



December 13, 2022

Cindy Gustafson, Chair - TRPA Governing Board, cindygustafson@placer.ca.gov

Honorable Members of the TRPA Governing Board

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Wesley Rice, wrice@douglasnv.us

Bill Yeates, jwytrpa@gmail.com

Re: Latitude 39 Project

Dear Governing Board Members:

STAR supported TRPA's 2012 Regional Plan Update which incentivizes environmental redevelopment of outdated properties. STAR participated with 45 stakeholders including Douglas County, TRPA, the California Tahoe Conservancy, the City of South Lake Tahoe and others in formulating the South Shore Vision Plan, a predicate to adoption of the South Shore Area Plan. Adoption of the South Shore Area Plan established the high-density tourist district where redevelopment within the casino core is encouraged. The Latitude 39 Project conforms to the RPU Vision Plan and Area Plan by concentrating density in the core and reducing dependency on the automobile. It will remove the outdated bank building and help catalyze redevelopment in the core with pedestrian friendly streetscapes. It will also complement the newly constructed Events Center and provide a gateway into the core. The project has been designed to accommodate the Main Street Management Plan and roundabout. It is evident the applicant has met the criteria adopted by TRPA and Douglas County.

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Another goal of the RPU is to instill certainty in the permitting process. STAR respectfully requests the Governing Board to approve the project as submitted in line with that goal.

Thank you for your consideration.

Sincerely,

SOUTH TAHOE ALLIANCE OF RESORTS

By: 

John McLaughlin, Chairman

cc: Julie Regan, jregan@trpa.gov
John Marshall, jmarshall@trpa.gov
Aly Borawski, aborawski@trpa.gov
Feldman Thiel LLP, lew@fimtahoe.com

December 13, 2022

Tahoe Regional Planning Agency
Governing Board
Submitted via email

Re: Comments on the Latitude 39 Project

Governing Board Chair, Vice Chair, Members, and TRPA staff -

The League to Save Lake Tahoe (League) is providing these comments as a key stakeholder in the development of the vehicle miles traveled (VMT) Threshold Update. The League appreciates the opportunity to continue to work with the Tahoe Regional Planning Agency (TRPA) and local jurisdictions to make sure we as a region are on track to achieve and maintain the VMT Threshold through implementation of the related requirements, in particular the Project Impact Analysis (PIA) tool. .

The League is dedicated to protecting and restoring the environmental health, sustainability, and scenic beauty of the Lake Tahoe Basin. In connection with our mission, we support transportation solutions for Tahoe and advocate for the implementation of projects and policies contained within regional land use and planning documents that reduce dependence on the private automobile, including the Bi-State Compact (Compact), the 2012 Regional Plan Update (Regional Plan) and the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

This is the first year that projects are being proposed under the updated VMT Threshold. During this initial period of VMT threshold implementation it is of utmost importance to ensure that a precedent is set to rigorously evaluate and mitigate impacts to the VMT Threshold. We appreciate TRPA staff's willingness to work with us and the project proponent to take a detailed look at the VMT calculations, however, while the updated transportation analysis is an improvement, the results are still not transparent.

The League believes the November 10th analysis is still an over-estimate of existing VMT and an underestimate of proposed VMT. Mitigation measures as outlined below should be employed for the Latitude 39 project to accurately reflect the project description.

Existing Use Daily Trips and VMT

The first LSC Transportation Consultants, Inc. (LSC) analysis claimed 778 existing daily trips (with 159 trips in the PM peak) for the current use of the Wells Fargo building, after the reductions for non-auto and pass-by trips. The League expressed concerns about this calculation as the use of the building is a single ATM. The single drive-through ATM is approximately 20 square feet. If you include the entire covered area, it is approximately 300 square feet. That's about a 1/3 the size of any bank-related trip rate because they are all based on per-1,000 square foot rates. Those same trip rates are additionally based on studies of drive-through banks with 3-4 lanes, but the current use is just a single lane.

Based on that analysis, we believe that the number of daily trips for the existing use should be reduced 60-70% from the November 10, 2022 analysis.

Proposed Use Daily Trips and VMT

The industry standard Institute of Traffic Engineers (ITE) trip rate for "Single-Family Attached Housing" is #215. The ITE trip rate for multi-family low-rise is #221. The LSC November 10, 2022 analysis uses #221 (multi-family low-rise). According to LSC, the average trip length for multi-family low-rise is 5.44 miles compared to 7.2 for single-family attached); and the difference in daily trips is about 70 more for single-family attached.

There are a number of different factors, including changes made between the October 2021 and November 2022 LSC calculations, that lead to substantial questions about the accuracy of the daily trip and VMT results:

- Using November 2022 numbers, the ITE trip rate for #221 and using the extra 70 trips, you would get an additional 381 VMT. If you used the #215 rate, you would get an additional 400 VMT. Either of those scenarios (or even changing the reductions for internal trips, non-auto access, or pass-by rates) would push them over the 1,300 VMT threshold.
- See the attached estimates made by League staff based on public information available. The changes made between the two analyses are in red text. Notably, the daily trip rates have decreased, and the trip lengths have changed. League staff was not able to recreate the 1,298 average daily VMT calculation made by LSC.

Based on this information (ITE classifications, reductions, and existing use), the League believes the November 10th analysis is still an underestimate of the proposed VMT.

As a key stakeholder throughout the VMT Threshold update, this project is the type of project that was envisioned to *not* be screened out – instead to go through a full VMT analysis and mitigate impacts and pay the Mobility Mitigation fee. The questionable calculations and changes made between the two analyses resulting in a final net VMT from the project that is 2 VMT below the threshold is arbitrary, not based on available information, and there is not enough supporting documentation to fully follow, or replicate, the LSC calculations.

Potential Solution

There is a potential mitigation measure in the IEC project description and draft permit conditions for resident and employee shuttles. When revised calculations result in the project exceeding the 1,300 VMT screening threshold, the project proponent can use the shuttles as a mitigation measure instead of just in the project description and would potentially meet the VMT Threshold requirements.

Active Transportation Plan Checklist Concerns

The Active Transportation Checklist is not included in the files for the December 14, 2022 Governing Board meeting, but was shared with the League and is attached to our comments. The League would like to thank TRPA staff for addressing some of our initial concerns with permit conditions (specifics on the required sidewalk and bike racks). We have two remaining concerns:

- No traffic management plan was submitted for construction (bike/ped access) and there is a bike lane on Lake Parkway and a sidewalk on Highway 50. They must submit this plan before starting construction – this needs to be a potential permit condition.
- The project is within the “75-foot buffer of existing or proposed active transportation facilities” but the project documentation does not reflect this (see TRPA Transportation Map¹ for 75-foot buffer and proposed bike infrastructure). Accordingly the project must include:
 - Construction of segments of the proposed active transportation network. This would be the shared use path along highway 50.
 - A bike/pedestrian counter (IV.c)
 - Wayfinding (V) and must (reference sheet) connect to the active transportation network.

Potential Solution

The easiest way to address may be to make the existing sidewalk along highway 50 in front of the property a Class I shared use path instead of a sidewalk.

¹ <http://gis.trpa.org/transportation/>

Long Term Solution

The single remaining piece of the VMT Threshold Update is the Project Impact Assessment (PIA) tool. It exists, but is not yet populated with trip rates for many common land uses, guidance on how to use the tool and choose land uses, or a meaningful number of mitigation measures to choose from. The issue at hand today will occur until TRPA provides guidance to eliminate confusing and conflicting calculations.

The League looks forward to continuing to work with TRPA and the project proponent to ensure that a proper analysis of VMT and subsequent mitigation is completed in this case, and the PIA tool is update in the mid-term. Thank you again for the opportunity to comment on the proposed Project and please do not hesitate to reach out to me directly if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Feiger", followed by a long horizontal line extending to the right.

Gavin Feiger
on behalf of the League to Save Lake Tahoe
Senior Land Use Policy Analyst

The initial October 28, 2021 LSC transportation analysis:

Description	Quantity	Units	ITE Land Use Category	ITE Land Use Code	Trip Generation Rates ¹				Reduction for Internal Trips	Reduction for External Non-Auto Access	Vehicle Trips at Site Driveways				Percent Reduction for Pass-By Trips ²	Project Generated Vehicle Trips on Adjacent Roadways			
					Daily	PM Peak Hour					Daily	PM Peak Hour				Daily	PM Peak Hour		
						In	Out	Total				In	Out	Total			In	Out	Total
Proposed Land Uses																			
Restaurant	3.712	KSF	High Turnover (Sit-Down Restaurant)	932	135.48	6.06	3.71	9.77	10%	40%	272	13	7	20	43%	155	7	4	11
Multi Family Residence	40	DU	Multi Family Housing (Low-Rise)	221	5.44	<i>Fitted Curve</i>			15%	25%	139	8	4	12	0%	139	8	4	12
Total Proposed Project	40	DU									411	21	11	32		294	15	8	23
Previous Land Uses																			
Bank	13.296	KSF	Drive-In Bank	912	100.03	10.23	10.23	20.45	0%	10%	1,197	154	91	245	35%	778	100	59	159
Project Net Impact											-786	-133	-80	-213		-484	-85	-51	-136
DU= Dwelling Unit. KSF = 1000 Square Feet Note 1: TRPA for daily rates. ITE for Peak hour rate. Note 2: Passby percentages taken from the ITE Trip Generation Handbook 3rd Edition (2017) Source: LSC Transportation Consultants, Inc., Tahoe Regional Planning Agency (TRPA) Trip Table, and Institute of Transportation Engineers Trip Generation (10th Edition)																			

The updates November 10, 2022 LASC transportation analysis:

Description	Quantity	Units	ITE Land Use Category	ITE Land Use Code	Trip Generation Rates ¹				Reduction for Internal Trips	Reduction for External Non-Auto Access	Vehicle Trips at Site Driveways				Percent Reduction for Pass-By Trips ²	Project Generated Vehicle Trips on Adjacent Roadways			
					Daily	PM Peak Hour					Daily	PM Peak Hour				Daily	PM Peak Hour		
						In	Out	Total				In	Out	Total			In	Out	Total
Proposed Land Uses																			
Restaurant	3.712	KSF	High Turnover (Sit-Down Restaurant)	932	107.2	5.52	3.53	9.05	10%	40%	215	11	7	18	14%	184	9	6	15
Multi Family Residence	40	DU	Multi Family Housing (Mid-Rise)	221	4.54	<i>Fitted Curve</i>			15%	25%	116	6	5	11	0%	116	6	5	11
Total Proposed Project	40	DU									331	17	12	29		300	15	11	26
Previous Land Uses																			
Bank ATM	1	Lane	Drive-In Bank	912	125.03	13.26	13.81	27.07	0%	10%	113	15	9	24	35%	73	10	6	16
Project Net Impact											218	2	3	5		227	5	5	10
DU= Dwelling Unit. KSF = 1000 Square Feet Note 1: ITE for Daily and Peak hour rates. Note 2: Passby percentages taken from the ITE Trip Generation Handbook 3rd Edition (2017). Restaurant pass-by reduction reduced to avoid double-counting reductions with the non-auto reduction. Source: LSC Transportation Consultants, Inc. and Institute of Transportation Engineers Trip Generation (11th Edition)																			

League to Save Lake Tahoe 12/12/2022 comparison of two analyses:

ITE Code	Land use	Oct. 2021 Quantity	Nov. 2022 Quantity	Oct. 2021 Units	Nov. 2022 Units	Oct. 2021 Daily trip rates	Nov. 2022 Daily trip rates	Oct. 2021 Reduction for internal trips	Nov. 2022 Reduction for internal trips	Oct. 2021 Reduction for external non-auto trips	Nov. 2022 Reduction for external non-auto trips	Oct. 2021 reduction for pass by trips	Nov. 2022 reduction for pass by trips	Oct. 2021 Daily vehicle trips	Nov. 2022 Daily vehicle trips	Oct. 2021 Avg trip length	Nov. 2022 Avg Trip length	Nov. 2022 <i>maybe</i> trip lengths used
932	restaurant (high turnover, sit-down)	3.712	3.712	KSF	KSF	135.48	107.2	10%	10%	40%	40%	43%	14%	155	184	6.2	?more specific?	6.2
221	MF residence (MF low-rise)	40	40	Units	Units	5.44	4.54	15%	15%	25%	25%	0%	0%	139	116	6.2	?more specific?	5.44
912	Bank (drive inbank)	13.296	1	KSF	Lane	1200.03	125.03	0%	0%	10%	10%	35%	35%	778	73	6.2	?more specific?	6.2
NET Daily Trips & VMT														-484	227	-3,001	1,298	1,319

ACTIVE TRANSPORTATION PLAN CHECKLIST FOR CONSIDERATION OF ACTIVE TRANSPORTATION POLICIES

DIRECTIONS

The following Active Transportation Plan (ATP) checklist is designed to ensure project applicants consider and include active transportation programs and facilities into projects where applicable. Applicants should refer to the online resources and the attached ATP Checklist Reference Sheet, which includes policies and provides examples for implementation. For a complete list of definitions, please refer to the *Linking Tahoe: Active Transportation Plan* Glossary on pages 13-16. Use the blank boxes to add any additional information. If more space is required, please attach separate sheets and reference the question number and letter.

This ATP Checklist must be completed by project applicants if the project-specific application checklist identifies the ATP Checklist as required.

Online Resources: To access the *Linking Tahoe: Active Transportation Plan* and other resources needed to complete this checklist, please visit www.trpa.gov and access the "Applications & Forms" page under "Permitting." Links to the Active Transportation Plan Checklist and the Maintenance Responsibilities Chart and Plan are listed under the "Environmental Documentation" section of that page. Additional resources are linked below:

- [Maintenance Responsibilities Chart and Plan](#)
- [Linking Tahoe: Active Transportation Plan](#)
- [Transportation Web Map](#)
- [Complete Street Resource Guide](#)
- [California Manual on Uniform Traffic Control Devices](#)
- [State Route 28 National Scenic Byway Corridor Signage Master Plan](#)
- [Learn more about the Transportation Program](#)

ATP CHECKLIST

I. PROJECT DESCRIPTION:

Project Location/Assessor's Parcel Number (APN): 1318-27-001-010

Project Name: Latitude 39 Residential Condominium & Commercial Mixed-Use Proj.

County/City: Douglas

II. FACILITY MAINTENANCE:

- a. **Submit your Maintenance Responsibilities Chart and Plan (attach plan to this checklist prior to submission) *If the project contains active transportation facilities (i.e. bike and pedestrian facilities), you are required to fill out and submit the Maintenance Responsibilities Chart and Plan prior to permit issuance. The plan will clarify roles for annual and capital infrastructure operating and maintenance and identify funding needs and possible sources. This information will be included in issued permits.***

View the [Maintenance Responsibilities Chart and Plan](#) online.

Submitted with this checklist

Not submitted

III. MULTI-MODAL CONNECTIONS:

- a. **Will the project include facilities that promote and encourage intermodal connectivity? If yes, please describe. Note "intermodal connectivity" is defined as using two or more modes of transportation in a single journey (ex: walking from your house to the bus stop and riding the bus to work). Examples of such facilities include first and last mile trip facilities and infrastructure that aim to improve connectivity between all transportation modal options. Please refer to the attached ATP Checklist Reference Sheet, which lists several methods that may be used to satisfy this checklist item under Policy 3.1 in the 2016 Active Transportation Plan.**

Yes

New sidewalk along Lake Parkway adjacent to project site; bicycle parking

No

IV. PROJECT IMPLEMENTATION:

- a. Provide a detailed traffic management plan for alternate routes to detour bike and pedestrian traffic during project construction. *If project construction will impact an active transportation route, projects must adhere to the appropriate [Manual on Uniform Traffic Control Devices \(MUTCD\)](#) requirements. The bike and pedestrian traffic management plan must be included on approved plans. All active transportation routes can be found using the TRPA GIS Transportation Web Map: <http://gis.trpa.org/transportation/>*

Submitted with this checklist

Not submitted

- b. Does the project proposal incorporate constructing segments of the proposed active transportation network? If yes, please describe. *If the project is within the 75-foot buffer of existing and proposed active transportation facilities, please review the TRPA Code of Ordinances, Section 65.3.2 to determine if active transportation requirements apply. Determine if the project is within the 75-foot buffer of existing or proposed active transportation facilities using the TRPA GIS Transportation Web Map: <http://gis.trpa.org/transportation/>*

If the project is subject to active transportation requirements within the 75-foot buffer, work with your TRPA or local jurisdiction planner to determine how best to adhere to the requirements related to your project.

If the project is not within the 75-foot buffer, but you would still like to include a connection to existing active transportation facilities, contact the TRPA transportation department or the local agency with jurisdiction over the project site for additional instruction. Review the [Complete Street Resource Guide](#) for design considerations.

Yes

No

- c. If the project includes construction of a shared-use path, does the path include permanent counting equipment? If yes, please describe. Note that "shared-use path" is defined as a paved, off-road facility designed for travel by a variety of nonmotorized users, including bicyclists, pedestrians, skaters, joggers, and others. *Please contact the TRPA transportation department for information on permanent counting equipment.*

Yes

No However, the applicant is open to exploring this measure.

- d. Does the project proposal incorporate end-of-trip active transportation facilities? If yes, please describe. Note that “end-of-trip active transportation facilities” are defined as designated places that support bicyclists, joggers, and walkers in using alternative ways to travel to work rather than driving or taking public transit. These types of facilities also benefit people who exercise during their lunch break and might include secure bicycle parking, water fountains, benches, locker facilities, showers, and restrooms. *A full list of possible end-of-trip active transportation facilities at commercial, tourist, recreational, transit, lodging, and government centers is included in the attached ATP Checklist Reference Sheet page under Policy 4.5 of the 2016 Active Transportation Plan.*

Yes

New sidewalk along Lake Parkway adjacent to project site and bicycle parking for residents and guests

No

V. EDUCATION, ENCOURAGEMENT, EVALUATION, AND ENFORCEMENT PROGRAMMING:

- a. Does the project include active transportation wayfinding? If yes, please describe. Note that “wayfinding” refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space (ex: visual cues that direct travelers, such as maps and traffic signs). *If the project site is privately owned and includes or is near a public active transportation facility, contact your local agency to identify the recommended wayfinding signage for the project. If the project site is government-owned and is part of the Tahoe Trail around the lake, contact TRPA transportation department to obtain the appropriate signage information.*

For a general understanding of the Region’s wayfinding signage design guidelines, please review pages 77-81 of the Complete Street Resource Guide and the State Route 28 National Scenic Byway Corridor Signage Master Plan.

- [Complete Street Resource Guide](#)
- [State Route 28 National Scenic Byway Corridor Signage Master Plan](#)

Yes

No

ATP CHECKLIST REFERENCE SHEET

ATP Policy 3.1: *“Create convenient intermodal connectivity which considers first and last mile facility needs and connects all modal options by providing necessary infrastructure and schedule coordination.”*

ATP Policy 3.1 Implementation Examples	
Commercial	<ul style="list-style-type: none"> • Include bus stop facilities such as bus schedules, route maps, bike racks, benches and lighting for safety if a bus stop is within 300 feet of the project location. • Information kiosks that provide real-time bus schedule and route data, such as a monitor that displays bus arrival times. • Incorporate sidewalk planters, trees, or other greenery to encourage walking and separate pedestrians from the street. • Include sidewalks, bike paths, and wayfinding signage in the project to connect users to existing pedestrian and bicycle networks in the Region. • Provide fix-it stations for bicycle rehab such as air pump and hand tools. • Include a bike sharing station on-site if deemed an appropriate location.
Multi-Family	<ul style="list-style-type: none"> • Include bus stop facilities such as bus schedules, route maps, bike racks, benches and lighting for safety if a bus stop is within 300 feet of the project location. • Include sidewalks, bike paths, and wayfinding signage in the project to connect users to existing pedestrian and bicycle networks in the Region. • Consider unbundling parking with unit rent costs so tenants must pay for a parking permit or an additional monthly parking fee. Include free bus pass, secure indoor bike parking, and on-site fix-it stations with rental unit. • Include a bike sharing station on-site if deemed an appropriate location.
Public Service	<ul style="list-style-type: none"> • Include bus stop facilities such as bus schedules, route maps, bike racks, benches and lighting for safety if a bus stop is within 300 feet of the project location. • Include sidewalks, bike paths, and wayfinding signage in the project to connect users to existing pedestrian and bicycle networks in the Region. • Provide fix-it stations for bicycle rehab such as air pump and hand tools.
Recreation	<ul style="list-style-type: none"> • Include bus stop facilities such as bus schedules, route maps, bike racks, benches and lighting for safety if a bus stop is within 300 feet of the project location. • Information kiosks that provide real-time bus schedule and route data, such as a monitor that displays bus arrival times. • Include sidewalks, bike paths, and wayfinding signage in the project to connect users to existing pedestrian and bicycle networks in the Region. • Provide fix-it stations for bicycle rehab such as air pump and hand tools. • Include a bike sharing station on-site if deemed an appropriate location

Tourist Accommodation	<ul style="list-style-type: none"> • Include bus stop facilities such as bus schedules, route maps, bike racks, benches and lighting for safety if a bus stop is within 300 feet of the project location. • Information kiosks that provide real-time bus schedule and route data, such as a monitor that displays bus arrival times. • Include sidewalks, bike paths, and wayfinding signage in the project to connect users to existing pedestrian and bicycle networks in the Region. • Provide bike rentals on-site for guests. • Incorporate sidewalk planters, trees, or other greenery to encourage walking and separate pedestrians from the street. • Use parking management strategies to reduce the area used for parking at the project site. These could include collaborating with neighboring business owners to implement shared parking spaces; provide limited paid parking at the project site for visitors; collaborate with local government and business owners to provide incentives for visitors and employees to use alternative modes of transportation, such as transit, walking, carpooling, or biking. These incentives may consist of subsidized or free bus passes or free bike rentals. • Include a bike sharing station on-site if deemed an appropriate location.
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ATP Policy 4.5: *“During project planning and permit approval, identify and address the need for support and end-of-trip active transportation facilities including bicycle parking, water fountains, benches, and restrooms at commercial, tourist, recreation, transit, lodging, and government centers.”*

ATP Policy 4.5 Implementation Examples	
Commercial	<ul style="list-style-type: none"> • Provide secure covered or indoor bike parking facilities in well-lit areas with high visibility to ensure visitors can safely store their bikes at the project site during their visit. If this is not feasible, consider coordinating with your local government to implement unconventional bike parking infrastructure, such as attaching Cyclehoops to railings, street signs, parking meters, etc. • Provide water fountains, locker rooms, and showers to accommodate employees who commute to work by bike. • Provide fix-it stations for bicycle rehab such as air pump and hand tools. • Information kiosks that provide real-time bus schedule and route data, such as a monitor that displays bus arrival times.
Multi-Family	<ul style="list-style-type: none"> • Provide secure covered bike parking in well-lit areas with high visibility to ensure residents and visitors can safely store their bikes at the project site. • Provide secure in-door bike parking facility that only residents can access.
Public Service	<ul style="list-style-type: none"> • Provide secure covered or indoor bike parking facilities in well-lit areas with high visibility to ensure visitors can safely store their bikes at the project site during their visit. If this is not feasible, consider coordinating with your local government to implement unconventional bike parking infrastructure, such as attaching Cyclehoops to railings, street signs, parking meters, etc. • Provide water fountains, locker rooms, and showers to accommodate employees who commute to work by bike. • Provide fix-it stations for bicycle rehab such as air pump and hand tools.

<p style="text-align: center;">Recreation</p>	<ul style="list-style-type: none"> • Provide secure bike parking in well-lit areas, with high visibility to ensure visitors can safely store their bikes at the project site while recreating. If this is not feasible, consider coordinating with your local government to implement unconventional bike parking infrastructure, such as attaching Cyclehoops to railings, street signs, parking meters, etc. • Provide water fountains and restrooms. • Provide benches and picnic tables to allow visitors to rest during their visit. • Provide fix-it stations for bicycle rehab such as air pump and hand tools. • Information kiosks that provide real-time bus schedule and route data, such as a monitor that displays bus arrival times.
<p style="text-align: center;">Tourist Accommodation</p>	<ul style="list-style-type: none"> • Provide secure covered bike parking in well-lit areas with high visibility to ensure visitors can safely store their bikes at the project site during their visit. If this is not feasible, consider coordinating with your local government to implement unconventional bike parking infrastructure, such as attaching Cyclehoops to railings, street signs, parking meters, etc. • Provide water fountains, benches, and information kiosks at the project site to increase the appeal of biking in the Region to tourists. • Provide water fountains, locker rooms, and showers to accommodate employees who commute to work by bike. • Provide fix-it stations for bicycle rehab such as air pump and hand tools. • Information kiosks that provide real-time bus schedule and route data, such as a monitor that displays bus arrival times.

December 13, 2022

Tahoe Regional Planning Agency
Governing Board - Regional Plan Implementation Committee
Submitted via email

Re: Comments on the Latitude 39 Project

RPIC Chair, Vice Chair, Members, and TRPA staff -

The League to Save Lake Tahoe (League) appreciates the opportunity to comment on the proposed Tahoe Basin Area Plan (TBAP) amendments (Amendments). Because neither the North Tahoe Regional Advisory Committee (NTRAC) or the Placer County Planning Commission provided recommendations at their 11/30/2022 and 12/8/2022, respectively, our comments for that meeting are attached below and still valid, with one big exception:

We now believe that a full CEQA review must be conducted on the proposed Amendments.

1. Given the Village at Palisades Tahoe Specific Plan (VPTSP) Revised Environmental Impact Report (REIR) release, the TBAP needs to address the impacts from that project on the TBAP plan area. Impacts that will change, and need to be mitigated, with the approval of the VPTSP include VMT, GHGs, and cumulative impacts on water and climate, and TRPA's VMT threshold.
2. These impacts are reasonably foreseeable and significant.
3. These impacts were estimated circa 2015, under the old VMT Threshold. TRPA's new VMT Threshold as of 2021, which was not or could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows that new or substantially more severe significant impacts would occur.

The TRPA Code of Ordinances, Section 4.5 requires that any amendment to the Regional Plan (which Area Plans tier off of) must make written findings demonstrating that the proposed plan will not cause the environmental threshold carrying capacities to be exceeded. This must include impacts from the VPTSP. Page 10-2 of the VPTSP REIR correctly states that the "...EIR improperly ignored the expected addition of VMT from other anticipated projects, including another large development the County was itself considering approving," and includes the CEQA citation. This is the same case with the TBAP – it must identify and mitigate for the impacts of other projects the County itself is considering approving. This must be done under the new TRPA VMT Threshold.

Based on the above facts, a full CEQA review is needed, and at minimum a supplemental EIR to the 2017 TBAP and Implementing Ordinances.

Please do not hesitate to contact me directly with any questions.

Sincerely,



Gavin Feiger, Senior Land Use Policy Analyst
On behalf of the League to Save Lake Tahoe

November 30, 2022

Placer County
North Tahoe Regional Advisory Committee Members
Emily Setzer, Placer County Principal Planner, Stacy Wydra, Placer County Senior Planner
Submitted via email: KHopkins@placer.ca.gov

Re: Comments on Proposed Tahoe Area Basin Plan Amendments

Dear NTRAC Members and County Planning Staff,

The League to Save Lake Tahoe (League) appreciates the opportunity to provide comments on the Draft proposed Amendments (Amendments) for the Placer County (Placer, County) Tahoe Basin Area Plan (TBAP).

The League is dedicated to protecting and restoring the environmental health, sustainability, and scenic beauty of the Lake Tahoe Basin. In connection with our mission, we advocate for the implementation of policies contained within regional land use and planning documents, including the Bi-State Compact, the 2012 Regional Plan Update (RPU), the Regional Transportation Plan (RTP), and Area Plans.

The League was a key stakeholder in the years leading up to the 2016 TBAP adoption and has tracked progress and amendments since. We have been closely following the proposed Amendments through public meetings, meetings with County Planning staff, and meetings with members of the public. We do not have an official position on the proposed Amendments yet but appreciate the opportunity to provide some high-level and specific comments, questions, and suggestions at this stage. League comments are focused on height requirements, cumulative impacts, transportation and parking, and affordable housing and mixed-use development.

Height

Increasing height has the potential to negatively impact the scenic quality in the TBAP plan area and the resulting localized increase in density may have transportation and water quality impacts. The proposed height increases appear extreme and are largely unsupported in the provided documentation. There may only be one potential project that would benefit from such a large (up to 72 feet allowable by special use) increase in height allowances. We have supported the change from “4 stories” to “56 feet” in other jurisdictions and would support that limit in Placer County, considering 56 feet is currently allowed in the TBAP. Additionally, the Tahoe Regional Planning Agency (TRPA) already allows an extra 10% in height for appurtenances. *We currently do not support the proposed Amendments allowing heights above 56 feet + 10%, even in Town Centers with the conditions proposed.*

The League provides two suggestions under height:

- *Make it very clear that extra height above 56' is for appurtenances like chimneys, vents, antennas, etc.*
- *Transition height from its maximum at 56 feet + 10% in the middle of Town Centers to two stories in more distant residential and mixed-use zones. We expand on this in the “Suggestions” section, below.*

Cumulative Impacts

The League understands that the overall growth in the TBAP plan area is controlled by TRPA's 2012 RPU. The development allowed under the RPU is going to go somewhere in the Tahoe Basin portion of the County and we prefer to see growth in Town and Village Centers. The cumulative environmental impacts are contemplated in the RPU and the 2018 Development Rights update, but regional mitigation measures are not being fully implemented and RPU benchmarks and performance measures are not being met. It's not the use of allowed or transferred commodities which bring in more people that is the issue, but the ineffective or unimplemented mitigation measures.

Ineffective and unimplemented mitigation measures put a larger burden on Placer County to reduce environmental impacts from development within the county. New or updated plans and projects should not be approved until regional and local mitigation measures are in place and goals and policies are being met to offset the impacts of recent development. Considering the largest environmental impacts from the Amendments will come from transportation which directly impacts water quality and lake clarity, it is also important to note that there are two transportation plans adopted in 2020 that, if implemented, will help to mitigate those impacts – TRPA's 2020 RTP and Placer County's 2020 Resort Triangle Transportation Plan (RTTP). *Before taking a stance on the level of environmental review needed for the proposed Amendments, the League needs to see evidence of the need for these amendments and a demonstrated ability to offset the environmental impacts of development. Specifically:*

- *Is there anything in the proposed Amendments that is not contemplated in TRPA's RPU or Development Rights Initiative (e.g. height, scenic implications, density, carrying capacity, cumulative impacts)?*
- *How will the proposed Amendments help achieve TRPA's Threshold Standards, RPU Performance Measures and Benchmarks, and Environmental Improvement Program (EIP) Performance Measures?*
- *What initial progress or results from the 2021 TBAP amendments – which aimed to incentivize affordable housing – are informing these proposed Amendments?*
- *How is Placer progressing on implementing mitigation measures and achieving goals and policies from the original 2016 TBAP? For example:*
 - *Mitigation Measure 9-1: Limit visible mass near Lake Tahoe within non-contiguous project areas. Are there examples of this being implemented and will the proposed Amendments affect the County's ability to continue implementing?*
 - *Mitigation Measure 10-1a: Construct pedestrian crossing improvements at the Grove Street/SR 28 intersection within 3 years of adopting the plan. Is this completed and did it produce the desired results?*
 - *Mitigation Measure 10-1b: Establish a County Service Area Zone of Benefit to fund expansion of transit capacity. This measure had a deadline within two years of adoption, by the end of 2018. Has this been completed? If so, what are the results to date (fund balances and projects completed/supported with funds to date)? Based on that information, is there a need for enhanced language in these amendments?*
 - *Mitigation Measure 10-1f: Long-term monitoring and adaptive management of mobility strategies and, more importantly, Mitigation Measure 10-1g: Four-year review of vehicle trips and mobility strategies (Concurrent with TRPA's four-year Area Plan recertification process, should actual vehicle trips surpass the Area Plan vehicle trips projected for travel into and within the Plan area, as shown in Chapter*

19 of the Draft EIR/EIS for the Tahoe Basin Area Plan, the County and TRPA shall jointly revise mobility strategies in the Area Plan transportation chapter to address the increased vehicle trips. Placer County and its partners shall develop financing mechanisms to ensure implementation of new or modified mobility strategies within a feasible period of time. Placer County shall submit the revised Area Plan to TRPA for approval.). *Has this 4-year review been completed as outlined and, if so, what are the results?*

Transportation and Parking

The League strongly supports the transportation and parking updates in the proposed Amendments, specifically: making permanent the two-year pilot parking exemption program for Town Centers, removing parking minimums and/or replacing them with maximums, prompting and encouraging shared parking agreements, requiring frontage improvements (sidewalks and bike lanes), and funding transit. These updates should reduce fine sediment pollution from transportation.

- As noted in the Cumulative Impacts section, the League has concerns regarding the Zones of Benefit. Along with that, *we would like to see more detail on how the in lieu of fee would be calculated.*
- Placer has made great early strides in implementing its RTTP, however *accelerated implementation is needed to offset the transportation impacts from the 2016 TBAP and these proposed Amendments.*

Affordable Housing and Mixed-Use Development

The League understands that, fundamentally, Placer County is developing these Amendments in response to recent economic development and affordable housing studies. However, the proposed Amendments do not pick winners and losers between affordable housing and market rate housing overall, but do have some good “inclusionary zoning” that will result in more affordable housing and mixed use projects in Town Centers. For example, we support the requirement for single-family development of more than one unit to be at least 50% deed-restricted affordable-to-achievable units.

- *Does this requirement apply to the entire TBAP plan area? If not, we recommend it be expanded – there is a need for affordable housing in every Town Center, Village Center, and neighborhood.*

While policies alone will not change the larger economic conditions that are resulting in the type of development we are seeing in Tahoe, the proposed policies could be enhanced to further incentivize affordable and mixed-use development:

- *Require a larger percentage of commercial uses in mixed-use developments (more than the 15% proposed) to achieve vision of walkable, livable Town Center where people can live and work.*

Developing a Guide for allocation and conversion of commodities

Developing a guide could help affordable housing, somewhat, not at all, or even reduce the available affordable housing. There are no details provided about what this Guide will look like or what it will entail – it seems to be left up to a future process (likely mostly internal by county staff). We have a few questions and suggestions at this early stage and would like to see more details around this idea:

- *What types of projects are in the current system (first come, first served), what are the results, and is there a waiting list?*

- *In developing a guide, ideally multi-family and deed-restricted would jump to top of the allocation list.*
- *The guide needs to align with Area Plan policies so, for example, mixed-use lodging in a Town Center (or even just lodging) would get allocation and conversion prioritization.*
- *Do not allow multi-family conversion to single-family unless it will result in a 100% deed-restricted development*

Other Suggestions

- Visual aids. Create examples of how the proposed Amendments will allow certain types of parcels to be developed and how height and length will look from the street view. These images could demonstrate the need for some of the Amendments such as parking, height, and setbacks; and what future conditions would look like. These could be based on or like the “pro formas” created for the TRPA Tahoe Living working group.
- Transition zones. To reduce scenic impacts and drive more orderly development, create transition zones in zoning and allowances for height/length/density and lot sizes and setbacks. The allowances and zoning would start with large buildings in Town Centers and transition down as you reach the edge of the Town Centers into mixed use and residential zones.
- Adaptive zoning/trigger zoning. This principle is built-in adaptive management that changes zoning and allowances for height/length/density and lot sizes and setbacks based on achieving goals and offsetting impacts, as the proposed Amendments aim to do. The idea is to start small and increase the amount and extent of zoning changes and allowances if the County is meeting performance measures.

We look forward to working with County staff, the community, and TRPA to ensure that the final amendments balance economic growth, affordable housing, and environmental impacts. As the County adjusts and refines the proposed Amendments, we will similarly adapt our comments.

Please do not hesitate to reach out to me directly with any questions.

Sincerely,



Gavin Feiger
Senior Land Use Policy Analyst
on behalf of the League to Save Lake Tahoe



LAKE TAHOE

December 13, 2022

Honorable Members of the TRPA Governing Board:

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Re: Latitude 39

Dear Members of the TRPA Governing Board:

Hard Rock is the adjacent neighbor to the South of the Latitude 39 development and has had the opportunity to review the proposed project. Hard Rock unequivocally recommends approval of the project per staff's recommendation.

The project meets all the criteria of the South Shore Area Plan and is the kind of reinvestment we were optimistic would flow from adoption of the Area Plan. It will create a spectacular gateway to the core. As a neighbor, we could not be more pleased to see the former bank building, which has outlived its useful life, removed and replaced with this residential and commercial mixed-use development. We are excited about the momentum both Latitude 39 and the Tahoe Blue Event Center will create for further redevelopment in the casino core.

Thank you for your consideration of the foregoing.

A handwritten signature in blue ink that reads "John Cahill".

John Cahill

Vice President, Planning

Paragon Gaming (Majority Owner and Resort Manager Hard Rock Lake Tahoe)

cc: Julie Regan, jregan@trpa.gov
John Marshall, jmarshall@trpa.gov
Aly Borawski, aborawski@trpa.gov
Feldman Thiel LLP, lew@fimmtahoe.com

Gordon Shaw's responses to the League's comments received yesterday

From: Gordon Shaw <gordon@lsctrans.com>

Sent: Wednesday, December 14, 2022 11:04 AM

To: Lewis Feldman <Lew@fmttahoe.com>; Kara Thiel <Kara@fmttahoe.com>

Subject: RE: Comments for Latitude 39 tomorrow

- The League incorrectly focused on Table 5 (trip generation) rather than Table 10 (VMT analysis). The analysis shown in Table 10 follows the TRPA VMT analysis methodology.
- There is no available data regarding the trip generation specifically for an ATM (the previous existing use), but there is available data on the trip generation per lane of a drive-in bank. Using this data to estimate the trip generation of the ATM was recommended by TRPA staff, and LSC agrees that it is a valid approach, as much of the use of a drive-in bank lane is for purposes that an ATM fills for walk-up customers.
- Given that an ATM is the busiest part of a full-service bank, it is not appropriate to calculate trip generation on the floor area of the ATM as a proportion of the full floor area of a bank, as it underestimates the level of activity (and thus trip generation) specifically generated by the ATM.
- The fact that there is only one ATM (represented by a drive-through bank lane) on the site while most of the data sources are for banks with multiple drive-through lanes actually argues that the rate for a bank with only one lane would be higher than the rate per lane for a bank with multiple lanes, as more customers would tend to crowd into the single lane.
- The peak-hour trips observed by LSC at the existing site driveway are consistent with the trip generation of a single drive-through lane.
- ITE Land Use 215: Single Family Attached Housing is not an appropriate land use to apply to the multifamily units. The specific ITE description for this land use is *"The database for this land use includes duplexes (defined as a single structure with two distinct dwelling units, typically joined side-by-side and each with at least one outside entrance) and townhouses/rowhouses (defined as a single structure with three or more distinct dwelling units, joined side-by-side in a row and each with an outside entrance).* This clearly is not consistent with a multistory residential development with interior corridors and elevators.
- In addition, LSC chose to not include a factor that would tend to reduce the VMT estimate for the residential units. The TRPA VMT analysis is for an annual average daily VMT, while the LSC VMT analysis assumes that all 40 units are fully occupied over the course of the year. For a residential development fully occupied by full-time residents, there is no need to apply a factor to reflect that second-home owners are only using their units (and generating VMT) over a portion of the year. As it is not known what proportion of the Latitude 39 units will be used as second homes, LSC conservatively assumed they are all occupied full time, and did not take a reduction to convert peak daily VMT to average annual daily VMT. If, for example, 50% of the units are occupied by residents that are using their units over 50% of the year, the average daily VMT generated by the residential units would be reduced by 25 percent.

Gordon Shaw, PE, AICP, Principal

LSC Transportation Consultants, Inc.

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Gordon Shaw's responses to the League's comments received yesterday

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