number of residential units, tourist accommodation units, and commercial floor area is capped by TRPA's growth control system from TRPA's Regional Plan. County approvals will continue to be bound by the TRPA carrying capacity set by the TRPA Regional Plan.

Because the overall growth potential would not be changed, any increase in development in Town Centers, for example due to affordable housing incentives, would be offset with a corresponding decrease in development potential outside of Town Centers.

It's also important to note that the TBAP amendments would not approve any specific project, and future projects within the plan area would be reviewed pursuant to CEQA and TRPA requirements through project-specific environmental review.

The amendments still require that certain projects, such as projects that don't screen out for VMT, obtain project-specific permits to ensure there is no incompatibility with other land uses. Projects such as hotels/mixed use projects would still require use permits as well as project-specific environmental review (including consideration of evacuation plans/VMT analyses/TRPA scenic standards thresholds).

For the reasons set forth in the Addendum to the 2017 TBAP EIR/S and in this document, there are no changed circumstances or new information that would require subsequent environmental review pursuant to CEQA Guidelines section 15162.

4. Wildfire

Wildfire risks were identified and analyzed in the 2017 TBAP EIR/S, and therefore are not new information that would require subsequent analysis. (See 2017 TBAP EIR/S, Impacts 18-3 and 18-4). The 2017 TBAP EIR/S noted that projects would be required to comply with regional plan policies, local and state regulations for fire protection, as well as area plan policies for fuels reduction, fire resistant materials and defensible space. In addition, Mitigation Measure 18-3 was adopted requiring future projects to implement a traffic control plan in coordination with affected agencies that includes measures for notifying emergency service providers and providing adequate circulation. The 2017 TBAP EIR/S determined that based on the foregoing, the impact of wildfires was less than significant. The Addendum to the 2017 TBAP EIR/S (Staff Report, Attachment D) reviewed the earlier EIR with respect to the TBAP amendments, and determined the impacts would be the same as those previously analyzed in the 2017 TBAP EIR/S.

The 2022 document from the Attorney General titled “Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects under the California Environmental Quality Act” is a guidance document, and therefore does not constitute new *factual* information under CEQA Guidelines section 15162. (See *Save Lafayette*, above.) Nonetheless, the guidance compiles readily available information to assist local governments with their consideration of projects in the context of wildfire and has been reviewed by the County.

Wildfire risk is also not a changed circumstance. The risk of fire in the Tahoe Basin was a concern in the 2017 TBAP EIR/S, and wildfire and anthropogenic climate change were issues analyzed within the document. In addition, prior Placer County EIRs acknowledged the potential for wildfires to cross the Sierra Nevada crest and the realistic threat of such an event was known when the TBAP EIR/S was prepared.

The proposed amendments would encourage affordable housing in Town Centers and incentivize compact redevelopment in Town Centers, which is consistent with policies and programs that were analyzed in the TBAP EIR/S. In the case of the TBAP and these proposed TBAP amendments, there would be no expectation that environmental climate conditions would be exacerbated by the project. In fact, there is an expectation that the project would reduce trips by focusing development in walkable town centers, which would have a corresponding beneficial effect on VMT, and thereby greenhouse gas emissions.

5. Evacuation

The 2017 TBAP EIR/S includes a master response related to evacuation and a hazard policy that addresses evacuation. Further, the TBAP EIR/S added a new policy to the TBAP noting that all new development projects within the Plan Area shall prepare and implement an emergency preparedness and evacuation plan (EPEP). Mitigation Measure 18-3 was adopted requiring that future projects implement a traffic control plan in coordination with affected agencies for purposes of notification and evacuation. The Addendum to the EIR (Staff Report, Attachment D) also determined the impacts would be the same as those previously analyzed in the 2017 TBAP EIR/S. Accordingly, there are no changes that would require subsequent environmental review.

Commenters have identified concerns that there is no comprehensive evacuation plan and that the amendments would increase population and therefore negatively impact evacuation. As noted in the TBAP, concern about wildfire and emergency evacuation is an acknowledged and legitimate concern, but the suggestion that the Area Plan and these amendments would exacerbate existing conditions with respect to emergency evacuation is not accurate. The amendments will not increase the overall development potential in the Area Plan because the total quantity of residential units, tourist accommodation units, and commercial floor area (collectively referred to as TRPA development rights) is capped by TRPA’s growth control system from TRPA’s Regional Plan; so County approvals are still bound by the TRPA carrying capacity set by the TRPA Regional Plan. The full buildout of the area was studied in the TBAP EIR/S. Accordingly, the proposed amendments would not result in uses or activities that would increase the risk of wildfire. Development under the TBAP would continue to require compliance with Regional Plan policies, local and state regs related to fire protection.

Emergency Response

Placer County maintains emergency evacuation plans as well as a notification system to alert the community in the event of an emergency or need for evacuation. Additionally, Eastside Unified

Command comprises a multi-agency emergency response approach that will direct all emergency event-specific evacuation procedures. Those evacuation procedures are not dependent on, nor are they confined by traffic circulation data because traffic control in an evacuation situation would not operate pursuant to normal traffic patterns. Specifically, traffic counts within the Kings Beach roundabouts are not indicative of the ability to evacuate the area in the event of a wildfire. The Placer County Sheriff's Office has provided the following written response to the concern for east Placer evacuation:

"My name is Lieutenant Ty Conners, and I serve as part of the Law Branch within the Placer County Emergency Management team. A growing concern has emerged regarding evacuations in the Tahoe Basin. Our office has undertaken various initiatives to address this issue, including providing information at the Tahoe Board of Supervisors meeting, hosting a public townhall in Kings Beach, engaging in social media outreach, and organizing community events. Additionally, we have conducted Eastside Unified Command Training involving all our mutual aid partners in the Tahoe Basin and neighboring counties. I have been tasked with documenting the evacuation plans for the Tahoe Basin and how we will manage mass evacuations and limited evacuation routes that could be severely impacted by high volumes of traffic.

Regarding the jurisdictional authority for evacuation, in accordance with California Penal Code 409.5(a), state, county, and city peace officers, along with other designated officials, are granted the authority to close public and private lands and order evacuations. This information is part of the 2015 update to the Placer Operational Area Eastside Emergency Evacuation Plan.

To illustrate the process of creating a mass evacuation plan, let's consider a fire as an example. A Unified Command involving both Law and Fire agencies would be established at the onset of the fire incident. Once fire behavior has been determined (including direction, rate of spread, and conditions), the fire department will advise which areas should receive the following notifications:

- Evacuation order
- Evacuation warning
- Shelter in place

The Placer County Sheriff's Office will then create a zone map, and public notifications will begin through Placer Alert. The creation of the zones (Order or Warning) is determined based on fire behavior, with the fire dictating the size, shape, and affected areas of the zones. This systematic approach aims to minimize the displacement of homeowners under an evacuation order, consequently reducing evacuation traffic on the roadways and facilitating smoother evacuation routes.

Evacuation routes will be established, once again based on fire behavior and the safest routes out of the affected area. During this process, incident command will coordinate with all mutual aid resources, such as the California Highway Patrol, Placer County Road Department, and Cal Trans, to implement the evacuation plan. Methods employed to manage traffic flow and direction include traffic control

points and contraflow, where vehicles traveling on a main road in one direction must use lanes typically designated for oncoming traffic.

Additionally, it is recommended to reduce traffic congestion by not waiting for an evacuation order if homeowners are concerned about the conditions. Having a plan, denoted as "READY, SET, GO," is advisable. Whenever possible, individuals should use a single vehicle to transport as many people as they can to minimize the number of single-driver vehicles on the road during an evacuation.

Furthermore, it has been noted in various meetings that there is a need for traffic studies, especially regarding construction and overall traffic congestion around the lake. Traffic congestion often arises because everyone adheres to basic vehicle code laws, such as stop signs, staying in one lane of traffic, and obeying traffic lights and construction site traffic control. However, all these considerations change during an emergency evacuation. Law enforcement's objective is to efficiently evacuate the maximum number of people from an area as swiftly as possible. Incident Command would halt all roadway construction, station law enforcement personnel at chokepoints and intersections to ensure traffic flow, and if necessary, implement contraflow methods to increase the number of lanes for outgoing traffic.

These evacuation methods have been tested in Placer County during incidents such as the Mosquito Fire and River Fire. The Placer County Sheriff's Office collaborates with allied agencies and is confident in the effectiveness of our methods. Regardless of the time of year when tourist traffic may be heightened, our methods and evacuation plans will remain consistent. Incident Command will call for sufficient resources to complete the mission effectively."

As a result, there is no new information with respect to evacuations that would require subsequent environmental review beyond the analysis provided in the 2017 TBAP EIR/S and Addendum.

6. Carrying Capacity / Density / Build-out

The key CEQA consideration relative to these amendments is that development will still be bound by coverage and density requirements, which are not changing. The Tahoe Basin Area Plan and its associated EIR/S looked at the allowed density and analyzed, at a program level, the impacts of projects developing under that framework.

With the exception of one cleanup in the Fairway Tract Northeast zone district in which the existing density was incorrect, the TBAP amendments are not increasing density. All remaining residential and mixed-use zone districts use the existing dwelling units per acre. The amendments would further encourage affordable housing in Town Centers and incentivize compact redevelopment in Town Centers, which is consistent with policies and programs that were analyzed in the TBAP EIR/S.

The amendments will not increase the overall development potential in the Area Plan because the total quantity of residential units, tourist accommodation units, and commercial floor area (collectively referred to as TRPA development rights) are capped by TRPA's growth control system from TRPA's Regional Plan. The TRPA Regional Plan established growth limits by setting

a maximum buildout amount of residential units, commercial square feet, and tourist accommodation units in its regional plan. To date, 3,525 residential units, 731,397 square feet of commercial floor area, and 1,340 tourist accommodation units remain for the basin. Because the overall growth potential would not be changed, any increase in development in Town Centers, for example due to affordable housing incentives, would be offset with a corresponding decrease in development potential outside of Town Centers.

The 2012 TRPA Regional Plan Update EIS cumulative analysis evaluated the effects of total build-out of the Tahoe Region, including the TBAP plan area. Because the TBAP must be consistent with the Regional Plan, including the growth limits established in the Regional Plan, the RPU EIS cumulative analysis provided a cumulative analysis of full build-out of the TBAP. The Area Plan EIR/S cumulative analysis supplemented the RPU EIS cumulative analysis by evaluating complete build-out of the Tahoe Region in combination with build-out of reasonably foreseeable land use plans and projects within the Tahoe Basin and in surrounding areas outside of the Tahoe Basin.

The Errata to the Addendum (Staff Report, Attachment E) describes the land use changes that have occurred since the TBAP EIR/S was completed. Because the 2012 TRPA Regional Plan Update EIS and Area Plan EIR/S already analyzed the cumulative effects of complete build-out of the Tahoe Basin and TBAP plan area consistent with the policies and regulations in both the Regional Plan and TBAP, and because the proposed Area Plan amendments would not alter the growth limits or other assumptions incorporated into these cumulative analyses; the existing analysis in the Area Plan EIR/S already accounts for the cumulative effect of new land use changes in the basin since adoption of the Area Plan EIR/S even though the specific projects were not identified in the Area Plan EIR/S. For this reason, there are not changed conditions within the Tahoe Basin that would cause the proposed Area Plan amendments to result in a new or more severe contribution to a significant cumulative impact than was previously disclosed in the Area Plan EIR/S. Land use changes outside the basin are expected to result in 655 fewer DUs and 7 acres less commercial area in areas outside of the Tahoe Basin than were evaluated in the Area Plan EIR/S. Thus, the Area Plan EIR/S provides a conservative analysis of the cumulative effects of future development in areas outside of plan area, and the cumulative effects of the proposed Area Plan amendments would be less than those disclosed in the Area Plan EIR/S.

7. Cumulative Impacts

Commenters raised concerns that the proposed amendments did not take cumulative impacts into consideration. The CEQA Guidelines and case law are clear that there is no intent to require continual re-analysis or updating of CEQA documents. One of the basic tenets of CEQA is that a lead agency can (and should) rely on past certified or adopted analyses and only update those analyses when there are issues that have not been addressed.

The 2017 TBAP EIR/S analyzes the Area Plan which anticipated future projects, up to and including *full* buildout of the Tahoe Basin Plan Area. So, anything short of full buildout of the Plan Area has been taken into account in the Area Plan's cumulative scenario. Because the proposed Area Plan amendments would not alter the growth limits or other assumptions incorporated into these cumulative analyses; the existing analysis in the Area Plan EIR/S already accounts for the cumulative effect of projects developing in the Basin (e.g., Tahoe Cedars Subdivision, Boatworks

at Tahoe, 39 Degrees North, and Dollar Creek Crossing) even though the specific projects were not identified in the Area Plan EIR/S.

Concerns were also raised over whether there were projects outside of the Basin that should have been included in the cumulative that were not. The Village at Palisades and Martis Valley West projects both have big development potential and were previously considered in the TBAP EIR/S cumulative analysis. As mentioned in the erratum (Staff Report, Attachment E), the County's rezone program to meet the County's Regional Housing Needs Assessment is considering possible rezoning of two candidate sites outside of the basin, but in proximity to the TBAP plan area. These two candidate sites could lead to an increase of 96 dwelling units outside the plan area that were not contemplated in the Area Plan EIR/S cumulative analysis.

As noted above, land use changes outside the basin are expected to result in 655 fewer DUs and 7 acres less commercial area in areas outside of the Tahoe Basin than were evaluated in the Area Plan EIR/S. Palisades is not proposing more development with its reapplication; therefore, its contribution to cumulative impacts is not changing. The Martis Valley West project included 760 dwelling units. That project was litigated, the court invalidated approvals, and the County rescinded those approvals. Placer County has not received a new application for the project. Regardless of whether the Martis Valley West developer comes forward with a new application, the up to 96 additional dwelling units would not be considered a significant change in the cumulative scenario since it would result in 655 less DUEs, and would not result in a new or more severe contribution to cumulative impact than was evaluated in the Area Plan EIR/S.

8. Lake Clarity

Commenters raised concerns over the analysis of lake clarity. Water quality is a resource category that Placer County has historically and currently analyzes in all CEQA documents. Microplastics are one type of pollutant that can affect water quality. The data related to the presence of microplastics in Lake Tahoe does not equate to new information or a changed condition under CEQA.

Lake clarity is addressed in the Tahoe Basin Area Plan EIR/S and the TBAP amendments addendum in the hydrology and water quality sections and was an objective of the Tahoe Basin Area Plan originally. The Area Plan EIR/S found that the TBAP would not alter the existing TRPA regulations related to discharge to surface and groundwater or water quality protection. It determined that the density and coverage limits within Town Centers were previously analyzed by the TRPA RPU EIS and were determined to have a less-than-significant effect on water quality. Additionally, redevelopment of Town Centers consistent with TRPA BMP requirements would result in a decrease in the pollutant load carried in stormwater runoff and an overall decrease in volume of stormwater runoff. Therefore, the TBAP was found to have a beneficial impact on water quality. The amendments include policies that would further support implementation of the land use patterns identified in the TBAP while maintaining regional water quality and would not result in any new or more severe impacts to hydrology and water quality.

9. Piecemealing

Commenters have raised concerns about decisions by the County to bring forward some TBAP amendments, while deciding to bring forward other amendments later, if at all. For instance,

possible future amendments include the amendments related to height/length that were removed out earlier in the process.

Piecemealing under CEQA occurs when portions of a singular project are brought forward at different times in an attempt to circumvent the CEQA analysis of the project as a whole. In general, no piecemealing occurs when projects serve different purposes and can be implemented independently. These minor amendments in no way trigger subsequent amendments. While subsequent amendments may occur, they are not a reasonably foreseeable consequence of these minor amendments. These minor amendments have their own independent utility irrespective of any future proposal to increase building height/length. In short, these minor amendments can stand on their own.

The amendments represent code changes and are not connected to any specific project, nor do they include any portion of a project. The amendments have independent utility as a regulatory document. They are not dependent on each other to move forward, they don't need to be analyzed together, and staff are not obligated to consider them together.

10. Vehicle Miles Traveled

The Addendum to the 2017 TBAP EIR/S (Staff Report, Attachment D) evaluated vehicle miles travelled (VMT) at pages 11-12 and determined that the amendments would not result in new or more severe environmental impacts. The TBAP amendments would encourage more concentrated development within the Town Centers with less development outside of the Town Centers. This land use pattern would result in residences in close proximity to commercial uses which would be expected to reduce the number and length of vehicle trips and corresponding VMT. VMT is calculated using standard trip generation rates set by the transportation industry.

Because the proposed amendments would not increase development potential but would promote compact land use patterns analyzed in the Area Plan EIR/S, the proposed amendments would be consistent with the prior analysis in the Area Plan EIR/S.

The TBAP EIR/S looked at full buildout of the Area Plan and noted that VMT in the cumulative setting would actually be reduced by focusing development in the walkable town centers. The proposed TBAP amendments would not alter the development potential within the Plan Area and would therefore not increase the potential for new development that would generate VMT.

Approval of projects through a Minor Use Permit (MUP) would only be allowed if the proposed use meets the TRPA VMT screening criteria (i.e., it must be clear that the VMT impacts are negligible and screenable). As a result, VMT is not increased by the amendments to a level that requires further environmental review.

COMMENTS ABOUT TBAP AMENDMENT LANGUAGE

11. Setbacks: Residential & Town Centers

The BAE study (Staff Report, Attachment G) acknowledged that improvements are needed to facilitate development, scale back requirements and better understand and alleviate constraints and challenges in the development process, including zoning and building requirements. As such,

the TBAP amendments considered the Development Standards of the Residential zone districts and those of the Town Centers have been identified as barriers for the development and/or redevelopment of these parcels. The TBAP amendments propose changes to the setback requirements of the Town Centers and Residential zone districts, as outlined below.

Town Centers

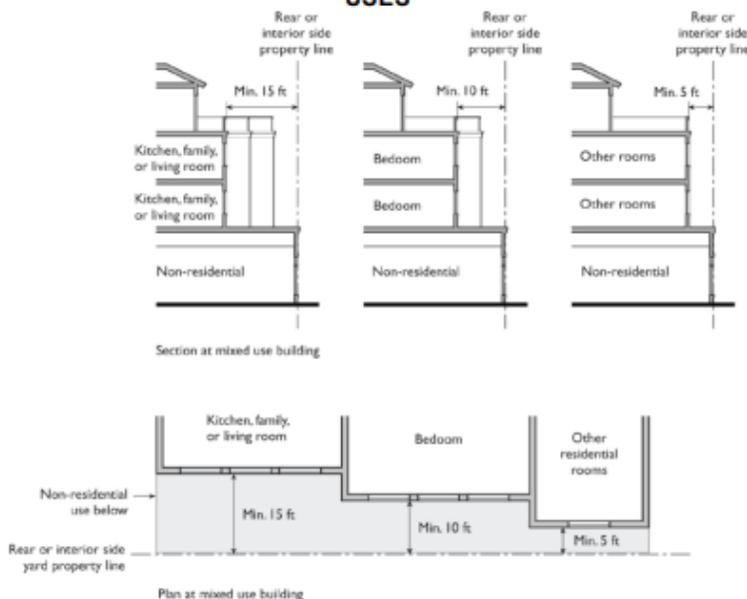
Rear Setback Modification

The amendments allow for a zero-foot (0') rear setback measured from the property line for those parcels in the Kings Beach – North Tahoe East Mixed-Use Subdistricts. The amendments align with the zero-foot (0') rear setback of for the Greater Tahoe City Mixed-Use Town Center Mixed Use - Town Center (MU-TC) and Mixed-Use - Neighborhood (MU-N) zone districts. The amendment took into consideration the existing parcel configurations, i.e. widths and lengths of existing parcels and existing development. The application of all the required development standards created hardships for already small and constrained parcels. For parcels adjacent to the zoning districts of the Town Center, the existing rear yard setback would remain and would provide a separation between the Town Center parcels and those adjoining the Town Center parcels, i.e. residential parcels will be required to provide a 10-foot rear yard setback measured from the property line.

Interior Side Setbacks.

The amendments eliminate the required "10-foot landscaped setback required adjacent to residential uses" in the MU-TC, MU-N and MUN-DH and MUN-LFG zone districts of the Village Center Subdistricts of the Greater Tahoe City Mixed-Use Subdistricts and Mixed-Use Mountainside Town Center (MU-MTC), Mixed-Use Lakeside Town Center (MU-LTC), Mixed-Use Residential (MU-R), Mixed-Use Tourist (MU-TOR) and Mixed-Use Waterfront Recreation (MU-WREC) of the North Tahoe East Mixed-Use Subdistricts. Specifically, the TBAP currently has a requirement for interior yards to provide light and air for residential units. The minimum setbacks were applied to any building wall facing an interior side or rear yard and when the site is adjacent to a residential subdistrict. Specifically, the side setback requires structures to not interrupt a line of a 1:1 slope extending upward from 25 feet above existing grade of the setback line adjacent to the residential district. Additionally, the standards of all interior yards required setbacks applied to that portion of the building wall containing residential windows and extending three feet on either side of any window shall comply with the following: (1) For any wall containing a living room, family room, or kitchen windows, a setback of at least 15 feet shall be provided; (2) For any wall containing sleeping room windows, a setback of at least 10 feet shall be provided. And (3) for all other walls containing windows, a setback of at least fire feet shall be provided. Please refer to Figure 2.04(B)(3) below, from the TBAP, for the application of the required setbacks based on adjoining uses.

FIGURE 2.04(B)(3): REQUIRED SIDE AND REAR YARDS FOR RESIDENTIAL USES



The requirements of these setbacks created hardships for development, redevelopment and/or additions to existing buildings, in that, it was difficult to identify the uses of each floor in the adjacent structure and therefore difficult to determine what setback to apply. Additionally, uses could change over time resulting in non-conformities to the required interior side setback of the built environment. The TBAP amendments would allow for greater flexibility for development and reduce challenges known in the Town Centers.

Residentially Zoned Parcels

Front Setback.

The amendments clarify the required front setbacks by providing an additional footnote to alert the reader that when applying the front setback there may be other requirements relative to the planned streetscape and roadway improvements. The TBAP requires that when a road and/or road segment is identified in Table 3.06.A. "Future Streetscape and Roadway Design Characteristics," the front setback shall be considered from the ultimate road right-of-way width listed in Table 3.06.A. Placer County Department of Public Works maintains a Countywide Highway Deficiency Manual to plan for ultimate right-of-way and pavement widths, as well as sidewalk and bicycle land improvements, for specific County maintained roadways. Table 3.06.A provides planned design characteristics for specific streetscape and roadways to guide future development improvements. This amendment would ensure that the reader is made aware of the planned design characteristics for specific streetscapes and roadways and if applicable to the development of the subject parcel.

Street Side Setbacks

The TBAP amendments would allow for a street side setback of 10-feet measured from the property line and in accordance with the applicability limitations of the definition of "street-side setback" in the Placer County Zoning Ordinance. With the application of all the required setbacks for residential parcels, i.e. front, side and rear, it was acknowledged that corner lots or parcels

that abut two road frontages, including access easements, would be required to provide for two front setbacks. The TBAP amendments recognize the existing narrow parcels and the constraints of the application of two front setbacks to the parcel. As such, by applying a street side setback - a lesser setback than the required front setback, will reduce the need for a variance (a timely and costly entitlement process) to request deviation from the requirements of the required setbacks. This would address the concerns presented with constrained parcels and challenges with compliance with the required development standards.

12. Food Trucks

The TBAP amendments would bring the TBAP into conformance with California law regarding sidewalk vendors. On September 17, 2018, the Governor signed Senate Bill 976 (the "Safe Sidewalk Vending Act"), which establishes requirements for local regulation of sidewalk vending. The law became effective January 1, 2019. The purpose of SB 946 is to legalize and decriminalize sidewalk vending across the state. SB 946 defines "sidewalk vendor" as a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other nonmotorized conveyance, or from one's person, on a public sidewalk or other pedestrian path. A sidewalk vendor can be "a roaming sidewalk vendor," which is defined as moving from place to place and stopping only to complete a transaction, or "a stationary vendor," which is defined as vending from a fixed location. SB 946 applies only to public sidewalks and paths, not private property. The law allows local authorities to adopt regulations governing sidewalk vending or amend existing regulations. If the local authority wishes to regulate sidewalk vending, then those regulations need to be consistent with SB 946. A local authority may adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns, including a sidewalk vending permit or valid business license, as well as a valid California Department of Tax and Fee Administration seller's permit. Placer County has not adopted additional sidewalk vending laws and current County Code is not compliant with SB 946.

Additionally, the TBAP amendments would also allow food trucks in town and village centers to support the entrepreneurial economy. Food trucks allow food businesses to start a business with much lower overhead and grow their business over time. In fact, the Truckee-Tahoe region has seen several brick and mortar restaurants that started as food trucks. All food trucks would require a business license and environmental health approvals, and could be conditioned to require them to park in specific places and during certain hours, provide and manage waste receptacles, etc.

13. Parking

The TBAP amendments would adopt the two-year pilot parking exemption program for the North Lake Tahoe Town Centers approved by the Board on February 9, 2021. Several potential applicants have expressed interest in the project, but no projects have moved forward in that timeframe. The purpose was to support exemptions to parking requirements to spur redevelopment in the Town Centers and support strategies identified in the Resort Triangle Transportation Plan (RTTP), which was approved by the Board in October 2020, and which outlines strategies to increase mobility and reduce VMT in the Tahoe region.

The TBAP amendments would make parking requirements for multi-family development more consistent with those of single-family development and reduce requirements for both to incentivize

production of workforce housing. A surface parking space can cost \$20,000 to \$30,000 per space which developers have told staff adds to the cost of a housing project and significantly reduces the feasibility of the project. The following changes are included in the amendments.

	Today's TBAP	Proposed TBAP amendments
Multi-Family Dwelling	1 space per bedroom for first two bedrooms and .5 per additional bedroom	1 space for first two bedrooms and .5 per additional bedroom
Single-Family Dwelling	2 per unit	1 for first two bedrooms; three or more bedrooms 2 per unit

Additionally, the amendments comply with state law, Government Code Section 65863.2, which mandates no minimum automobile parking will be required for a residential, commercial, or other development project (excluding any portion designated for use as a tourist accommodation unit) if the project is located within one-half mile of public transit unless the County makes written findings that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact. The Tahoe Basin doesn't currently meet the definition of high-quality transit stop as specified in the code so this would not be applicable unless the region moves to 15-minute transit headways.

The TBAP amendments include a policy to explore opportunities to allow local worker overnight camping in public and private parking lots. This concept was proposed from the Mountain Housing Council as a potential interim solution to create a safe overnight parking framework for local workers. Some of the region's parking lots are already being used for overnight parking/camping by local workers but in an unregulated manner with no permitting, requirements, site improvements, or enforcement. The policy itself would not allow overnight parking. Staff would have to develop a program in coordination with other departments, including the Department of Public Works, Environmental Health, and the Sheriff's Office. The proposed program would then need to be adopted by the Board of Supervisors. Similar programs have been implemented in other mountain towns, such as the town of Telluride. Any program would need to consider and include requirements related to registration or permitting, noise and storage, proximity to restrooms, designated parking lot(s), etc. The policy simply allows staff to explore the concept.

14. School Enrollment

One commenter indicated that the area's population has increased, as evidenced by increased school enrollment in the Tahoe Truckee Unified School District, which therefore shows an increase in population within the Tahoe basin. However, the area's school enrollment data included below demonstrates there is no substantial change from 2016 to the current school year.

2016 – 2017: 3,941
 2017 – 2018: 3,921
 2018 – 2019: 3,955
 2019 – 2020: 3,981

Attachment M
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2020 – 2021: 3,945
2021 – 2022: 3,953
2022 – 2023: 3,960
2023 – 2024: 3,923